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THE STORY OF OUR MONEY

OLIVE·CUSHING·DWINELL

THE STORY OF OUR MONEY

THE STORY OF OUR MONEY

Or

OUR CURRENCY AND CREDIT—ITS SOURCES, CREATORS, CONTROL AND REGULATION OF VOLUME AND VALUE

AS SET FORTH IN QUOTATIONS FROM GREAT AMERICAN HISTORIC FIGURES AND STATE PAPERS, WRITINGS, LETTERS, HISTORIANS, CONGRESSIONAL RECORDS, SUPREME COURT DECISIONS AND AUTHORITIES

By

OLIVE CUSHING DWINELL

SECOND EDITION

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"The subject of money is disposed of by the United States Constitution with extreme brevity. It is as follows:

> 'Article 1, Section 8, clause 5: The Congress shall have power to coin money, regulate the value thereof and of foreign coin.'

"This provision gives to Congress the exclusive right to do three things. These rights are of equal importance. (1) The right to coin money, and the denial of that right to the states or to individuals is unquestioned; (2) The right of Congress to regulate the value of domestic money, and (3) foreign coin, and the denial of that right to the states or to individuals is equally beyond question."

FREDERICK RAPHAEL BURCH

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Version 3
March 18, 2019

★FIFTIETH ANNIVERSARY EDITION★

THE
Federal Reserve System

PURPOSES AND FUNCTIONS

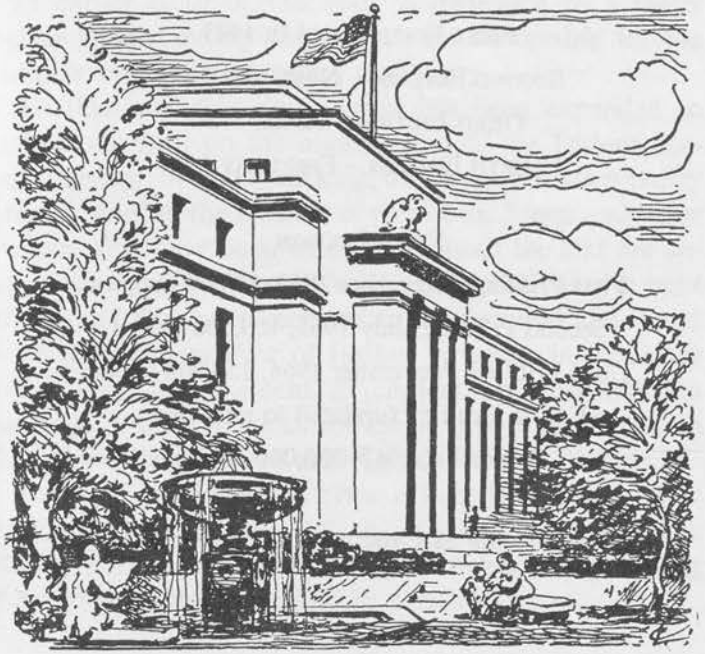
50th Anniversary Edition

The Federal Reserve System

1913 ★ 1963

THE
Federal Reserve System

PURPOSES AND FUNCTIONS



BOARD OF GOVERNORS
of the Federal Reserve System
Washington, D. C., 1963

Partially Scanned Material

Version 3
March 18, 2019

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 18,906

Jerome Daly,
Appellant,
v.
United States of America and Raymond H. Ehlers, Revenue Agent, Internal Revenue Service,
Appellees.

Appeal from the United States District Court for the District of Minnesota.

[April 11, 1968.]

Before MATTHES and LAY, Circuit Judges, and BECKER, Chief District Judge.

LAY, Circuit Judge.

Appellant appeals a judgment finding him in contempt arising out of his alleged refusal to comply with the District Court's order enforcing the Internal Revenue Service's administrative summons and their right to interrogate under Int. Rev. Code of 1954, § 7604(a).[1] Appellant

1 Section 7604(a) reads as follows:

"(a) Jurisdiction of district court.—If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data."

Section 7402(b) is essentially identical.

alleges (1) that he was not served with proper process and therefore the District Court was without jurisdiction over his person; (2) that he was denied a proper hearing below; (3) that his objections to the interrogation should be sustained because of various constitutional claims, including his privilege not to incriminate himself.[2] We reverse and remand the case to the district court for a plenary hearing on appellant's objections.

