

**FIRST AMENDMENT PETITION FOR REDRESS OF VIOLATIONS OF  
LEGISLATIVE AUTHORITY AND THE SEPARATION OF POWERS  
WITHIN THE CONSTITUTION FOR THE UNITED STATES**

**Reference (A):** RTR WA Petition 002

**Reference (A) Long Title:** First Amendment Petition for Redress of Violations of the Constitution for the United States of America by All Three Branches of the General Government

**Reference (A) Short Title:** Violations of the Constitution through Treaties Not Under the Authority of the United States Government

**Reference (B):** RTR VA Petition 006

**Reference (B) Long Title:** First Amendment Petition for Redress of Violations of the Constitution for the United States of America by the Federal Government in Operating the Department of Transportation

**Reference (B) Short Title:** The Department of Transportation is a Violation of the Constitution

Reference (A) above, clarifies the limitations on the general (i.e. federal) government regarding their roles, responsibilities, powers, and properties (RRPPs) enumerated in the Constitution for the United States.

Reference (B) further establishes the point in fact; that these barriers are clearly enumerated and defined within the Constitution for the United States and further elucidates the *only* process that can formally delegate RRPPs to the general government is through the Article V process. Consequently, the only way Congress can create a law applicable to the union is that the law must be in pursuance to the Constitution in accordance with Article VI; otherwise, the law is only applicable within the District of Columbia.

Pursuant to Article I, Article II, Article III, Article VI, Article VI, and the First and Fourteenth Amendment of the Constitution for the United States of America, the undersigned, who reside in the County of Pennington within the State of South Dakota, hereby exercise our constitutionally protected First Amendment “right” to petition our government (i.e. County Commissioners) for redress of violations of the Constitution for the United States of America.

**WHEREAS**, within the Articles of Confederation the power the States granted to the general government were limited and consolidated into a single legislative body, the Continental Congress. Continental Congresses authority to legislate was limited to the defined powers; however, they served the Union as a Chief Magistrate. By definition of the time a Chief Magistrate is one who serves as a legislature, executive, and as a judiciary:

“A chief magistrate is the highest-ranking official in a government, like a king or president. They have a lot of power and authority.”<sup>1</sup>

The roles, responsibilities, and powers were primarily listed in Articles VI, VII, VIII, and IX; however, Article IX is where the limited judiciary powers were defined stating:

“The United States in Congress assembled, shall have the sole and exclusive right and power of... establishing rules for deciding in all cases... appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts...

Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or

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<sup>1</sup>LSDData - LSD.Law, <https://www.lsd.law/define/chief-magistrate>

more States concerning boundary, jurisdiction or any other causes whatever... Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination... and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgement... All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted.”<sup>2</sup>

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<sup>2</sup> Articles of Confederation: March 1, 1781, [https://avalon.law.yale.edu/18th\\_century/artconf.asp](https://avalon.law.yale.edu/18th_century/artconf.asp)

Clearly the judicial powers delegated to the Continental Congress were limited, with dependency upon the States. Consequently, Continental Congress possessed legislative, executive, and judicial powers under the Articles of Confederation, and

**WHEREAS**, codified within the design and character of the ratified Constitution for the United States, the legislative, executive, and judicial powers were deliberately separated as one of the many checks and balances placed into the Constitution by the framers. Thus, in accordance with Article I Section 1, “All legislative Powers herein granted shall be vested in a Congress of the United States;” in accordance with Article II “The executive Power shall be vested in a President of the United States of America;” Finally in accordance with Section III “The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

**WHEREAS**, defining the legislative RRPPs as dictated by the Constitution to Congress, Congress is the only branch that has been delegated “powers and property” within the Constitution. Laws that are intended to be executed in the States must be in pursuance to the Constitution; the power to execute them is delegated to the federalized militia and the President of the United States, in accordance with Article I Section 8 subsection 15. The “powers” granted to the federal government by the States is enumerated in Article Section 8. References (A) and (B) clearly points out that the federal jurisdiction and authority are strictly limited to the enumerated RRPPs in the Constitution. Any RRPPs not enumerated in the Constitution or within a ratified Amendment are reserved to the States or the people; therefore, the federal

government cannot meddle with any RRPP that is not delegated or they would be directly violating the Constitution, and

