

EMERGENCY WAR POWERS (EXPLAINED)

We are going to begin with a series of documents which are representative of the documents contained in this Report. We will be quoting from, in many cases, Senate and Congressional reports, hearings before National Emergency Committees, Presidential Papers, Statutes at Large, and the United States Code.

The first exhibit is taken from a book written by Carl Brent Swisher -- American Constitutional Development, A complete constitutional history, from the British colonies to the Truman era. Let's read the first paragraph. It says,

"We may well wonder in view of the precedents now established," said Charles E. Hughes, (Supreme Court Justice) in 1920, **"whether constitutional government as heretofore maintained in this Republic could survive another great war even victoriously waged."**

How could that happen? Surely, if we go out and fight a war and win it, we'd have to end up stronger than the day we started, wouldn't we? Justice Hughes goes on to say,

"The conflict known as the World War had ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes were still in effect, many of the emergency organizations were still in operation."

What is this man talking about when he speaks of *"war statutes in effect and emergency organizations still in operation"*?

In 1933, Congressman Beck, speaking from the Congressional Record, states,

"I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency, there is no Constitution. This means its death. It is the very doctrine that the German chancellor is invoking today in the dying hours of the parliamentary body of the German republic, namely, that because of an emergency, it should grant to the German chancellor absolute power to pass any law, even though the law contradicts the Constitution of the German republic. Chancellor Hitler is at least frank about it. We pay the Constitution lip-service, but the result is the same."

Congressman Beck is saying, this doctrine of emergency has got to be the worst because once Congress declares an emergency, there is no Constitution. He goes on to say,

"But the Constitution of the united States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes a law, there is no longer any workable Constitution to keep the Congress within the limits of its Constitutional powers."

What bill is Congressman Beck talking about? In 1933, "the House passed the Farm Bill by a vote of more than three to one." Again, we see the doctrine of emergency. Once an emergency is declared, there is no Constitution.

The **CAUSE** and **EFFECT** of the doctrine of emergency is the subject of this Report.

In 1973, in Senate Report 93-549 (93rd Congress, 1st Session, 1973), (Exhibit 2 and included with this report), the first sentence reads,

"Since March the 9th, 1933, the united States has been in a state of declared national emergency."

Let's go back to Exhibit 1 just before this. What did that say? It says that if a national emergency is declared, there is no Constitution. Now, let us return to Exhibit 2. Since March the 9th of 1933, the United States has been, in fact, in a state of declared national emergency.

Referring to the middle of this exhibit:

"This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional processes. Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens"

This situation has continued uninterrupted since the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719

In the introduction to Senate Report 93-549 (Exhibit 2):

"A majority of the people of the united States have lived all their lives under emergency rule."

Remember, this report was produced in 1973. The introduction goes on to say:

"For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency."

The introduction continues:

"And, in the united States, actions taken by the government in times of great crisis have -- from, at least, the Civil War -- in important ways shaped the present phenomenon of a permanent state of national emergency."

How many people were taught that in school? How could it possibly be that something which could suspend our Constitution would not be taught in school? Amazing, isn't it?

Where does this (Exhibit 2) come from? Is it possible that, in our Constitution, there could be some section which could contemplate what these previous documents are referring to? In Article 1, Section 9 of the Constitution of the united States of America, we find the following:

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless

when in Cases of Rebellion or Invasion the public Safety may require it."

Habeas Corpus - the Great Writ of Liberty (Latin: ..."you have the body.")). This is the writ which guarantees that the government cannot charge us and hold us with any crime, unless they follow the procedure of due process of law. This writ also says, in effect, that the privilege of due process of law cannot be suspended, and that the government cannot not operate its arbitrary prerogative power against We the People. But we see that the great Writ of Liberty can, in fact, under the Constitution, be suspended when an invasion or a rebellion necessitates it.

In the 5th Amendment to the Constitution (Exhibit 3), it says:

"No Person shall be held to answer for a capital, or otherwise Infamous Crime, unless on a Presentment or Indictment of a Grand Jury, except in Cases arising in the Land or Naval forces or in the Militia, when in actual Service in Time of War or public Danger;..."

We reserved the charging power for ourselves, didn't we? We didn't give that power to the government. And we also said that the government would be powerless to charge one of the citizens or one of the peoples of the united States with a crime unless We, the People, through our grand jury, orders it to do so through an indictment or a presentment. And if We, the People, don't order it, the government cannot do it. If it tried to do it, we would simply follow the Writ of Habeas Corpus, and they would have to release us, wouldn't they? They could not hold us.

But let us recall that, in Exhibit 3, it says:

"except in Cases arising in the Land or Naval forces or in the Militia, when in actual Service in Time of War or public Danger;..."

We can see here that the framers of the Constitution were already contemplating times when there would be conditions under which it might be necessary to suspend the guarantees of the Constitution.

Also from Senate Report 93-549 (Exhibit 2), and remember that our congressmen wrote these reports and these documents and they're talking about these emergency powers and they say:

"They are quite careful and restrictive on the power, but the power to suspend is specifically contemplated by the Constitution in the Writ of Habeas Corpus."

Now, this is well known. This is a concept that was known to rulers for many, many years. The concept of constitutional dictatorship went clear back to the Roman Republic. And there, it was determined that, in times of dire emergencies, yes, the constitution and the rights of the people could be suspended, temporarily, until the crisis, whatever its nature, could be resolved. But once it was done, the Constitution, was to be returned to its peacetime position of authority. In France, the situation under which the constitution could be suspended is called the State of Siege. In Great Britain, it's called the Defense of the Realm Acts. In Germany, in which Hitler became a dictator, it was simply called Article 48. In the United States, it is called the **War Powers**.

If that was, in fact, the case, and we are under a war emergency in this

country, then there should be evidence of that war emergency in the current law that exists today. That means we should be able to go to the federal code known as the USC or "United States Code", and find that statute, that law, in existence. If we went to the library today and picked up a copy of 12 USC Section 95b (Exhibit 4), we will find a law which states:

"The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March the 4th, 1933, pursuant to the authority conferred by Subsection (b) of Section 5 of the Act of October 6th, 1917, as amended [12 USCS Sec. 95a], are hereby approved and confirmed. (Mar. 9, 1933, c. 1, Title 1, Sec. 1, 48 Stat. 1.)"

Now, what does this mean?

It means that everything the President or the Secretary of the Treasury has done since the Emergency Banking Act of March 9, 1933, (48 Stat. 1, Public Law 89-719), or anything that the President or the Secretary of the Treasury is hereafter going to do, is automatically approved and confirmed. Referring back to Exhibit 2, let us remember that, according to the Congressional Record of 1973, the United States has been in a state of national emergency since 1933. Then we realize that 12 USC, Section 95b is current law. This is the law that exists over these united States right this moment.

If that be the case, let us see if we can understand what is being said here. As every action, rule or law put into effect by the President or the Secretary of the Treasury since March the 4th of 1933 has or will be confirmed and approved, let us determine the significance of that date in history. What happened on March the 4th of 1933?

On March the 4th of 1933, Franklin Delano Roosevelt was inaugurated as President of the United States. Referring to his inaugural address (Exhibit 5), which was given at a time when the country was in the throes of the Great Depression, we read:

"I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption..."

"...But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis -- broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."