The chronology of events reflects that on July 21, 1966, a revenue agent issued and served appellant a summons pursuant to §§ 7602 and 7603 of the Internal Revenue Code of 1954, requesting him to appear to give testimony and to produce various documents. Daly appeared, but he refused to be sworn to give testimony with respect to his income tax liabilities for 1965 for reasons hereafter discussed. On December 1, 1966, the United States Attorney filed a "Petition to Enforce Internal Revenue Summons" in the District Court of Minnesota along with a copy of the summons, the agent's affidavit and Daly's income tax return. The latter was an income tax return for the year 1965 with only Daly's name and occupation (lawyer and farmer) inscribed thereon. It was otherwise blank. Attached was Exhibit "A" which was a memo containing appellant's constitutional objection to the income tax, as well as his memorandum attacking the constitutionality of the Federal Reserve system.

On December 2, 1966, the District Court entered an order requiring Daly to appear before the court on the

2 In the trial court appellant alleged that § 7604 was unconstitutional. He does not raise this here. However, we note that the United States Supreme Court has now removed all doubt. The Court recently held that § 7604 does not *per se* violate the Fourth or Fifth Amendment, even though the summons may be used to obtain information for a subsequent criminal prosecution. *Justice* v. *United States*, 36 U.S.L.W. 3339, March 5, 1968.

28th of December, 1966, and to show cause why he should not be compelled to obey the Internal Revenue summons served on July 21, 1966. On December 6, 1966, Daly admitted service of the order but therein recited that he was appearing specially and that he objected to the jurisdiction of the court over his person. Thereafter, the court entered an order which singularly recites that Daly appear for examination on January 6, 1967, at St. Paul, Minnesota, pursuant to §§ 7602, 7603 and 7604(a). *Daly did not appeal this order.*

On January 6, 1967, Daly appeared at the appointed time and place, and again objected to the jurisdiction of the District Court and the order dated December 28, 1966, and then was duly sworn. He then stated:

> "Now, in view of United States statutes 26, United States Code, Internal Revenue Code, Section 7202 and 7203—well, Chapter 75 of 26 United States Code, 7201 through 7212, including but not limited to Section 1918(b) of Title 28, Section 7207 of Title 26, Section 6531 of Title—no, strike that.
>
> "In the face of those criminal statutes, I am going to refuse to answer the question that you asked me, Mr. Ehlers, upon the grounds that it infringes upon my rights as secured by the Constitution of the United States; and more specifically the fourth, fifth and sixth amendments thereof."

Thereafter he repeated the same objection to a series of questions concerning his income tax records.

The revenue agent filed an affidavit on January 26, 1967, reciting the events of January 6, 1967. On March 20, 1967, the court entered an order to show cause why appellant should not be adjudged in contempt for refusal to comply with the order entered December 28, 1966. Appellant was ordered to appear on March 27, 1967, before the District

Court. On that date the parties appeared and appellant was given twenty days in which to submit a brief. Appellant argues that no hearing was held.

On May 3, 1967, the District Court entered findings of fact and conclusions of law and adjudged appellant in contempt, directing that appellant be arrested and confined until such time that he complied with the court's order entered December 29, 1966.

Appellant challenges the jurisdiction of the court over his person on the grounds that he was not properly served with a summons under Rule 4(a) of the Federal Rules of Civil Procedure. Jurisdiction of the District Court was invoked by service upon the appellant by an order to show cause. Cf. *Beatty* v. *United States*, 227 F.2d 350 (8 Cir. 1955); *Wild* v. *United States*, 362 F.2d 206 (9 Cir. 1966).