**WHEREAS**, the Constitution grants to Congress the ability:

“To exercise exclusive Legislation in all Cases whatsoever, *over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States*, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.”<sup>3</sup>

The emphasized words above simply clarify that this exclusive legislative power is limited over the District of Columbia, which is why these laws do not need to be in pursuance to the Constitution, to allow Congress to govern and police the District. Due to this unbridled authority George Mason asserted:

“that there were few clauses in the Constitution so dangerous as that which gave Congress exclusive power of legislation within ten miles square. Implication, he observed, was capable of any extension, and would probably be extended to augment the congressional powers. But here there was no need of implication. This clause gave them an unlimited authority, in every possible case, within that district. This ten miles square, says Mr. Mason, may set at defiance the laws of the surrounding states, and may, like the custom of the superstitious days of our ancestors, become the sanctuary of the blackest crimes. Here the federal courts are to sit. We have heard a good deal said of justice.”<sup>4</sup>

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<sup>3</sup> The Constitution for the United States of America, [https://avalon.law.yale.edu/18th\\_century/art1.asp#1sec8](https://avalon.law.yale.edu/18th_century/art1.asp#1sec8)

<sup>4</sup> Mr. George Mason, June 16 1788, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

Many Americans likely agree with Mr. Mason’s assertion regarding it being a sanctuary for evil crimes, but as an Anti-Federalist Mr. Mason clearly concedes to the fact that the delegation of exclusive legislative power is confined as an “unlimited authority, in every possible case, within that district” we call the “District of Columbia.” Consequently, any assertion that the federal government contains any RRPPs other than those enumerated in the Constitution would be a both disingenuous and a palpable perversion of the terms and conditions of the Constitution as established by the States in the Ratification process, and

**WHEREAS**, defining the word legislative alone is: “Legislative means involving or relating to the process of making and passing laws.”<sup>5</sup> Again, the precise language of Article I Section is “All legislative powers herein granted shall be vested in a Congress of the United States.”<sup>6</sup> This grant of power by the States isolates any and all laws coming forth from the general government must come from Congress and no other branch of government. Furthermore, in accordance with the Supremacy Clause in Article VI, Section 2, stating:

“This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.”<sup>7</sup>

To elucidate with clarity, this clause must be broken down as follows:

- 1) “This constitution, and the laws of the United States which shall be made in pursuance thereof” means that any law that comes from Congress Only

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<sup>5</sup> Collins Dictionary, <https://www.collinsdictionary.com/us/dictionary/english/legislative-power>

<sup>6</sup> The Constitution for the United States of America, [https://avalon.law.yale.edu/18th\\_century/art1.asp#1sec1](https://avalon.law.yale.edu/18th_century/art1.asp#1sec1)

<sup>7</sup> The Constitution for the United States of America, [https://avalon.law.yale.edu/18th\\_century/art6.asp](https://avalon.law.yale.edu/18th_century/art6.asp)

(since Congress is the only branch with this delegated authority from the States), must be pursuant (i.e. in accordance with or as a direct derivative of a power) to the enumerated powers with Article I Section 8 of the Constitution only, as defined by the Ratification Debates and as pointed out in References (A) and (B).

- 2) “and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land” specifies that the only treaties the general government can Constitutionally ratify are “under the authority of the United States,” which legally and contractually stipulates that the treaty must be within those same enumerated powers in Article I Section 8, as Reference (A) clarifies as well.
- 3) “the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding,” requires that the judges of every state is bound to only follow those laws that are in pursuance to the Constitution.

Accordingly, as clarified in Reference (B), the general government cannot establish a Department of Transportation (DoT), without amending the Constitution. This is because the RRPPs possessed, and exercised by the general government under the DoT, are not within the enumerated powers which is why three Presidents vetoed Congresses first three attempts to assume this as a RRPP as this was illuminated in Reference (B) as well, and

**WHEREAS**, the United States was formed into a unique Republican form of government, unlike all other Republican forms of government operating today as well as throughout the annals of history. The fundamental factors of a Republican form of government is one that is representative of the people – because the people are sovereign and as the Declaration of Independence clearly

establishes that “*governments are instituted among men*, deriving their just powers from the consent of the governed,”<sup>8</sup> and