On March the 4th, 1933, at his inaugural, President Roosevelt was saying that he was going to ask Congress for the extraordinary authority available to him under the War Powers Act. *Let's see if he got it.*

On March the 5th, President Roosevelt asked for a special and extraordinary session of Congress in Proclamation 2038 (Exhibit 6). He called for the special session of Congress to meet on March the 9th at noon. And at that Congress, he presented a bill, an Act, to provide for relief in the existing national emergency in banking and for other purposes.

In the enabling portion of that Act (Exhibit 6), it states:

"Be it enacted by the Senate and the House of Representatives of the united States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application."

What is the concept of the rule of necessity, referred to in the enabling portion of the Act as "imperatively necessary speedily"? The rule of necessity is a rule of law which states that *necessity knows no law*. A good example of the rule of necessity would be the concept of self-defense. The law says, "Thou shalt not kill". But also know that, if you are in dire danger, in danger of losing your life, then you have the absolute right of self-defense. You have the right to kill to protect your own life. That is the ultimate rule of necessity.

Thus we see that *the rule of necessity overrides all other law*, and, in fact, allows one to do that which would normally be against the law. So it is reasonable to assume that the wording of the enabling portion of the Act of March 9, 1933, is an indication that what follows is something which will probably be against the law. It will probably be against the Constitution of the United States, or it would not require that the rule of necessity be invoked to enact it.

In the Act of March 9, 1933 (Exhibit 6), it further states in Title 1, Section 1:

"The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March the 4th, 1933, pursuant to the authority conferred by subdivision (b) of Section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed."

Where have we read those words before?

This is the exact same wording as is found (Exhibit 5) today in Title 12, USC 95b. The language in Title 12, USC 95b is exactly the same as that found in the Act of March 9, 1933, Chapter 1, Title 1, Section 48, Statute 1. The Act of March 9, 1933, is still in full force and effect today. We are still under the Rule of Necessity. We are still in a declared state of national emergency, a state of emergency that has existed, uninterrupted, since 1933, or for over eighty years.

As you may remember, the authority to do this is conferred by Subsection (b) of Section 5 of the Act of October 6, 1917, as amended. What was the authority which was used to declare and enact the emergency in this Act? If we look at the Act of October 6, 1917 (Exhibit 8), we see that at the top right-hand part of the page, it states that this was:

"An Act To define, regulate, and punish trading with the enemy, and for other purposes."

By the year 1917, the United States was involved in World War I; at that point, it was recognized that there were probably enemies of the United States, or allies of enemies of the United States, living within the continental borders of our nation in a time of war.

Therefore, Congress passed this Act which identified who could be declared enemies of the United States, and, in this Act, we gave the government total authority over those enemies to do with as it saw fit. We also see, however, in Section 2, Subdivision (c) in the middle, and again at the bottom of the page:

"...other than citizens of the united States."

The Act specifically excluded citizens of the united States, because we realized in 1917 that the citizens of the united States were not enemies. Thus, we were excluded from the war powers over enemies in this Act.

Section 5b of the same Act (Exhibit 8), states:

"That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States)".

Again, we see here that citizens, and the transactions of citizens made wholly within the United States, were specifically excluded from the war powers of this Act. We, the People, were not enemies of our country; therefore, the government did not have total authority over us as they were given over our enemies.

It is important to draw attention again to the fact that citizens of the United States in October, 1917, were not called enemies. Consequently the government, under the war powers of this Act, did not have authority over us; we were still protected by the Constitution. Granted, over enemies of this nation, the government was empowered to do anything it deemed necessary, but not over us. The distinction made between enemies of the United States and citizens of the united States will become crucial later on. Please note the distinction between "United States, and that of "united States"...

In Section 2 of the Act of March 9, 1933 (Exhibit 8),

"Subdivision (b) of Section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows;"

So we see that they are now going to amend Section 5 (b). Now let's see how it reads after it's amended. The amended version of Section 5 (b) reads (emphasis is ours):

"During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President and export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency, by any person within the (united States) or anyplace subject to the jurisdiction thereof.."

What just happened? At as far as commercial, monetary or business transactions were concerned, the people of the United States were no longer differentiated from any other enemy of the United States. We had lost that crucial distinction.

Comparing Exhibit 17 with Exhibit 19, we can see that the phrase which excluded transactions executed wholly within the United States has been removed from the amended version of Section 5 (b) of the Act of March 9, 1933, Section 2, and replaced with **"by any person within the United States or anyplace subject to the jurisdiction thereof"**. All monetary transactions, whether domestic or international in scope, were now placed at the whim of the (President of the United States) through the authority given to him by the Trading with the enemy Act. (NOTE: change of title now! Exactly whom does the President represent in this situation now?

To summarize this critical point: On October the 6th of 1917, at the beginning of America's involvement in World War 1, Congress passed a Trading with the enemy Act empowering the government to take control over any and all commercial, monetary or business transactions conducted by enemies or allies of enemies within our continental borders. That Act also defined the term "enemy" and excluded from that definition citizens of the United States.

In Section 5 (b) of this Act, we see that the President was given unlimited authority to control the commercial transactions of defined enemies, but we see that credits relating solely to transactions executed wholly within the United States were excluded from that controlling authority. As transactions wholly domestic in nature were excluded from authority, the government had no extraordinary control over the daily business conducted by the citizens of the United States, because we were certainly not enemies.

Citizens of the United States were not enemies of their country in 1917, and the transactions conducted by citizens within this country were not considered to be enemy transactions. But in looking again at Section 2 of the Act of March 9, 1933, (Exhibit 17), we can see that the phrase excluding wholly domestic transactions has been removed from the amended version and replaced with **"by any person within the United States or anyplace subject to the jurisdiction thereof"**.

The people of the United States were now subject to the power of the Trading with the Enemy Act of October 6, 1917, as amended. For the purposes of all commercial, monetary and, in effect, all business transactions, We, the People became the same as the enemy, and were treated no differently. There was no longer any distinction.

It is important here to note that, in the Acts of October 6, 1917 and March 9, 1933, it states: **"during times of war or during any other national emergency declared by the President..."** So we now see that the war powers not only included a period of war, but also a period of "national emergency" as defined by the President of the United States. When either of these two situations occur, the President may, (Exhibit 8)

"through any agency that he may designate, or otherwise, investigate, regulate or prohibit under such rules and regulations as he may prescribe by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President and export, hoarding, melting or earmarking of gold or silver coin or bullion or currency by any person within the United States or anyplace subject to the jurisdiction thereof."

What can the President do now to the We, the People, under this Section? He can do anything he wants to do. It's purely at his discretion, and he can use any agency or any licensing authority that he desires to control it. This is called a constitutional dictatorship.

Now let's find out about the Trading with the Enemy Act of October 6, 1917. Quoting from a Supreme Court decision (Exhibit 9), *Stoehr v. Wallace*, 1921:

"The Trading With the Enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water" Const. Art. 1, Sect. 8, cl. 11. P. 241

Remember your Constitution?

"Congress shall have the power to declare war, grant letters of marque and reprisal and make all rules concerning the captures on the land and the water of the enemies." ALL RULES.

If that be the case, let us look at the memorandum of law that now covers trading with the enemy, the "Memorandum of American Cases and Recent English Cases on The Law of Trading With the Enemy" (Exhibit 11), remembering that we are now the same as the enemy. In this memorandum, we read:

"Every species of intercourse with the enemy is illegal. This prohibition is not limited to mere commercial intercourse." This is the case of *The Rapid* (1814).

Additionally,

"No contract is considered as valid between enemies, at least so far as to give them a remedy in the courts of either government, and they have, in the language of the civil law, no ability to sustain a persona standi in judicio."