The Supreme Court has stated that an action under § 7604(a) is clearly an adversary proceeding where a hearing is based upon issues formed by the filing of a proper complaint and answer. *United States* v. *Powell*, 379 U.S. 48, 58 (1964); *Reisman* v. *Caplin*, 375 U.S. 440, 446 (1964). As pointed out in *Powell*, in the absence of specific procedures set forth under § 7604(a) as under § 7604(b), the Federal Rules of Civil Procedure are generally applicable. See also *United States* v. *McKay*, 372 F.2d 174 (5 Cir. 1967); *Wild* v. *United States*, supra; *Kennedy* v. *Rubin*, 254 F.Supp. 190 (N.D. Ill. 1966) [allowing pre-trial discovery practice under § 7604(a)]. See also 7 Moore's Federal Practice, ¶ 81.01[6], p. 4413, discussing the Committee's notes of 1946 to Amended Subdivision (a) (3) of Rule 81. Except when expressly authorized by statute summary procedures are to be substituted for plenary actions only in narrowly defined special situations. See *New Hampshire Fire Ins. Co.* v. *Scanlon*, 362 U.S. 404, 406-8 (1960); *Application of Howard*, 325 F.2d 917 (3 Cir. 1963); 2 Moore's Federal Practice ¶ 3.04 at p. 714.

In the instant case, although the order to show cause did not specify the normal 20 days for appellant's response (Fed. R. Civ. P. 12(a)), nevertheless, it was served 22 days before the hearing ordered. No argument has been made at any time that appellant has been prejudiced, only that he was technically not given a proper summons. Although, it would seem advisable in future cases for the government to comply with Fed. R. Civ. P. 3 and 4, under the circumstances it seems reasonable to say appellant received sufficient notice to be within the confines of "appropriate process" and that the district court's jurisdiction was properly invoked. Cf. *In re Wolrich*, 84 F.Supp. 481 (S.D. N.Y. 1949); *Long Beach Federal Savings and Loan Assoc.* v. *Federal Home Loan Bank Board*, 189 F.Supp. 589, 596 (S.D. Cal. 1960); *Federal Maritime Commission* v. *Transoceanic Terminal Corp.*, 252 F.Supp. 743, 746 (N.D. Ill. 1966); *Walling* v. *Moore Milling Co.*, 62 F. Supp. 378, 381-82 (W.D. Va. 1945).[3]

However, we need not decide that precise question here. Appellant raised his special appearance before the trial court at the time of the original hearing on his enforcement order. The court overruled all of his objections including his jurisdictional claim and entered an order requiring his appearance to answer the agent's questions. Appellant discussed the question of appeal at that time with the court. His actions demonstrate that he chose to appear at the time set for the interrogation and he did not appeal. The order of the trial court in enforcing the

[3] See also 26 U.S.C. § 7402(a) which reads: "The district court's . . . jurisdiction to make and issue in all civil actions . . . orders and processes . . . as may be necessary or appropriate for the enforcement of the internal revenue laws." Tit. 26 U.S.C. § 7402(a).

summons of the revenue agent became an appealable order upon its proper entry. See *Reisman* v. *Caplin,* supra. The order entered was similar to a final judgment in any other case. Appellant's defenses, including the jurisdictional question, which went to the validity of the overall enforcement order were fully tried in this original hearing before Judge Lord. In the contempt proceeding, from which this appeal is filed, appellant attempts to collaterally attack the original enforcement order. He cannot do this. His jurisdictional claim has been adjudicated and the doctrine of res judicata applies. *Baldwin* v. *Iowa State Traveling Men's Assoc.,* 283 U.S. 522 (1923); *Durfee* v. *Duke,* 375 U.S. 106 (1963); see also Restatement, Judgments § 9 (1942). And although the contempt proceedings required the court to review the specific objections raised to the questions asked by the revenue agent, it was then too late to reach back and rely upon the jurisdictional claim he had abandoned. The door was closed. As Mr. Justice Jackson has stated: ". . . when [the order] has become final disobedience cannot be justified by retrying the issues as to whether the order should have issued in the first place." *Maggio* v. *Zeitz,* 333 U.S. 56 at 69 (1948).

We turn now to appellant's claim that he was denied a proper hearing.

In *Shillitani* v. *United States,* 384 U.S. 364, 370-71 (1966), Mr. Justice Clark, in discussing civil contempt proceedings, states:

> "The conditional nature of the imprisonment . . . justifies holding civil contempt proceedings absent the safeguards of indictment and jury . . . *provided that the usual due process requirements are met.*" (Emphasis ours).