**WHEREAS**, in accordance with Article IV, after the ratification of the Constitution for the United States, Congress exercised their enumerated responsibility (i.e. not a power) to admit new States into the Union. A fundamental step in the process was to organize the territory into sub-territorial government that would become states by establishing counties within these sub-territories. In accordance Article IV Section 4 and the fundamental tenants of a Republican Form of Government each territory was developed by We the People instituting county governments within each territory. Once a territory reached the prerequisites of becoming a State, Congress would respond to the territorial government request in becoming a state with an enabling act to join the Union. The enabling act dictated the quantity of delegates from each county based on the latest census and called them to a city or town capable of hosting a State Constitutional convention and these county delegates established the State Government and their State Constitution. In accordance with Article I Section 8 uniformity clause – the federal government as a creature of the compact cannot treat any State differently regarding taxes, burdens, or advantages. Furthermore, in accordance with Article I and Article IV, when a State joins the Union the federal government cannot retain any property or resource that is not enumerated in the Constitution. Each state is to possess “equal footing” in every capacity as all other States in the Union.

**WHEREAS**, References (A) and (B) clearly identify that the fundamentals of Constitutions and compacts, the Parties to the compact are those perpetual entities that were instituted by We the People (i.e. the Counties are the

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<sup>8</sup> Declaration of Independence, [https://avalon.law.yale.edu/18th\\_century/declare.asp](https://avalon.law.yale.edu/18th_century/declare.asp)



Parties to the State Constitution and the States are the Parties to the federal Constitution). Moreover, as Roger Sherman established in the Constitutional Convention of 1787, the government of the United States would represent two specific sovereigns, the people and the governments that the people instituted, which is why Congress and every state house except Nebraska possesses a bicameral legislative body to represent each of the two sovereigns in the state as in the federal government. Furthermore, a Republican Form of government is one that is based upon the rule of law and that the law is king – the Constitution for the United States is the supreme law of the land; that no public servant in any form of office has the ability to step outside the law or their delegated roles and responsibilities within the instituted Constitution(s). This is why each public servant is required by the Supreme Law of the land, and

**WHEREAS**, the Constitution for the United States not only separates the powers of the three branches, it also separates the powers of Congress. To ensure that the powers of the Senate focuses on the enumerated matters that are most relevant to the State's, Article V of the Constitution protect the State Legislature's suffrage in the Senate to ensure Congress cannot become monolithic in form – only representing the people. This would give large populated States an advantage over smaller States; thus, shifting the further away from a Republican in form government. The point in fact, the Seventeenth Amendment violates the amendment protect clause stating: "Provided, that no amendment which may be made... *that no state, without its consent, shall be deprived of its equal suffrage in the Senate.*"<sup>9</sup> Even though the Seventeenth Amendment changes the choosing of a Senator it does not remove the responsibility, nor can the passing of an Amendment force a State to lose its

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<sup>9</sup> The Constitution for the United States of America, [https://avalon.law.yale.edu/18th\\_century/art5.asp](https://avalon.law.yale.edu/18th_century/art5.asp)

suffrage in the Senate; however, it has become clear that the Senate has obviated this responsibility and seven State Legislatures (i.e. Utah, Georgia, Kentucky, Mississippi, South Carolina, Virginia, Alaska and Hawaii) have been denied their equal suffrage in the Senate since they have not consented to this Amendment, and

**WHEREAS**, the powers delegated to the House of Representatives are focused on the enumerated matters most important to the people of their States such as the purse. To be clear, the Constitution for the United States constrains Congress' powers to those objects delegated in the Constitution and the separation of powers between the three branches of the federal is clearly defined that only Congress has the role and responsibility *to make and change laws in pursuance to the Constitution*, the Executive and the Judiciary has not been granted any power within the Constitution for the United States to make laws, and

**WHEREAS**, References (A) and (B) may not provide full insights into the RRPPs delegated to the office of the President and the Executive Departments; consequently, defining the executive in context to those enumerated RRPPs within the Constitution for the United States, the President of the United States primary role and responsibility in accordance with Section 1 of Article II, is establishes by the oath of office:

"I do solemnly swear (or affirm) *that I will faithfully execute the Office of President of the United States*, and *will to the best of my Ability, preserve, protect and defend the Constitution* of the United States."<sup>10</sup>

Consequently, the Executives primary responsibility is to faithfully execute all laws that are in pursuance to the Constitution and the President is equally