In other words, they have no personal rights at law in court. This is the case of *The Julia* (1813).

In the next case, the case of *The Sally* (1814) (Exhibit 12), we read the words:

"By the general law of prize, property engaged in an illegal intercourse with the enemy is deemed enemy property. It is of no consequence whether it belong to an ally or to a citizen; the illegal traffic stamps it with the hostile character, and attaches to it all the penal consequences of enemy ownership."

Reading further in the memorandum, again from the case of *The Rapid*:

"The law of prize is part of the law of nations. In it, a hostile character is attached to trade, independently of the character of the trader who pursues or directs it. Condemnation to the use of the captor is equally the fate of the property of the belligerent and of the property found engaged in anti-neutral trade. But a citizen or an ally may be engaged in a hostile trade, and thereby involve his property in the fate of those in whose cause he embarks."

Again from the memorandum (Exhibit 12):

"The produce of the soil of the hostile territory, as well as other property engaged in the commerce of the hostile power, as the source of its wealth and strength, are always regarded as legitimate prize, without regard to the domicile of the owner."

From the case (Exhibit 13) of **The William Bagaley** (1866):

"In general, during war, contracts with, or powers of attorney or agency from, the enemy executed after outbreak of war are illegal and void; contracts entered into with the enemy prior to the war are either suspended or are absolutely terminated; partnerships with an enemy are dissolved; powers of attorney from the enemy, with certain exceptions, lapse; payments to the enemy (except to agents in the United States appointed prior to the war and confirmed since the war) are illegal and void; all rights of an enemy to sue in the courts are suspended."

From Senate Report No. 113 (Exhibit 14), in which we find An Act to Define, Regulate, and Punish Trading with the Enemy, and For Other Purposes, we read:

"The trade or commerce regulated or prohibited is defined in Subsections (a), (b), (c), (d) and (e), page 4. This trade covers almost every imaginable transaction, and is forbidden and made unlawful except when allowed under the form of licenses issued by the Secretary of Commerce (p. 4, sec. 3, line 18). This authorization of trading under licenses constitutes the principal modification of the rule of international law forbidding trade between the citizens of belligerents, for the power to grant such licenses, and therefore exemption from the operation of law, is given by the bill."

It says no trade can be conducted or no intercourse can be conducted without a license, because, by mere definition of the enemy, and under the prize law, all "intercourse" is illegal.

So, once we were declared enemies, all intercourse became illegal for us. The only way we could now do business or any type of legal intercourse was to obtain permission from our government by means of a license. We are certainly required to have a Social Security Card, which is a license to work, and a Driver's License, which gives the government the ability to restrict travel; all business in which we engage ourselves requires us to have a license, does it not?

Returning once again to the Memorandum of Law: (Exhibit 13)

"But it is necessary always to bear in mind that a war cannot be carried on without hurting somebody, even, at times, our own citizens. The public good, however, must prevail over private gain. As we said in Bishop U. Jones (28 Texas, 294), there cannot be "a war for arms and a peace for commerce." One of the most important features of the bill is that which provides for the temporary taking over of the enemy property."

This point of law is important to keep in mind, for it authorizes the temporary take-over of enemy property. The question is: Once the war terminates, the property must be returned -- mustn't it?

The property that is confiscated, and the belligerent right of the government during the period of war, must be returned when the war terminates. Let us take the case of a ship in harbor; war breaks out, and the Admiral says, "I'm seizing your ship." Can you stop him? No. But when the war is over, the Admiral must return your ship to you. This point is important to bear in mind, for we will return to, and expand upon, it later in the report.

Reading from (Exhibit 28) Senate Document No. 43, "Contracts Payable in Gold" written in 1933:

"The ultimate ownership of all property is in the State; individual so-called, "ownership" is only by virtue of government, i. e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State."

Who owns all the property? Who owns the property you call "yours"? Who has the authority to mortgage property? Let us continue with a Supreme Court decision, (Exhibit 29) United States v. Russell:

"Private property, the Constitution provides, shall not be taken for public use without just compensation...."

That is the peacetime clause, isn't it? Further, Sen. Doc #43 (emphasis is mine),

"Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed into the public service, or may be seized or appropriated to public use, or may even be destroyed without the consent of the owner...."

This quote, and indeed this case, provides a vivid illustration of the potential power of the government.

Now, let us return to the period of time after March 4, 1933, and take a close look at what really occurred. On March 4, 1933, in his inaugural address, President Franklin Delano Roosevelt asked for the authority of the war powers, and called a special session of Congress for the purpose of having those powers conferred to him.

On March the 2nd, 1933, however, we find that Herbert Hoover had written a letter to the Federal Reserve Board of New York, asking them for recommendations for action based on the over-all situation at the time. The Federal Reserve Board responded with a resolution (Exhibit 15) which they had adopted, an excerpt from which follows:

"Resolution Adopted By The Federal Reserve Board Of New York. Whereas, in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency...."

In order to fully appreciate the significance of this last quote, we must recall that, in 1913, The Federal Reserve Act was passed, authorizing the creation of a central bank, the thought of which had already been noted in the Constitution. The basic idea of the central bank was, among other things, for it to act as a secure repository for the gold of the people. We, the People, would bring our gold to the huge, strong vaults of the Federal Reserve, and we would be issued a note which said, in effect, that, at any time we desired, we could bring

that note back to the bank and be given back our gold which we had deposited.

Until 1933, that agreement, that contract between the Federal Reserve and its depositors, was honored. Federal Reserve notes, prior to 1933, were indeed redeemable in gold. After 1933, the situation changed drastically. In 1933, during the depths of the Depression, at the time when We, the People, were struggling to stay alive and keep our families fed, the bankers began to say, *"People are coming in now, wanting their gold, wanting us to honor this contract we have made with them to give them their gold on demand, and this contractual obligation is creating a national emergency."*

How could that happen? Reading from the Public Papers of Herbert Hoover (Exhibit 15):

"Now, Therefore, Be It Resolved, that, in this emergency, the Federal Reserve Board is hereby requested to urge the President of the United States to declare a bank holiday, Saturday, March 4, and Monday, March 6..."

In other words, President Roosevelt was urged to close down the banking system and make it unavailable for a short period of time. What was to happen during that period of time?

Reading again from the Federal Reserve Board resolution (Exhibit 15), we find a proposal for an executive order, to be worded as follows:

Whereas, it is provided in Section 5 (b) of the Act of October 6, 1917, as amended, that **"the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency, ***"**

Now, in any nominal usage of the American language, the standard accepted meaning of a series of three asterisks after a quotation means that what follows also must be quoted exactly, doesn't it? If it's not, that's a fraudulent use of the American language. At that point marked by the three asterisks (***) above, " began, what did the original Act of October 6, 1917 say?

Referring back to Exhibit 19, we find that the remainder of Section 5 (b) of the Act of October 6, 1917 says:

"(other than credits relating solely to transactions to be executed wholly within the united States)."

This portion of Section 5 (b) specifically prohibited the government from taking control of We, the People's money and transactions, didn't it?

However, let us now read the remainder of Section 5 (b) of the Act of October 6, 1917, as amended on March 9, 1933 (Exhibit 17):

"by any person within the united States or any place subject to the jurisdiction thereof."

Comparing the original with the amended version of Section 5 (b), we can see the full significance of the amended version, wherein the exclusion of domestic transactions from the powers of the Act was deleted, and "any person" became subject to the extraordinary powers conferred by the Act. Further, we can now see that the usage of the original text where the three asterisks are (above), it was, in all likelihood, meant to be deliberately misleading, if not fraudulent in nature.