Due process under these circumstances demands a plenary hearing. However, the problem we face is that

it is extremely doubtful whether appellant did not actually waive his right to such a hearing.[4] However, it is also clear the government has not elected, nor would it be possible for it to do so, to proceed summarily with attachment against the appellant under § 7604(b). See *Reisman* v. *Caplin,* supra at 448 (1964); *United States* v. *Kulukundis,* 329 F.2d 197, 199 (2 Cir. 1964). The Supreme Court points out in *Reisman,* 375 U.S. at 448, n. 8, that this Circuit has erroneously applied § 7604(b) to situations where the taxpayer appears and makes a good faith challenge to the proceeding. See e.g., *Sale* v. *United States,* 228 F.2d 682 (8 Cir. 1956) and *Bouschor* v. *United States,* 316 F.2d 451 (8 Cir. 1963). In the instant case, the first time the trial court had an opportunity to review the merits of the specific objections was on March 27, 1967. Yet neither the court's findings of fact nor conclusions of law pass upon the merits of the questions, objections or the proceedings themselves. Cf. *D. I. Operating Co.* v. *United States,* 321 F.2d 586 (9 Cir. 1963). See also *Reisman* v. *Caplin,* supra at 449. The court's finding of fact simply reads:

> "Except to state his name, address, occupation, marital status, Social Security number and age, Jerome Daly refused to comply with said order of Court by

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4 The original transcript, not furnished us by either party, reveals that on March 27, 1967, the date set for the hearing, the following took place:

"MR. LANGE: Your Honor, the Government submitted all of its authority by memorandum, and other than restating our position this morning, that we feel the defendant is in contempt of court for refusing to answer on January 6th pursuant to this Court's order, we request that the Court find the defendant in contempt and take appropriate remedies pursuant to that order.

"THE COURT: Do you wish to make any oral response to that now, or would you like to do it by way of briefs?

"MR. DALY: Well, I just want the record to show that I am continuing in my special appearance. I take the position that there has been no action started against me and this Court has no jurisdiction.

"Now, I haven't had a chance to file a brief, and I would like an opportunity to file one.

"THE COURT: How long do you want?

"MR. DALY: I will submit it on a brief in 20 days."

> refusing to answer every question put to him. The testimony of Jerome Daly upon his examination by Revenue Agent Ehlers was recorded by an official United States court reporter and is a part of the record in this case."

The government urges that appellant's basic claim is not the fear of self-incrimination, but a quixotic contention that the Federal Reserve system is unconstitutional. Based upon appellant's argument and his brief originally filed with the revenue agent, we are inclined to agree. And we would agree that if this be his grounds for invoking the privilege, then appellant's claim is frivolous on its face. Cf. *Swallow* v. *United States,* 325 F.2d 97 (10 Cir. 1963). However, a full hearing and determination could perhaps have brought into focus the specific reasons for the objection appellant raises. At the interrogation appellant did raise specific objection and claimed the Fifth Amendment privilege against self-incrimination with regard to each question. Perhaps the lower court summarily dismissed these objections under *Sullivan* v. *United States,* 274 U.S. 259 (1927). It is true appellant's blanket objection filed with his income tax return is not valid under *Sullivan* as recently reaffirmed in *Albertson* v. *SACB,* 382 U.S. 70 (1965); *Grosso* v. *United States,* 36 U.S.L.W. 4150, 4151 (Jan. 29, 1968); *Marchetti* v. *United States,* 36 U.S. L.W. 4143, 4146 (Jan. 29, 1968). However, this is not the issue before us.

Even *Sullivan* indicates that certain specific questions may bring into play the proper assertion of the privilege. 274 U.S. at 263. However, to avoid appellant's later disillusionment, we note it is clear he cannot assert the privilege to every question asked by the examiner, most of which are innocuous on their face. Cf. *In re Turner,* 309 F.2d 69 (2 Cir. 1962). There exist specific guidelines

for the court to follow upon proper inquiry. See *Sullivan* v. *United States,* supra; *Hoffman* v. *United States,* 341 U.S. 479 (1951); *Malloy* v. *Hogan,* 378 U.S. 1 (1964); *Albertson* v. *SACB,* supra; *Grosso* v. *United States,* supra; *Marchetti* v. *United States,* supra. As stated in *Marchetti* v. *United States,* 36 U.S.L.W. at 4147:

> "The central standard for the privilege's application has been whether the claimant is confronted by substantial and 'real,' and not merely trifling or imaginary, hazards of incrimination. *Rogers* v. *United States,* 340 U.S.367, 374; *Brown* v. *Walker,* 161 U.S. 591, 600."