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<sup>10</sup> The Constitution for the United States of America, [https://avalon.law.yale.edu/18th\\_century/art2.asp](https://avalon.law.yale.edu/18th_century/art2.asp)

obligated to not execute laws that are not in pursuance to the Constitution – due to the oath of office requiring the President to “preserve, protect, and defend the Constitution.” Thus, it is the Presidents duty to eradicate all unconstitutional RRPPs by challenging them with the judiciary and if the judiciary fails to act as guardians of the Constitution in accordance with their legally binding oath to “Support this Constitution,” then the President of the United States must openly appeal to the States to interpose upon the general government to force them into compliance as clarified in Reference (B). In addition, the President is also the Commander and Chief of the Army and Navy, and

**WHEREAS**, the President has the power to pardon U.S. citizens charged and convicted of a federal crime (i.e. counterfeiting, treason, crimes committed on the high sea and against laws of nations). The President possesses the power to appoint executive secretaries over those enumerated objects within the Constitution, (i.e. the Departments of State, Treasury, and Defense) as well as appointing emissaries and judges, and

**WHEREAS**, the President also has the power to initiate treaties and the Vice President in serving as the President of the Senate can offer the tie breaking vote in passing a treaty. This is the one case only case where there is a slight involvement in legislation outside of Congress, because all legitimate treaties adjoin to the Constitution as the Supreme Law of the land. The strict requirements of Constitutional legitimate treaties was clarified in Reference (A) above, and

**WHEREAS**, the President the President does not have legislative authority. The President has the latitude to issue Executive Orders to articulate the Presidents desires as to how a law, which is in pursuance Constitution will be executed. The President cannot amend or change the law nor can the President

use an Executive Order to create law, initiatives, or do anything outside the delegated roles and responsibilities enumerated in the Constitution, nor allow any RRPP not enumerated to be possessed, executed, or maintained by the general government, and

**WHEREAS**, the purpose of the Judicial Branch is to serve as the guardian of the Constitution as John Marshall stated during the Virginia ratification debates of the adopting of the federal Constitution that Congress could not make a law not granted within the enumerated powers by, stating:

“Can they make laws affecting the mode of transferring property, or contracts, or claims, between citizens of the same state? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, *it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void,*”<sup>11</sup>

and

**WHEREAS**, References (A) and (B) may not provide full insights into the RRPPs delegated to the judicial branch; therefore, the following is provided to help delineate the federal judiciary in context to those enumerated RRPPs within the Constitution. Article III Section 1, establishes the hierarchy, terms of office, and that Congress has the discretion to change the structure of the courts. Section 2 of Article III defines the primary jurisdiction of the court affecting the States in the following clause:

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<sup>11</sup> John Marshall, 20 June 1787, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.”

To elucidate with clarity, this clause must be broken down as follows:

- 1) The “judicial Power *shall extend to all Cases*, in Law and Equity, *arising under this Constitution*” portion of the clause, limits the federal courts from hearing any case that is not within those specified objects enumerated in the Constitution for the United States. The limitation of jurisdiction regarding all things “arising under this Constitution” includes appellate matters as well. If the issue *is not enumerated* to the general government *they cannot entertain the case*.
- 2) The “Laws of the United States, and Treaties made, or which shall be made, *under their Authority*” portion of this clause, equally constrains the federal court to only those laws and treaties made under the authority. Again, this was clarified in Reference (A); however, it is worth repeating one of best elucidations on the phrase “under the authority,” by George Nicolas during the Virginia Ratification Debates was simple: “They can, by this, make no treaty which shall be repugnant to the spirit of the Constitution, *or inconsistent with the delegated powers*.”<sup>12</sup>

Consequently, federal jurisdiction can only be constitutionally expanded or contracted through the amendment process in Article V of the Constitution, jurisdiction like the enumerated RRPPs are limited to the delegated RRPPs within the Constitution for the United States, and

**WHEREAS**, due to the constitutional design and implementation of the separation of powers, the Constitution for the United States does not grant any

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<sup>12</sup> George Nicolas, 19 June 1787, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

legislative power to the executive or the judicial branches; therefore, the executive nor the federal court can make, impose, or enforce any law that has not originated from the Congress nor can any law be made, imposed, or enforced by the general government if the law is not in pursuance to the Constitution for the United States, and