Further, in the next section of the Federal Reserve Board's proposal, we find that anyone violating any provision of this Act will be fined not more than

\$10,000.00, or imprisoned for not more than ten years, or both. A severe enough penalty at any time, but one made all the more harsh by the economic conditions in which most Americans found themselves at the time. And where were these alterations and amendments to be found? Not from the government itself, initially; no, they are first to be found in a proposal from the Federal Reserve Board of New York, a banking institution.

Let us recall the chronology of events:

Herbert Hoover, in his last days as President of the United States, asked for a recommendation from the Federal Reserve Board of New York, and they responded with their proposals. We see that President Hoover did not act on the recommendation, and believed the actions were "*neither justified nor necessary*" (Appendix, Public Papers of Herbert Hoover, p. 1088). So, Hoover left office and now FDR comes into the White House. Let us see what happened; remember on March 4, 1933, Franklin Delano Roosevelt was inaugurated as President of the United States. On March 5, 1933, President Roosevelt called for an extraordinary session of Congress to be held on March 9, 1933, as can be seen in Exhibit 17:

"Whereas, public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Ninth day of March, 1933, to receive such communication as may be made by the Executive."

On the next day, March 6, 1933, President Roosevelt issued Proclamation 2039, which has been included in this report, starting at the bottom of Exhibit 8. In Exhibit 32, we find the following:

"Whereas there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding . . ."

Right at the beginning, we have a problem. And the problem rests in the question of who should be the judge of whether or not my gold, on deposit at the Federal Reserve, with which I have a contract which says, in effect, that I may withdraw my gold at my discretion, is being withdrawn by me in an "unwarranted" manner. Remember, the people of the United States were in dire economic straits at this point. If I had gold at the Federal Reserve, I would consider withdrawing as much of my gold as I needed for my family and myself a "warranted" action. But the decision was not left up to We, the People.

It is also important to note that it is stated that the gold is being withdrawn for the "purpose of hoarding". The significance of this phrase becomes clearer when we reach Proclamation 2039, wherein the term "hoarding" is inserted into the amended version of Section 5 (b). The term, "hoarding", was not to be found in the original version of Section 5(b) of the Act of October 6, 1917. It was a term which was used by President Roosevelt to help support his contention that the United States was in the middle of a national emergency, and his assertion that the extraordinary powers conferred to him by the War Powers Act were needed to deal with that emergency.

Let us now go on to the middle of Proclamation 2039, at the top of the next page, Exhibit 9. In reading from Exhibit 9, we find the following:

"Whereas, it is provided in Section 5 (b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended," "that the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transaction in foreign exchange and the export,

hoarding, melting, or earmarkings of gold or silver coin or bullion or currency . . ." --Exactly as was first proposed by the Federal Reserve Board of New York when Hoover was in office. (Exhibit 31).

If we return to 48 Statute 1 (Exhibit 17), Title 1, Section 1, we find that the amended Section 5 (b) with its added phrase:

"by any person within the united States or any place subject to the jurisdiction thereof."

Is this becoming more clear as to exactly what happened? On March 5, 1933, President Roosevelt called for an extra session of Congress, and on March 6, 1933, issued Proclamation 2039 (Exhibits 32-33). On March 9th, Roosevelt issued Proclamation 2040. We looked at Proclamation 2039 on Exhibits 32 and 33, and now, on Exhibit 33 (a), let's see what Roosevelt is talking about in Proclamation 2040:

"Whereas, on March 6, 1933, I, Franklin D. Roosevelt, President of the United States of America, by Proclamation declared the existence of a national emergency and proclaimed a bank holiday..."

We see that Roosevelt declared a national emergency and a bank holiday. Let's read on:

"Whereas, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority conferred by section 5 (b) of the Act of October 6, 1917, as amended, are approved and confirmed;"

This section of the Proclamation clearly states that all proclamations heretofore or hereafter issued by the President are approved and confirmed, citing the authority of section 5 (b). The key words here being "all" and "approved". Further:

"Whereas, said national emergency still continues, and it is necessary to take further measures extending beyond March 9, 1933, in order to accomplish such purposes"

We again clearly see that there is more to come, evidenced by the phrase, "further measures extending beyond March 9, 1933 ... " Could this be the beginning of a new deal? Possibly a one-sided deal. How long can this type of action continue? Let's find out.

"Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, in view of such continuing national emergency and by virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917 (40 Stat. L. 411) as amended by the Act of March 9, 1933, do hereby proclaim, order, direct and declare that all the terms and provisions of said Proclamation of March 6, 1933, and the regulations and orders issued thereunder are hereby continued in full force and effect until further proclamation by the President."

We now understand that the Proclamation 2039, of March 6, 1933 and Proclamation 2040 of March 9, 1933, will continue until such time as another proclamation is made by "the President". Note that the term "the President" is not specific to President Roosevelt; it is a generic term which can equally apply to any President from Roosevelt to the present, and beyond.

So here we have President Roosevelt declaring a national emergency (we are now

beginning to realize the full significance of those words) and closing the national banks for two days, by Executive Order. Further, he states that the Proclamations bringing about these actions will to continue "in full force and effect" until such time as the President, and only the President, changes the situation.

It is important to note the fact that these Proclamations were made on March 6, 1933, three days before Congress was due to convene its extra session. Yet references are made to such things as the amended Section 5 (b), which had not yet even been confirmed by Congress. President Roosevelt must have been supremely confident of Congress giving confirmation of his actions. And indeed, we find that confidence was justified. *** On March 9, 1933, without individual Congressmen even having the opportunity to read for themselves the bill they were to confirm, Congress did indeed approve the amendment of Section 5 (b) of the Act of October 6, 1917. ***

Where had our gold gone? Our gold had already been moved offshore! The gold was not in the banks, and when We, the People lined up at the door attempting to have our contracts honored, the deception was exposed. What happened then? The laws were changed to prevent us from asking again, and the military was brought in to protect the Federal Reserve. We, the People, were declared to be the same as public enemy and placed under military authority.

Going now to another section of 48 Statute 1 (Exhibit 35):

"Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the (U)nited States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations and corporations."

Notice now to whom we refer to as "owning" the money!

By this Statute, everyone was required to turn in their gold. Failure to do so would constitute a violation of this provision, such violation to be punishable by a fine of not more than \$10,000.00 and imprisonment for not more than ten years. It was a seizure. Whose property may be seized without due process of law under the Trading With the Enemy Act? The enemy's. Whose gold was seized? Ours -- the gold of the people of the united States. Are you seeing the fraud here now?

From the Roosevelt Papers (Exhibit 36):

"During this banking holiday it was at first believed that some form of scrip or emergency currency would be necessary for the conduct of ordinary business. We knew that it would be essential when the banks reopened to have an adequate supply of currency to meet all possible demands of depositors. Consideration was given by government officials and various local agencies to the advisability of issuing clearing house certificates or some similar form of local emergency currency. On March 7, 1933, the Secretary of the Treasury issued a regulation authorizing clearing houses to issue demand certificates against sound assets of the banking institutions, but this authority was not to become effective until March 10th. In many cities, the printing of these certificates was actually begun, but after the passage of the Emergency Banking Act of March 9, 1933 (48 Stat. 1), it became evident that they would not be needed, because the Act made possible the issue of the necessary amount of emergency currency in the form of

Federal Reserve banknotes which could be based on any sound assets owned by banks."