At least a proper hearing should make inquiry upon the individual questions involved. It would seem realistic to say that such a hearing might quickly dispel any of the present taxpayer's false concepts of the privilege. The court could explain the purpose of the privilege, and make clear that the witness is not the "final arbiter," and that it is for the court to determine whether his silence is justified. *Albertson* v. *SACB,* supra at 79. That as criteria for the court to make such a determination *as to each question,* it must be "evident from the implications of the question, in the setting in which it [was] asked, that a responsive answer to the question or an explanation of why it [could not] be answered might be dangerous because injurious disclosure could result." *Hoffman* v. *United States,* supra at 486-87. When the court overrules a taxpayer's specific objection, the court could explain his reason, thereby giving the taxpayer an opportunity to reconsider his response.

Despite appellant's neglect in not requesting an oral hearing, where imprisonment may be the ultimate consequence of the court's action, where there is not a contumacious refusal to comply with the agent's subpoena, and where the lower court's reasons for his order are not

set forth, we feel compelled to remand the case for a plenary hearing before the trial court.

However, it should be clear that the hearing on remand should be limited to appellant's objections to the questions propounded to him on January 6, 1967, by the revenue agent. Appellant has now waived any overall objections to the enforcement order, such as his claimed unconstitutionality of the Federal monetary system and of the internal revenue laws in general. His failure to appeal from the enforcement order of December 28, 1966, waives all but the objections to the specific questions involved. *Maggio* v. *Zeitz,* supra; *McComb* v. *Jacksonville Paper Co.,* 336 U.S. 187 (1949).

The order is vacated and the cause remanded to the district court for further hearing.

A true copy.

Attest:

Clerk, U. S. Court of Appeals, Eighth Circuit.

42174

Dfts' EXHIBIT 8 Marge Knudson Reporter

IN THE

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 17,683

CIVIL

W. FRANK HORNE, LEO ZURN, JOAN VAN POPERIN, WILLIAM McNEELY, P. A. DEL VALLE, JOHN DOE AND RICHARD ROE *Appellants*

VS.

FEDERAL RESERVE BANK OF MINNEAPOLIS, FIRST NATIONAL BANK OF ST. PAUL AND COMMERCIAL STATE BANK, ST. PAUL, NORTHWESTERN NATIONAL BANK, MINNEAPOLIS, LYNDON B. JOHNSON, PRESIDENT, UNITED STATES, DOUGLAS DILLON, SECRETARY, U. S. TREASURY, AND UNITED STATES OF AMERICA *Appellees*

APPEAL FROM THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA, THIRD DIVISION

APPELLANTS' REPLY BRIEF

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IN THE

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No. 17,683
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W. FRANK HORNE, LEO ZURN, JOAN VAN POPERIN, WILLIAM MCNEELY, P. A. DEL VALLE, JOHN DOE AND RICHARD ROE *Appellants*

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APPEAL FROM THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA, THIRD DIVISION

APPELLANTS' REPLY BRIEF

I.

Do appellants have the requisite standing to bring this action?

Proceedings by which the Federal Constitution of the United States arose appear without dispute as follows:

Congress, at its first two meetings, in September of 1774

and May of 1775, was nothing more than a deputation from the legislatures of the several provinces afterwards states; and had no other authority than what arose from common consent, and the necessity of its acting as a public body. In everything which related to the public internal affairs of America, Congress went no further than to issue recommendations to the several provincial assemblies, who at discretion adopted them or not. With the Declaration of Independence EVERY AMERICAN, INDIVIDUALLY OR BY REPRESENTATION, is the High and Supreme Sovereign Authority. See *Rights of Man* by Thomas Paine, Chapter IV on Constitutions.

After the Declaration of Independence, it became consistent with the principle on which representative government is founded, that the authority of Congress should be defined and established.

For the purpose of forming an advisory congress, the act, called the Act of Confederation, which was a sort of imperfect Federal Constitution was proposed and after a long deliberation was concluded in the year 1781. It was not the act of congress because it is repugnant to the principles of representative government that a body should give power to itself. Congress first informed the Federal states of the powers which it conceivably were necessary to be invested in the union, to enable it to perform the duties and services required from it; and the states severally agreed with each other and concentrated in Congress those powers.