**WHEREAS**, if the federal judiciary at any level feels that a specific law is needed or a portion of the Constitution requires better clarification, it is incumbent upon the federal jurist to advise Congress regarding the need of such a law or clarification. Again, all laws must be in pursuance to the Constitution and the federal government possesses no RRPP granting them the ability to clarify or a redefine a clause that has already been provided by the States in the several State Ratification Debates on the Adoption of the federal Constitution. Nor can the federal government contradict the terms and definitions provided during the aforementioned ratification debates. For an example, if Congress passes a law concerning labor (or anything else that is not delegated), then the federal jurist overseeing the case must first declare that the law is not within the enumerated powers; therefore they have not jurisdiction, and admonish Congress to seek an amendment to the Constitution. Anything else by the federal court would and must be viewed as a breach in the Constitution and a violation of the jurists oaths of office, placing each jurist in jeopardy of being removed and banned in accordance to Section 3 of the Fourteenth Amendment, and

**WHEREAS**, the federal court, in the initiation of any case, must first delineate their jurisdiction strictly based on the enumerated RRPPs and the Party seeking a hearing of the case and must clearly connect how the case is directly tied to specific RRPPs or the Party pursuing the hearing with the court must be charged with seeking with obstructing justice by the court and the Party must be

labeled as an enemy to the court for attempting to persuade the court to aggrandize their jurisdiction, and

**WHEREAS**, The framers clearly established the court as an essential bulwark to guarding the Constitution from such breaches. Had the Constitution included the application that the court could: 1) make laws, 2) use case law and precedence, 3) the Executive could use Executive Orders to create law, or 3) make something constitutional or unconstitutional all of the States would have rejected this Constitution on any one of the aforementioned 4 powers - yet without an Amendment both the judicial and executive branches are unconstitutionally exercising legislative powers. The point in fact is, most of the breaches originated in the courts where even John Marshall (after making the above citation) violated the terms and conditions of the compact by redefining them in his ruling so when the courts injected case law and precedence they used many of his opinions to aggrandize the reach and power of the court as well as the general government, and

**WHEREAS**, the design and make up of every government under the federal Constitution for the United States have been and is modeled after the federal Constitution – where not one court or executive has the Constitutional authority to make law – yet every States judicial and executive branches are violating the separations of powers, and

**WHEREAS**, in America, a Government Republican in Form is a Government based on the written will and consent of the People within their sovereign States, instituted to secure the individual's natural Rights and where the *Law is King*, not our public servants; and

**WHEREAS**, our Republican form of government is one based upon laws and the rule of laws; consequently in accordance with Article VI, Section 2, as previously cited and clarified that the:

“constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States *shall be the supreme law of the land; and the judges in every state shall be bound thereby*, any thing in the constitution or laws of any state to the contrary notwithstanding,”<sup>13</sup>

The Constitution for the United States is our King, and

**WHEREAS**, Thomas Jefferson stated “Ignorance of the law is no excuse in any country. If it were, the laws would lose their effect, because it can always be pretended”<sup>14</sup> and today our law and government are being pretended. The Constitution for the United States was framed at a time where honor meant more to a person than life itself, which is why the accepted practice of defending ones honor was to the formal duel. Honor and integrity were integral in the character of the people in the framers time; however, they knew the faults and failings of a human, which is why the oath of office was the first formal act of Congress on June 1<sup>st</sup> 1789 was “An Act to Regulate the Time and Manner of Administering Certain Oaths.”<sup>15</sup> As the mores of America decayed so did the honor of men; thus, the legal requirement for every executive in this Republic and member of Congress and the federal and state judiciaries to take an oath of office where they must swear or affirm that they are to support this constitution without any exception and any

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<sup>13</sup> The Constitution for the United States of America, [https://constitution.org/1-Constitution/constit\\_.htm](https://constitution.org/1-Constitution/constit_.htm)

<sup>14</sup> Thomas Jefferson, Letter to M. Limozin, 22 December, 1787, <https://founders.archives.gov/documents/Jefferson/01-12-02-0460>