Roosevelt could now issue emergency currency under the Act of March 9, 1933 and this currency was to be called Federal Reserve bank notes. From Title 4 of the Act of March 9, 1933 (Exhibit 37):

"Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the united States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the currency circulating notes in blank, duly registered and countersigned."

What is this saying? It says (emphasis is ours): **"Upon the deposit** with the **Treasurer** of the United States, (a) of **any direct obligation** of the united States ..."

That is a direct obligation of the united States? It's a treasury note, which is an obligation upon whom? Upon We, the People, to perform. It's a taxpayer obligation, isn't it?

Title 4 goes on:

"...or (b) of any notes, drafts, bills of exchange or bankers' acceptances..."

What's a note? If you go to the bank and sign a note on your home, that's a note, isn't it? A note is a private obligation upon We, the People. And if the Federal Reserve Bank deposits either (a) public and/or (b) private obligation of We, the People, with the Treasury, the Comptroller of the currency will issue this circulating note endorsed in blank, duly registered and countersigned, an emergency currency based on the (a) public and/or (b) private obligations of the people of the united States.

In the Congressional Record of March 9, 1933 (Exhibit 38) , we find evidence that our congressmen didn't even have individual copies of the bill to read, on which they were about to vote. A copy of the bill was passed around for approximately 40 minutes.

Congressman McFadden then made the comment,

"Mr. Speaker, I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is, was when it was read from the clerk's desk. It is an important banking bill. It is a dictatorship over finance in the united States. It is complete control over the banking system in the united States ... It is difficult under the circumstances to discuss this bill. The first section of the bill, as I grasped it, is practically the war powers that were given back in 1917."

Congressman McFadden later says,

"I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve notes to the Treasury of the United States rather than the Federal Reserve agent."

Keep in mind, here, that, prior to 1933, the Federal Reserve bank held our gold as security, in return for Federal Reserve gold notes which we could redeem at any time we wanted. Now, however, Congressman McFadden is asking if this proposed bill is a plan to change *who's going to hold the security*, from the Federal Reserve to the Treasury.

Chairman Steagall's response to Congressman McFadden's question, again from the Congressional Record:

"This provision is for the issuance of Federal Reserve bank notes; and not for Federal Reserve notes; and the security back of it is the obligations, notes, drafts, bills of exchange, bank acceptances, outlined in the section to which the gentleman has referred."

We were backed by gold, and our gold was seized, wasn't it? We were penniless, and now our money would be secured, not by gold, but by notes and obligations on which we, the People, were the collateral security.

Congressman McFadden then questioned,

"Then the new circulation is to be Federal Reserve bank notes and not Federal Reserve notes. Is that true?"

Mr. Steagall replied,

"Insofar as the provisions of this section are concerned, yes."

--Does that sound familiar?

Next we hear from Congressman Britten, as noted in the Congressional Record (Exhibit 39):

"From my observations of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System is not limited. That will depend entirely upon the amount of collateral that is presented from time to time for exchange for bank notes. Is that not correct?"

Who is the collateral? We are - we are chattel, aren't we? We have no rights. Our rights were suspended along with the Constitution. We became chattel property to the corporate government, our transactions and obligations the collateral for the issuance of Federal Reserve bank notes.

Congressman Patman, speaking from the Congressional Record (Exhibit 40):

"The money will be worth 100 cents on the dollar because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation."

It now is no wonder that credit became so available after the Depression. It was needed to back our monetary system. Our debts, our obligations, our homes, our jobs - we were now slaves for the system.

From Statutes at Large, in the Congressional Record (Exhibit 41)

"When required to do so by the Secretary of the Treasury, each Federal Reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the currency, or both, for the performance of any functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph."

The Treasury was taken over by the Federal Reserve. The Federal Reserve Holding companies, the Depository Trust Co. and the CEDE Co., hold the assets. We are the collateral - we ourselves and our property.

To summarize briefly:

On March 9, 1933 the American people in all their domestic, daily, and commercial transactions became the same as the enemy.

The President of the United States, through licenses or any other form, was given the power to regulate and control the actions of enemies. He made We, the People, chattel property; he seized our gold, our property and our rights; and he suspended the Constitution.

And we know that current law, to this day, says that all proclamations issued heretofore or hereafter by the President or the Secretary of the Treasury are approved and confirmed by Congress. Pretty broad, sweeping approval to be automatic, wouldn't you agree?

On March 11, 1933, President Roosevelt, in his first radio "Fireside Chat" (Exhibit 42), makes the following statement:

"The Secretary of the Treasury will issue licenses to banks which are members of the Federal Reserve system, whether national bank or state, located in each of the 12 Federal Reserve bank cities, to open Monday morning."

It was by this action that the Federal Reserve took over the Treasury and the banking system.

Black's Law Dictionary defines the Bank Holiday of 1933 (Exhibit 42a) in the following words:

"Presidential Proclamations No. 2039, issued March 6, 1933, and No. 2040, issued March 9, 1933, temporarily suspended banking transactions by member banks of the Federal Reserve System. Normal banking functions were resumed on March 13, subject to certain restrictions. The first proclamation, it was held, had no authority in law until the passage on March 9, 1933, of a ratifying act (12 U. S. C. Sect. 95b). Anthony v. Bank of Wiggins, 183 Miss. 883, 184 So. 626. The present law forbids member banks of the Federal Reserve System to transact banking business, except under regulations of the Secretary of the Treasury, during an emergency proclaimed by the President. 12 U.S.C.A. Sect. 95"

Take special note of the last sentence of this definition, especially the phrase, "present law". The fact that banks are under regulation of the Treasury today, is evidence that the state of emergency still exists, by virtue of the definition. Not that, at this point, we need any more evidence to prove we are

still in a declared state of national emergency.

From the Agricultural Adjustment Act of May 12, 1933 (Exhibit 43):

"To issue licenses permitting processors, associations of producers and others to engage in the handling, in the current of interstate or foreign commerce, of any agricultural commodity or product thereof ..."

This is the seizure of the agricultural industry by means of licensing authority.

In the first hundred days of the reign of Franklin Delano Roosevelt, similar seizures by licensing authority were successfully completed by the government over a plethora of other industries, among them transportation, communications, public utilities, securities, oil, labor, and all natural resources. The first hundred days of FDR saw the nationalization of the United States, its people and its assets. What has Bill Clinton talked about during his campaign and early presidency? His first hundred days.

Now, we know that they took over all contracts, for we have already read in Exhibit 22:

"No contract is considered as valid as between enemies, at least so far as to give them a remedy in the courts of law of either government, and they have, in the language of civil law, no ability to sustain a persona standi in judicio."

They have no personal rights at law. Therefore, we should expect that we would see in the statutes a time when the contract between the Federal Reserve and We, the People, in which the Federal Reserve had to give us our gold on demand, was made null and void.

Referring to House Joint Resolution 192 (June 5, 1933) (Exhibit 44):

"That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount of money of the United States measured thereby is declared to be against public policy; and no such policy shall be contained in or made with respect to any obligation hereafter incurred."

Indeed, our contract with the Federal Reserve was invalidated at the end of Roosevelt's hundred days. We lost our right to require our gold back from the bank in which we had deposited it.

Returning once again to the Roosevelt Papers (Exhibit 45):

"This conference of fifty farm leaders met on March 10, 1933. They agreed on recommendations for a bill, which were presented to me at the White House on March 11th by a committee of the conference, who requested me to call upon the Congress for the same broad powers to meet the emergency in agriculture as I had requested for solving the bank crisis."