It may not be improper to observe that in both instances between the states and the United States, there is no such thing as the idea of a compact between the people on one side and the government on the other. The compact was that of the people with each other to produce and constitute a government. To suppose that any government can

be a party to a compact with the whole people, is supposing it to have an existence before it can have a right to exist. The only instance in which a compact can take place between the people and those who exercised the government, is, that the people shall pay them, while they choose to employ them.

Government is not a trade which any man or body of men has a right to set up and exercise for his own emolument or of any special interest, but is altogether, a trust, in right of those by whom a trust is delegated, and by whom it is always resumable. It is of itself no rights; they are altogether duties.

A constitution is the property of the nation and more specifically of the individual, and not of those who exercised the government. All of the constitutions of America are declared to be established in the authority of the people.

The authority of the constitution is grounded upon the absolute God-given free agency of each individual; and this is the basis of all powers granted, reserved or withheld in the authorization of every word, phrase, clause and paragraph of the constitution. Any attempt of the President, the Congress or the Courts to limit, change or enlarge even the most insignificant provision is therefore ultra vires and void ab initio.

When considering the American constitution, one must completely clear his mind of all British, Monarchial, Papal, Clergical, Continental, or other alien conceptions of government, the rights of the individual, and what is constitutional. Our constitution stands absolute and alone. It must be read with the Declaration of Independence and more specifically with the following clause in the Declaration of Independence, "We hold these truths to be self-evidence; that all men are created equal; that they are endowed by their

creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." The fact that we are bound by oath to uphold, maintain and support the Constitution of the United States requires that it be given the certainty of scripture.

The Ninth and Tenth Amendments of the Constitution of the United States incorporate the Declaration of Independence into the Constitution of the United States. Every infringement upon the natural and civil rights of the individual not authorized by the Constitution of the United States and the laws of the United States WHICH SHALL BE MADE IN PURSUANCE THEREOF, is unlawful, unconstitutional and void.

How then can it be said that an American citizen is without right to question the validity of any act of government involving his constitution?

Appellees take the position that plaintiffs as citizens and taxpayers lack standing to bring this suit in the District Courts of the United States.

See *American Jurisprudence* Volume II, Section 335:

> "The right of property is a fundamental, natural, inherent, and alienable right. It does not owe its origin to the constitutions which protect it for it existed before then."
>
> "The right of property is very broad and embraces practically all incidence which property may manifest. Within this right are included the right to acquire hold, enjoy, possess, use, manage, insure and improve property."

The complaint alleges that the banks are unconstitutionally and unlawfully coining and creating money upon their own books by which they are acquiring United States se-

curities as a result of which the people appear to be indebted to the bankers in the sum of 1.5 trillion dollars. The income tax and other taxes levied and assessed against the individual to pay this indebtness become and are a first lien upon all personal and real property of plaintiffs. How therefore can it be said in this case that plaintiffs do not have the requisite standing in which to contest this activity upon the part of the banks? If plaintiff taxpayers do not have the right to question this, who does? Is this not protecting their property rights by bringing a taxpayer's suit? Bearing in mind that all rights, civil and natural, stem from the people and that the Government of the United States only has such authority to legislate upon and construe these rights as is granted to the government by the people's constitution. The Tenth Amendment is extremely clear:

> "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Amendment IX is equally as clear:

> "The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Where in the Constitution of the United States does it say that a citizen or taxpayer cannot institute a representative's suit to invoke the interposition of the courts to prevent by injunction and declaration such an illegal disposition of public money, which he in common with other taxpayers will be compelled to pay in the form of increased taxes? Minnesota, along with almost every other state in the union, recognizes the right of a taxpayer to petition the courts for relief to protect his property right as a natural and civil right.

There is nothing in the Constitution of the United States which restricts this right. On the contrary judicial power of the United States is vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish, Article III, Section 1, Article III, Section 2 extends:

> "The judicial power shall extend to all cases, in law and equity, arising under this constitution, and the laws of the United States made under its authority."