<sup>15</sup> An Act To Regulate The Time And Manner Of Administering Certain Oaths, 1 June 1787, <https://prologue.blogs.archives.gov/2014/05/30/the-oath-of-office-the-first-act-of-the-first-congress/>



action contrary would be deemed has proven essential; however, the lack of teeth in the Constitution for We the People to hold public servants accountable to their oath was truly lacking and became more apparent during the decades leading up to the Civil War. Consequently, the requirement to ensure public servants could be held accountable to their oath was essential in protecting the Constitution as well as the liberties and rights of all people. References (A) and (B) go through the history and the debates in Congress regarding Section 3 of the Fourteenth Amendment, emphasizing the point in fact, that while a public servant is serving under their oath of office, any violation of it in the slightest degree would be at minimum perjury and based on the violation it could be tantamount to committing an insurrection against the Constitution. Section 3 of the Fourteenth Amendment eliminated the need to exercise the impeachment process when it comes to a direct violation of ones oath to support the Constitution. Like the impeachment process it does not try a servant for any crime and in Sections 3's case on violations of their oath. Impeachment is still applicable for bad behavior of other types of crimes committed. More importantly, when one is being removed from office by Section 3, there a need for due process, since Section 3 strictly holds public servants to their oaths and if any public servant fails to actively support the Constitution - as a measure of ineligibility they are to be removed similar to a public servant moving out of state while serving in office; therefore, in accordance with Section 3, one is removed and banned for life from public service in any capacity – unless two-thirds of Congress removes this disability/banning. To be clear, Section 3 of the Fourteenth Amendment is not applicable to the President or Vice President of the United States, and

**WHEREAS**, ever member of Congress and the federal judiciary are fully aware of this constitutional requirement to legally take an oath or affirm “to

support this Constitution” for the United States, which holds them accountable to government (i.e. We the People). Therefore, each member of the Judicial or Executive branches has disqualify themselves from holding any office under the United States or under any State, if they have violated their oath by legislating, creating laws, regulations, policies, or anything that can be enforceable as law, and

**WHEREAS**, with every Right there is a remedy and any Right that is not enforceable is not a Right; and

**NOW THEREFORE**, in accordance with Section 3 of the Fourteenth Amendment and in conformity to the principles of the separation of powers, along with Article IV Section 4 of the Constitution for the United States, that the United States shall guarantees each State in the Union a Republican form of government, in which our elected County Commissioners are our direct representatives, who in accordance with Article VI of the Constitution for the United States are also Constitutionally and legally required to take an oath “to support” the Constitution for the United States, we the petitioners’ demand that ALL our County Commissioners who represent the people of Pennington, in the State of South Dakota; unite together to petition the State Legislature, the Governor, Secretary of State, and the State Attorney on our behalf, who have also taken the same oath to support the Constitution for the United States that in accordance with Article II, Article III, Article IV, Article VI, and Fourteenth Amendment to the Constitution for the United States of America, and demand only laws from Congress that are in pursuance to the Constitution are Constitutional, and that anything created by the Judicial or Executive Branch cannot be law and are not applicable to the States and the U.S. citizens residing in these States, and

**NOW THEREFORE**, in accordance with Reference (B) and James Madison’s assertion that the fundamental tenants of contract law regarding

compacts and constitution that these instruments (i.e. compacts and constitutions) can be audited by the Parties and in accordance with Article IV Section 4 of the Constitution for the United States, that the States are guaranteed a Republican form of government and that a Republican form of government is based upon the rule of law. No government can make a law “abridging the... right of the people... to petition the Government for a redress of grievances.” Consequently, We the People of Pennington County demand our elected County representatives (i.e. Commissioners), who serve as our local direct representatives, who in accordance with Article VI Section 3 of the Constitution for the United States are required to swear by oath or affirmation to actively support the federal and State Constitutions, prior to their ability to serve in public office, and in accordance with Section 3 of the Fourteenth Amendment we demand their full compliance to their oath and the Constitution for the United States or be immediately removed from public office. As We the People of **Pennington** County exert our First Amendment inalienable and constitutionally protected civil right of petitioning our government for the redress of grievances; we therefore demand the County Commissioners of Pennington County do the following to fulfill their oath of office to actively “support” the Constitution for the United States or we will demand their removal from office in accordance with Section 3 of the Fourteenth Amendment:

**First:**

As a united body of Commissioners of Pennington County, you must call for and organize a standing Federal Review Committee from the community (voluntary or reimbursed for expenses), to initiate specific directed efforts to 1) **definitize** which Constitution the County of Pennington will recognize and 2) **audit** the Constitution for the United States to identify all violations of the Constitution.