What was the "broad powers"? That was the War Powers, wasn't it? And now we see the farm leaders asking President Roosevelt to use the same War Powers to take control of the agricultural industry. Well, needless to say, he did. We should wonder about all that took place at this conference, for it to result in the eventual acquiescence of farm leadership to the governmental take-over of their livelihoods.

Reading from the Agricultural Adjustment Act, May the 12th, Declaration of Emergency (Exhibit 46):

"That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agriculture and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities and rendered imperative the immediate enactment of Title 1 of this Act."

Now here we see that he is saying that the agricultural assets support the national credit structure. Did he take the titles of all the land? Remember Contracts Payable in Gold? President Roosevelt needed the support, and agriculture was critical, because of all the millions of acres of farmland at that time, and the value of that farmland. The mortgage on that farmland was what supported the emergency credit. So President Roosevelt had to do something to stabilize the price of land and Federal Reserve Bank notes to create money, didn't he? So he impressed agriculture into the public interest.

The farming industry was nationalized.

Continuing with the Agricultural Adjustment Act, Declaration of Emergency (Exhibit 47):

"It is hereby declared to be the public policy of Congress..."

Referring now back to *Prize Cases* (1862) (2 Black, 674) (Exhibit 24):

"But in defining the meaning of the term 'enemies' property,' we will be led into error if we refer to Fleta or Lord Coke for their definition of the word, 'enemy'. It is a technical phrase peculiar to prize courts, and depends upon principles of public policy as distinguished from the common law."

Once the emergency is declared, the common law is abolished, the Constitution is abolished and we fall under the absolute will of Government "public policy".

All the government needs to continue is to have public opinion on their side. If public opinion can be kept, in sufficient degree, on the side of the government, statutes, laws and regulations can continue to be passed. The Constitution has no meaning. The Constitution is suspended. It has been for over 60 years. We're not under law. Law has been abolished.

We're under a system of public policy, (War Powers).

So when you go into that courtroom with your Constitution and the common law in your hand, what does that judge tell you? He will probably say the court operates under "Statutory" Jurisdiction. Black's Law defines "Statutory" as being statutory. It's a circular definition. This is not a Constitutional court, but an executive tribunal operating under a totally different jurisdiction.

From Section 93-549 (Exhibit 48):

"Under this procedure we retain Government by law - special, temporary law, perhaps, but law nonetheless. The public may know the extent and the limitations of the powers that can be asserted, and the persons affected may be

informed by the statute of their rights and their duties."

If you have any rights, the only reason you have them is because they have been statutorily declared, and your duties well spelled out, and if you violate the orders of those statutes, you will be charged, not with a crime, but with an offense.

Again from 93-549, from the words of Mr. Katzenbach (Exhibit 49):

"My recollection is that almost every executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act is so broad, it would justify almost anything."

Speaking on the subject of a challenge to the Act by the people, Justice Clark then says,

"Most difficult from a standpoint of standing to sue. The Court, you might say, has enlarged the standing rule in favor of the litigant. But I don't think it has reached the point, presently, that would permit many such cases to be litigated to the merits."

Senator Church then made the comment:

"What you're saying, then, is that if Congress doesn't act to standardize, restrict, or eliminate the emergency powers, that no one else is very likely to get a standing in court to contest."

No persona standi in judicio = "no personal standing in the courts."

Continuing with Senate Report 93-549 (Exhibit 50):

"The interesting aspect of the legislation lies in the fact that it created a permanent agency designed to eradicate an emergency condition in the sphere of agriculture."

These agencies, of which there are now thousands, and which now control every aspect of our lives, were ostensibly created as temporary agencies meant to last only as long as the national emergency. They have become, in fact, permanent agencies, as has the state of national emergency itself. As Franklin Delano Roosevelt said: "We will never go back to the old order." That quote takes on a different meaning in light of what we have seen so far.

In Exhibit 51, Senate Report 93-549, we find a quote from Senator Church:

"If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threatens our existence."

We see on this same document, at the bottom right-hand side of the page, as a Title, the words,

"Enormous Scope of Powers...A "Time Bomb".

Remember, this is Congress' own document, from the year 1973.

Most people might not look to agriculture to provide them with this type of information. But let us look at Title III of the Agricultural Adjustment Act, which is also called the Emergency Farm Mortgage Act of 1933 (Exhibit 52):

"Title III -- Financing - And Exercising Power Conferred by Section 8 of Article I of the Constitution: To Coin Money And To Regulate the Value Thereof."

From Section 43 of Exhibit 52:

"Whenever the President finds upon investigation that the foreign commerce of the united States is adversely affected ... and an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion... To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks..."

Remember that in the Constitution it states that Congress has the authority to coin all money and regulate the value thereof. How can it be then that the Executive branch is issuing an emergency currency, and quoting the Constitution as its authority to do so?

Under Section 1 of the same Act (Exhibit 53) we find the following:

"To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the united States, approved February 25, 1862, and Acts supplementary thereto and amendatory thereof"

What is the Act of February 25, 1862? It is the Greenback Act of President Abraham Lincoln. Let us remember that, when Abraham Lincoln was elected and inaugurated, he didn't even have a Congress for the first six weeks. He did not, however, call an extra session of Congress. He issued money, he declared war, he suspended habeas corpus, it was an absolute Constitutional dictatorship. There was not even a Congress in session for six weeks.

When Lincoln's Congress came into session six weeks later, they entered the following statement into the Congressional record: "The actions, rules, regulations, licenses, heretofore or hereafter taken, are hereby approved and confirmed..." This is the exact language of March 9, 1933 and Title 12, USC, Section 95 (b), today.

We now come to the question of how to terminate these extraordinary powers granted under a declaration of national emergency. We have learned that, in order for the extraordinary powers to be terminated, the national emergency itself must be cancelled. Reading from the Agricultural Act, Section 13 (Exhibit 54):

"This title shall cease to be in effect whenever the President finds and proclaims

that the national economic emergency in relation to agriculture has been ended."

Whenever the President finds by proclamation that the proclamation issued on March 6, 1933 has terminated, it has to terminate through presidential proclamation just as it came into effect. Congress had already delegated all of that authority, and therefore was in no position to take it back.

In Senate Report 93-549, we find the following statement from Congress (Exhibit 55):

"Furthermore, it would be largely futile task unless we have the President's active collaboration. Having delegated this authority to the President -- in ways that permit him to determine how long it shall continue, simply through the device of keeping emergency declarations alive -- we now find ourselves in a position where we cannot reclaim the power without the President's acquiescence. We are unable to terminate these declarations without the President's signature, so we need a large measure of Presidential cooperation".

It appears that no President has been willing to give up this extraordinary power, and, if they will not sign the termination proclamation, the access to and usage of, extraordinary powers does not terminate. At least, it has not terminated for over 60 years.

Now, that's no definite indication that a President from Bill Clinton on might not eventually sign the termination proclamation, but 60 years of experience would lead one to doubt that day will ever come by itself. But the question now to ask is this: How many times have We, the People, asked the President to terminate his access to extraordinary powers, or the situation on which it is based, the declared national emergency? Who has ever demanded that this be done? How many of us even knew that it had been done? And, without the knowledge contained in this report, how long do you think the blindness of the American public to this situation would have continued, and with it, the abolishment of the Constitution? But we're not quite as in the dark as we were, are we?

In Senate Report 93-549 (Exhibit 56), we find the following statement from Senator Church:

"These powers, if exercised, would confer upon the President total authority to do anything he pleased."