It also extends the judicial power of the United States to all cases and controversies to which the United States shall be a party. It is to be noted that it extends a judicial power without reservation to all cases. It does not except cases brought by citizens and taxpayers on their own behalf. Neither the courts nor Congress have any right to limit the judicial power of the United States the people having extended it to all cases in law and equity arising under the constitution. It is to be noted in the preamble that the Constitution of the United States is ordained for the purpose of establishing justice not to circumscribe, limitate or disestablish justice.

This government was formed and established to protect and do away with the abuses of the King of Great Britain in extending an unwarranted jurisdiction over the people of the United States. It is interesting to note the particular indictments against King George III in the Declaration of Independence:

> "He obstructed the administration of justice by refusing to assent to laws for establishing judiciary powers. He has erected a multitude of new offices, and sent hither swarms of offices to harass our people and eat out of their substance. He has refused to assent to laws, the most wholesome and necessary for the public good."
>
> "He has combined with others to subject us to a jurisdiction foreign to our constitution unacknowledged by our laws; giving his assent to their acts of pretended legislation. For taking away our charters, abolishing our most valuable laws and altering fundamentally the forms of our government. For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever."

With ever increasing frequency these complaints are becoming applicable to the government of the United States.

In what provision of the Constitution of the United States or any law made pursuant thereto can it be said that the appellees can take the position a citizen and taxpayer of the United States does not have a right to bring an action regarding the disposition of his tax money especially in view of the fact taxation leaves him flat broke at the end of the taxable year?

A case directly in point is *Cohens v. Virginia,* 6 Wheaton 264, 1821 where it is quoted as follows:

> "Marshall, C. J. . . . 1st. The first question to be considered is, whether the jurisdiction of this Court is excluded by the character of the parties, one of them being a State, and the other a citizen of that State. The second section of the third article of the constitution defines the extent of the judicial power of the United States. Jurisdiction is given to the Courts of the Union, in two classes of cases. In the first, their jurisdiction depends on the character of the cause, whoever may be the parties. This class comprehends 'all cases in law and equity arising under this constitu-

> tion, the laws of the United States, and treaties made, or which shall be made, under their authority.' This clause extends the jurisdiction of the Court to all the cases described, without making in its terms any exception whatever, and without any regard to the condition of the party. If there be any exception, it is to be implied against the express words of the article. In the second class, the jurisdiction depends entirely on the character of the parties. In this are comprehended 'controversies between two or more States, between a State and citizens of another State,' and 'between a state and foreign States, citizens or subjects.' If these be parties, it is entirely unimportant what may be the subject of controversy. Be it what it may, these parties have a constitutional right to come into the courts of the Union. . . ."

Among civil rights for the protection of life, liberty and property is the right to prosecute and defend actions in the courts of the commonwealth according to the established rules of practice. See *State v. Powers,* 17 At. 969, 51 N.J.L. 432.

Appellees in Section I of their argument do not base any of the arguments upon the Declaration of Independence, the Rights of the Individual or upon the Constitution of the United States. Their argument is based entirely upon case law, which is only binding upon the immediate parties to that case. The facts in each and every case cited by appellees are completely separate, distinguished, and unrelated from the facts in the case at bar.

In this case these defendant banks are acquiring bonds with money unlawfully created upon their own books all without consideration. The product of this activity is the national debt, which amounts to approximately ten thousand dollars to each person residing in the United States,

and, therefore, results as a direct attack upon each taxpayer's property and pocketbook. Can it be said, that a citizen left flat broke, stripped of his money after paying income taxes, does not have a sufficient interest to enable him to maintain a suit to set aside the said United States securities and enjoin an alleged unlawful use of such monies upon the fact situation in this case bearing in mind that the complaint must be looked upon in the light most favorable to the plaintiffs? Who could possibly have a superior interest in the expenditures of tax money than the taxpayer himself? See *American Jurisprudence* Volume 52, Taxpayers' Actions, Section 10, Derivative Nature of Proceedings where it is quoted:

> "If a taxpayer is permitted to maintain a taxpayer's suit, it is not in his individual right, but as the representative of the district whose interests are alleged to be jeopardized by the inefficiency or maladministration of its officers, and he has no other or higher right than the district or municipality itself could claim if the action were prosecuted in its name, and hence, he can maintain the action only in cases where the district or municipality itself could do so. The derivative nature of the action is brought out forcibly in the rationale of the theory by which taxpayers are maintainable as being analogous stockholders' suits, and by the usual requirement that antecedent demand be made upon the prosecuting official of the public body to enforce the claim of such public body."