**Definitize:** The definitive Constitution can only be the original Constitution and all of its ratified amendments; therefore, the committee must declare that only original Constitution and its ratified amendments are authorized by the county and the committee must also include the legally provided terms and definitions to the Constitution in accordance with the founding documents of the Constitution (i.e. *only* the Ratification Debates of the federal Constitution) as to what each clause meant as the Federalists provided to the body of delegates for each State as to what these words and clauses meant. Consequently rejecting any and all attempts to redefine the Constitution for the United States and declaring that the Federalist elucidations in the Ratification Debates are the only legal terms and legally stipulated what each word and clause meant. Thus, assisting the delegates to make the ultimate decision to ratify or reject the federal Constitution.

**Audit:** Equally critical to the process of definitizing the Constitution, the committee must also extrapolate and deduce what RRPP's are granted within the original Constitution for the United States and ratified amendments in accordance to the terms and definitions specified in the Ratification Debates and identify all RRPP's currently exercised or possessed by the Federal Government that *are not delegated* within the enumerated RRPP's of the Constitution for the United States and identify them for disposition by the States during the "Republic Review process."<sup>16</sup> Furthermore, it is incumbent upon those who stand in public service who govern We the People, must have access and be profoundly familiar with the Definitive Constitution and its terms and definitions to help educate the Citizens, that within a Republican Form of Government, to know the law

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<sup>16</sup> Reclaiming the Republic, The Description of the Republic Review Process,  
[http://www.reclaimingtherepublic.org/PDF\\_Docs/Bullet\\_Points\\_Republic\\_Review\\_Model\\_Process\\_Chart.pdf](http://www.reclaimingtherepublic.org/PDF_Docs/Bullet_Points_Republic_Review_Model_Process_Chart.pdf)

and processes without question what is Constitutional and what is NOT and why.

The “Federal Review Committee roles and responsibilities”<sup>17</sup> as well as the “Federal Review Committee Flowchart”<sup>18</sup> is available as well as direct guidance can be obtained from Reclaiming the Republic from their “Contact us”<sup>19</sup> page.

**Second:**

Concurrently, while forming the standing Federal Review Committee, the Commissioners of Pennington County must promulgate this Petition with an endorsement cover letter to all other county Commissioners within the State of South Dakota, asserting that they must join Pennington County in coordinating a simultaneous efforts to 1) begin acquiesce with other counties upon the Definitive Constitution as legally stipulated during the federal Ratification Debates to precisely clarify all unconstitutional RRPP’s are violations to the Constitution – as their oath of office demands, 2) fully report concurrence or refusal to this Constitutional requirement with clear documentation of each public official as to their position regarding their requirement to support the Constitution, and 3) take immediate action to obtain full clarity as to what RRPPs are Constitutional and which are not through the audit and definitizing process or refusal to support these efforts.

**Third:**

After appealing to all the counties of State South Dakota, the Commissioners of Pennington County must then promulgate this Petition with an endorsement cover

<sup>17</sup> Reclaiming the Republic, Federal Review roles and responsibilities doc, [http://reclaimingtherepublic.org/PDF\\_Docs/Bills/Republic\\_Review\\_Committee\\_Roles\\_and\\_Responsibilities\\_Outline.pdf](http://reclaimingtherepublic.org/PDF_Docs/Bills/Republic_Review_Committee_Roles_and_Responsibilities_Outline.pdf)

<sup>18</sup> Reclaiming the Republic, Federal Review flowchart, [http://reclaimingtherepublic.org/PDF\\_Docs/Bills/Federal\\_Review\\_Committee\\_Flow\\_Chart.pdf](http://reclaimingtherepublic.org/PDF_Docs/Bills/Federal_Review_Committee_Flow_Chart.pdf)

<sup>19</sup> Reclaiming the Republic, <http://www.reclaimingtherepublic.org/contact.html>

letter to the State Legislature of South Dakota, demanding that they also form a permanent Federal Review Committee to seek and ensure full compliance to the Constitution for the United States. This committee must unite and lead the coordination with all county Commissioners regarding the definitizing and audit processes to ensure the accuracy of each finding and share these findings with all counties who will then, as the representatives of the people of the counties of the State of South Dakota petition the Legislature for the State of South Dakota for and on the behalf of the citizens of Pennington County.