Elsewhere in Senate Report 93-549, Senator Church makes the remarkable statement (Exhibit 57):

"Like a loaded gun laying around the house, the plethora of delegated authority and institutions to meet almost every kind of conceivable crisis stand ready for use for purposes other than their original intention ... Machiavelli, in his "Discourses of Livy," acknowledged that great power may have to be given to the Executive if the State is to survive, but warned of great dangers in doing so. He cautioned: Nor is it sufficient if this power be conferred upon good men; for men are frail, and easily corrupted, and then in a short time, he that is absolute may easily corrupt the people."

Now, a quote from an exclusive reply (Exhibit 58) written May 21, 1973, by the Attorney General of the United States regarding studies undertaken by the Justice Department on the question of the termination of the standing national emergency:

"As a consequence, a 'national emergency' is now a practical necessity in order to carry out what has the regular and normal method of governmental

actions...what were intended by Congress as delegations of power to be used only in the most extreme situations, and for the most limited durations, have become everyday powers, and a state of "emergency" has become a permanent condition."

From United States v. Butler (Supreme Court, 1935) (Exhibit 59):

"A tax, in the general understanding and in the strict Constitutional sense, is an exaction for the support of government; the term does not connote the expropriation of money from one group to be expended for another, as a necessary means in a plan of regulation, such as the plan for regulating agricultural production set up in the Agricultural Adjustment Act."

What is being said here is that a tax can all be an exaction for the support of government, not for an expropriation from one group for the use of another. That would be socialism, wouldn't it?

Quoting further from United States v. Butler (Exhibit 60):

"The regulation of farmer's activities under the statute, though in form subject to his own will, is in fact coercion through economic pressure; his right of choice is illusory. Even if a farmer's consent were purely voluntary, the Act would stand no better. At best it is a scheme for purchasing with federal funds submission to federal regulation of a subject reserved to the states."

Speaking of contracts, those contracts are coercion contracts. They are adhesion contracts made by a superior over an inferior. They are under the belligerent capacity of government over enemies. They are not valid contracts.

Again from United States v. Butler (Exhibit 61):

"If the novel view of the General Welfare Clause now advanced in support of the tax were accepted, this clause would not only enable Congress to supplant the states in the regulation of agriculture and all other industries as well, but would furnish the means whereby all of the other provisions of the Constitution, sedulously framed to define and limit the powers of the United States and preserve the powers of the states, could be broken down, the independence of the individual states obliterated, and The Federal United States converted into a central government exercising uncontrolled police power throughout the union superseding all local control over local concerns."

Please, read the above paragraph again. The understanding of its meaning is vital.

The United States Supreme Court ruled the New Deal, the nationalization, unconstitutional in the Agricultural Adjustment Act and they turned it down flat. The Supreme Court declared it to be unconstitutional. They said, in effect, *"You're turning the federal government into an uncontrolled police state, exercising uncontrolled police power."*

What did Roosevelt do next? He stacked the Supreme Court, didn't he? And in 1937, United States v. Butler was overturned.

From the 65th Congress, 1st Session Doc. 87, under the section entitled Constitutional Sources of Laws of War, Page 7, Clause II, we find (Exhibit 62):

"The existence of war and the restoration of peace are to be determined by the political department of the government, and such determination is binding and conclusive upon the courts, and deprives the courts of the power of hearing proof and determining as a question of fact either that war exists or has ceased to exist."

The courts will tell you that is a political question, for they (the courts) do not have jurisdiction over the common law.

The courts were deprived of the Constitution. They were deprived of the common law. There are now courts of prize over the enemies, and we have no persona standi in judicio. We have no personal standing under the law. Also from the 65th Congress, under the section entitled Constitutional Sources of Laws of War, we find (Exhibit 63):

"When the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will. But until that will shall be expressed, no power of condemnation can exist in the court."

Now remember, WE THE PEOPLE are SOVEREIGN.

From Senate Report 93-549 (Exhibit 64):

"Just how effective a limitation on crisis action this makes of the court is hard to say. In light of the recent war, the court today would seem to be a fairly harmless observer of the emergency activities of the President and Congress. It is highly unlikely that the separation of powers and the 10th Amendment will be called upon again to hamstring the efforts of the government to deal resolutely with a serious national emergency."

So much for our Constitutional system of checks and balances. And from that same Senate Report, in the section entitled, "Emergency Administration", a continuation of Exhibit 64:

"Organizationally, in dealing with the depression, it was Roosevelt's general policy to assign new, emergency functions to newly created agencies, rather than to already existing departments."

Thus, thousands of "temporary" emergency agencies are now sitting out there with emergency functions to rule us in all cases whatsoever.

Finally, let us look briefly at the courts, specifically with regard to the question of "booty". The following definition of the term, "prize" is to be found in Bouvier's Law Dictionary (Exhibit 65):

"Goods taken on land from a public enemy are called booty; and the distinction between a prize and booty consists in this, that the former is taken at sea and the latter on land."

This significance of the distinction between these two terms is critical, a fact which will become quite clear shortly.

Let us now remember that "Congress shall have the power to make rules on all captures on the land and the water." To reiterate, captures on the land are booty,

and captures on the water are prize.

Now, the Constitution says that Congress shall have the power to provide and maintain a navy, even during peacetime. It also says that Congress shall have the power to raise and support an army, but no appropriations of money for that purpose shall be for greater than two years. Here we can see that an army is not a permanent standing body, because, in times of peace, armies were held by the sovereign states as militia. So the United States had a navy during peacetime, but no standing army; we had instead the individual state militias, both organized and unorganized.

Consequently, the federal government had a standing prize court, due to the fact that it had a standing navy, whether in times of peace or war. But in times of peace, there could be no federal police power over the continental united States, because there was to be no army, and NO jurisdiction over Sovereign American citizens!

From the report *The Law of Civil Government in Territory Subject to Military Occupation by Military Forces of the United States*, published by order of the Secretary of War in 1902, under the heading entitled "The Confiscation of Private Property of Enemies in War" (Exhibit 66), comes the following quote:

"4. Should the President desire to utilize the services of the Federal courts of the *united States* in promoting this purpose or military undertaking, since these courts derive their jurisdiction from Congress and do not constitute a part of the military establishment, they must secure from Congress the necessary action to confer such jurisdiction upon said courts."

This means that, if the government is going to confiscate property within the continental united States on the land (booty), it must obtain "statutory" authority.

In this same section (Exhibit 66), we find the following words:

"5. The laws and usages of war make a distinction between enemies' property captured on the sea and property captured on land. The jurisdiction of the courts of the united States over property captured at sea is held not to attach to property captured on land in the absence of Congressional action."

There is no standing prize court over the land. Once war is declared, Congress must give jurisdiction to particular courts over captures on the land by positive Congressional action. To continue with (Exhibit 66):

"The right of confiscation is a sovereign right. In times of peace, the exercise of this right is limited and controlled by the domestic Constitution and institutions of the government. In times of war, when the right is exercised against enemies' property as a war measure, such right becomes a belligerent right, and as such is not subject to the restrictions imposed by domestic institutions, but is regulated and controlled by the laws and usages of war."

So we see that our government can operate in two capacities: (a) in its sovereign peacetime capacity, with the limitations placed upon it by the Constitution and restrictions placed upon it by We, the People, or (b) in a wartime capacity, where it may operate in its belligerent capacity governed not by

the Constitution, but only by the laws of war.

In Section 17 of the Act of October 6, 1917, the Trading With the Enemy Act (Exhibit 67):

"That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise; and all such orders and decrees; and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act."