**Fourth:**

Concurrently, the South Dakota State Legislature must pass the following legislation to fulfill their oath of office in 1) “supporting the Constitution” and 2) demanding all public servants and governments within the State of South Dakota as well as all none government entities be in full compliance to the Constitution; thus:

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:**

There is hereby created a joint federal review committee to:

- (1) Review all federal action to determine if the sovereignty of the state of South Dakota and the powers, rights, and liberties of its citizens, as legally defined during the ratification debates of the several states in ratifying the United States Constitution, are being infringed upon or diminished;
- (2) Determine and make findings as to which federal actions are not consistent with the roles, responsibilities, and powers of the federal government enumerated in the United States Constitution. This duty shall be exercised without regard for any decision by a federal court or by the Supreme Court of the United States that attempts to interpret federal action; and

(3) Sponsor legislation, report to the Legislature, and advise the legislature consistent with any determinations and findings concerning the constitutionality of federal actions.

For the purposes of this section, the term, federal action, means all new and existing federal laws, resolutions, rules, regulations, decrees, orders, mandates, executive orders, or any other federal dictate having the full force and effect of law.

The joint federal review committee consists of five members of the House of Representatives to be appointed by the speaker of the House of Representatives and five members of the Senate to be appointed by the president pro tempore of the Senate. The members of the joint federal review committee shall be appointed biennially for terms expiring on January first of each succeeding odd-numbered year and shall serve until their respective successors are appointed and qualified. No more than three from each legislative body may be from the same political party.

The joint federal review committee shall be co-chaired by one member of the House of Representatives, chosen by the speaker of the house, and one member of the Senate, chosen by the president pro tempore of the Senate, and shall be provided with staff assistance from the Legislative Research Council. This will ensure that “We the People” of the State of South Dakota will use First Amendment Petitions for the redress of grievances to guarantee that the County and State public servants will be held to the rule of law. Those who refuse to support the Constitution which they are legally bound to support, must be removed from office or public trust for their failure to fulfill their oath of office, in accordance with Section 3 of the Fourteenth Amendment. A working copy of the Bill that needs to be passed, as well as the roles and responsibilities of this

Committee that will demand full compliance to the Constitution as well as a flowchart depicting the byproducts of this committee can be found on the Reclaiming the Republic.<sup>20</sup>

**Fifth:**

Concurrently, while the South Dakota State Legislature forming a standing committee and initiating the audit of the Constitution for the United States and in addition to definitizing the Constitution and its terms and definitions as stipulated in the Ratification Debates, that the State Legislature of South Dakota must promulgate this Petition with an endorsement cover letter to all other States in the union; calling upon all States to unite with South Dakota, in taking all necessary measures to obtain full compliance to the Supreme Law of the land the Constitution for the United States as it was legally stipulated and defined in the Ratification Debates in accordance with the Constitution and the fundamental tenants of contract law.

**Sixth:**

Furthermore, We the People demand that our county Commissioners and the South Dakota State Legislature create and pass to observe and apply the enforcement of Section 3 of the Fourteenth Amendment, empowering the people to be able to initiate the enforcement of this law that when “We the People” that when “We the People” report public servant(s) who have violated their oath by failing to support the Constitution - that they are immediately suspended. Moreover, when an assertion is made that a public servant has violated their oath: 1) the assertion must be fully investigated by a State Common Law Grand Jury 2) that at least one member of the jury is a citizen and resident of each county to ensure a Grand Jury full represents all counties of the State of South Dakota, 3) the Grand Jury only

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<sup>20</sup> Reclaiming the Republic, <http://www.reclaimingtherepublic.org/action.html>



needs to declare that the oath was violated or not, 4) if the Grand Jury finds evidence of a crime that it will submit an indictment for prosecution, 5) all public servants found guilty of violating their oath or falsely serving in office will be removed and banned in accordance to Section 3 of the Fourteenth Amendment, 6) the Secretary of State will maintain a list of all public Servants who were removed and banned from office in the State of South Dakota, and 7) because this process is not one that would deprive the public servant of life, liberty, or property – they are not entitled to due process – only in the following criminal proceedings will they be entitled to due process.

**Seventh:**

We demand the full and transparent documentation be kept, stored and made accessible to We the People in reviewing and accounting for the actions of all public servants regarding what they do and do not do in response to each step of this petition; that both a hard and softcopy be provided back to [organizational name and address as well as POC name and phone number] delivering this petition.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:  
[Organization and Current Count of Signatures of U.S. Citizens]