Here we have Congress conferring upon the district courts of the United States the booty jurisdiction, the jurisdiction over enemy property within the continental United States. And at the time of the original, unamended, Trading with the Enemy Act, we were indeed at war, a World war, and so booty jurisdiction over enemies' property in the courts was appropriate. At that time, remember, we were not yet declared "the enemy". We were excluded from the provisions of the original Act.

In 1934 Congress passed an Act merging equity and law abolishing common law. This Act, known as the Federal Rules of Civil Procedures Act, was not to come into effect until 6 months after the letter of transmittal from the Supreme Court to Congress. The Supreme Court refused transmittal and the transmittal did not occur until Franklin D. Roosevelt stacked the Supreme Court in 1938 (Exhibits 67(a) and (b)).

But on March the 9th of 1933, the American people were declared to be the enemy under the amended version of the Trading With the Enemy Act. What jurisdiction were we, the People, then placed under? We were now the booty jurisdiction given to the district courts by Congress. It was no longer necessary, or of any value at all, to bring the Constitution for the United States with us upon entering a courtroom, for that court was no longer a court of common law, but a tribunal under wartime booty jurisdiction.

Executive Order No. 11677 issued by President Richard M. Nixon August 1, 1972 (Exhibit 68) states:

"Continuing the Regulation of Exports; By virtue of the authority vested in the President by the Constitution and statutes of the United States, including Section 5 (b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a), and in view of the continued existence of the national emergencies..."

Later, in the same Executive Order (Exhibit 69), we find the following:
under the authority vested in me as President of the United States by Section 5 (b) of the Act of October 6, 1917, as amended (12 U. S. C. 95a).

Section 5 (b) certainly seems to be an oft-cited support for Presidential authority, doesn't it? Surely the reason for this can be found by referring back to Exhibit 49, the words of Mr. Katzenbach in Senate Report 93-549:

"My recollection is that almost every executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act is so broad, it would justify almost anything."

The question here, and it should be a question of grave concern to every Sovereign American, is what type of acts can "almost anything" cover? What has been, and is being, done, by our government under the cloak of authority conferred by Section 5 (b)? By now, I think we are beginning to know.

Has the termination of the national emergency ever been considered? In Public Law 94412, September 14, 1976 (Exhibit 70), we find that Congress had finally finished their exhaustive study on the national emergencies, and the words of their findings were that they would terminate the existing national emergencies. We should be able to heave a sigh of relief at this decision, for with the termination of the national emergencies will come the corresponding termination of extraordinary Presidential power, won't it?

But yet we have learned two difficult lessons: that we are still in the national emergency, and that power, once grasped, is difficult to let go. And so now it should come as no surprise when we read, in the last section of the Act, Section 502 (Exhibit 71), the following words:

"(a): The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby and actions taken thereunder (1) Section 5 (b) of the Act of October 6, 1917, as amended (12 U. S. C. 95a; 50 U. S. C. App. 5b)"

The bleak reality is, the situation has not changed at all.

The alarming situation in which We, the People, find ourselves today causes us to think back to a time over two hundred years ago in our nation's history when our forefathers were also laboring under the burden of governmental usurpation of individual rights. Their response, written in 1774, two years before the signing of the Declaration of Independence, to the attempts of Great Britain to retain extraordinary powers it had held during a time of war became known as the "Declaration Of Colonial Rights: Resolutions Of The First Continental Congress, October 14, 1774" (Exhibit 72).

And in that document, we find these words:

"Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statute, in all cases whatsoever, hath in some acts expressly imposed taxes on them. and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of the courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county."

We can see now that we have come full circle to the situation which existed in 1774, but with one crucial difference. In 1774, Americans were protesting against a colonial power which sought to bind and control its colony by wartime powers in a time of peace. In 1994, it is our own government (as it was theirs) which has sought, successfully to date, to bind its own people by the same subtle, insidious method.

Article 3, Section 3, of our Constitution states:

"Treason against the united States, shall consist only in levying War

against them, or in adhering to their Enemies, giving them aid and comfort. No Person shall be convicted of treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court."

Is the Act of March 9, 1933, treason? That would be for the common law courts to decide. At this point in our nation's history, the point is moot, for common law, and indeed the Constitution itself, do not operate or exist at present. Whether governmental acts of theft of the nation's money, the citizens' property, and American liberty as an ideal and a reality which have occurred since 1933 is treason against the people of the united States, as the term is defined by the Constitution of the united States cannot even be determined or argued in the legal sense until the Constitution itself is reestablished.

--- END ---

Note from Editor:

This information first came to me in 1996, from a printout handed to me by a fellow patriot. Back then, we did our research at the city hall law library and local library. We would obtain documentation on microfiche and photocopy Congressional Records, frequently perusing the Federal Register to verify every word. We did not have the internet with its vast information archives at that time, and I believe we actually benefited because of our labor. How many people today can actually claim to have done the hands-on research necessary to fully grant merit to any of this? Well, I can.

Not only have I studied this information, gone to great lengths to acquire the factual evidence in law, and tried as hard as I could to disprove it --I also found more information leading me to uncover even greater scandal concerning taxation and the monetary system. As far as what is above in this post, I have added it here for posterity since <http://Barefootsworld.net> may not be around forever. It is not copyrighted information, and is free for all.

* See also - Senate Report 93-549 attached for your convenience *

I cleaned up the text format, simplified *most* of the quotes for ease of reading, and eliminated only one personal statement (by poster on BFW I assume) and a single quote allegedly from the papers of H. Hoover. I could not verify this quote, so I eliminated it from this particular posting. The original post is still at BFW, link provided at the bottom.

Introduction to Dr. Schroder's Work

Dr. Eugene Schroder has found the key to why our Constitutionally guaranteed rights are violated daily. It's the insidious use of "emergency powers" meant to be used only in time of invasion or rebellion.

Dr. Schroder proves with the government's own documents that the Constitution has been effectively set aside since 1933. Eleven presidents, both Democrat and Republican, have used emergency powers for the last 67 years to regulate our daily lives without the inconvenience of Congressional approval. The definition of "emergencies" has been stretched to include economic problems, social imbalances, and perceived threats to the US by any foreign country's actions, even those on other continents.

Senate Report 93-549, written in 1973, says "Since March 9, 1933, the United

States has been in a state of declared national emergency...Under the powers delegated by these statutes, the president may: seize property;...seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication;...restrict travel; and, in a plethora of particular ways, control the lives of all American citizens."

The president can act through Executive Order, Presidential Proclamation, or through his many agencies, which include most of the alphabet agencies.

The framers of the Constitution asserted that Americans have certain inalienable, God-given rights. But under emergency rule, all these rights are declared null and void. The government charges us for these rights by requiring licenses and excessive paperwork, with strings attached, as long as restrictive and ill-defined requirements are met.

Dr. Schroder's landmark research is documented in three books: Constitution: Fact or Fiction; War and Emergency Powers Special Report; and War, Central Planning and Corporations - The Corporate State. These may be obtained from Buffalo Creek Press

I would also suggest a complete and thorough study of "Our Enemy, the State" by Albert J. Nock, "The Law" by Frederick Bastiat, "Trial by Jury" by Lysander Spooner, "The Declaration of Independence" and of course, "The Constitution For These United States"

Additional information: Emergency War Powers - [HTTP://SURVIVALMONKEY.COM](http://SURVIVALMONKEY.COM)

ALSO SEARCH: Senate Report 93-549 - Wikipedia, the free encyclopedia