See the cases cited.

The interest that a citizen has in the government of the United States is usually stronger and more ardent than the interest stockholders have in the corporation in which they hold stock in that most stockholders never go and vote

at stockholder's meetings while most citizens and taxpayers do vote at elections.

It is also not unworthy of note that Article I of the Bill of Rights provides:

> "Congress shall make no law prohibiting the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This right to petition the Government is not limited to any one department of the Government and includes the right to petition the judicial branch of the Government of the United States for a redress of grievances. We are here now in this court peaceably assembled petitioning the judicial branch of the Government of the United States for a redress of grievances having in mind that the judicial power is extended to all cases without reservation in law and in equity arising under the constitution and the laws made in pursuance thereof. The arguments of appellees that plaintiffs do not have the requisite standing to bring this action as citizens and taxpayers in their own behalf and representing the people of the United States falls pointless to the ground. Appellants stand squarely upon the Constitution of the United States. Appellees do not because they cannot.

See the case of *Marbury v. Madison*: Chief Justice John Marshall for the Supreme Court, 1803, which is quoted in part as follows:

> "In the order in which the court has viewed this subject, the following questions have been considered and decided:
>
> 1. Has the applicant a right to the commission he demands?

> 2. If he has a right, and that right has been violated, do the laws of his country afford him a remedy?
>
> 3. If they do afford him a remedy, is it a mandamus issuing from this court?. . .
>
> The first object of enquiry is,
>
> Has the applicant a right to the commission he demands? . . .
>
> It is therefore decidedly the opinion of the court, that when a commission has been signed by the President, the appointment is made; and that the commission is complete, when the seal of the United States has been affixed to it by the secretary of state. . . .
>
> Mr. Marbury, then, since his commission was signed by the President, and sealed by the secretary of state, was appointed; and as the law creating the office, gave the officer a right to hold for five years, independent of the executive, the appointment was not revocable; but vested in the officer legal rights, which are protected by the laws of his country.
>
> To withhold his commission, therefore, is an act deemed by the court not warranted by law, but violative of a vested legal right.
>
> This brings us to the second enquiry: which is,
>
> If he has a right, and that right has been violated, do the laws of his country afford him a remedy? . . .
>
> The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.
>
> By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. . . .

The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the President, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy. . . .

It is, then, the opinion of the Court,

1. That by signing the commission of Mr. Marbury, the President of the United States appointed him a justice of peace, for the county of Washington, in the district of Columbia; and that the seal of the United States, affixed thereto by the secretary of state, is conclusive testimony of the verity of the signature, and of the completion of the appointment; and that the appointment conferred on him a legal right to the office for the space of five years.

2. That, having this legal title to the office, he has a consequent right to the commission; a refusal to deliver which, is a plain violation of that right, for which the laws of his country afford him a remedy. . . .

This, then, is a plain case for a mandamus, either to deliver the commission, or a copy of it from the record; and it only remains to be inquired whether it can issue from this court.

The act to establish the judicial courts of the United States authorizes the Supreme Court 'to issue writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed, or per-

sons holding office, under the authority of the United States.'

The secretary of state, being a person holding an office under the authority of the United States, is precisely within the letter of the description; and if this court is not authorized to issue a writ of mandamus to such an officer, it must be because the law is unconstitutional and therefore absolutely incapable of conferring the authority and assigning the duties which its words purport to confer and assign.

The Constitution vests the whole judicial power of the United States in one supreme court and such inferior courts as Congress shall, from time to time, ordain and establish. This power is expressly extended to all cases arising under the laws of the United States and, consequently, in some form, may be exercised over the present case because the right claimed is given by a law of the United States.

In the distribution of this power it is declared that 'the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, the Supreme Court shall have appellate jurisdiction.'

It has been insisted, at the bar, that as the original grant of jurisdiction, to the supreme and inferior courts, is general, and the clause, assigning original jurisdiction to the Supreme Court, contains no negative or restrictive words, the power remains to the legislature, to assign original jurisdiction to that court, in other cases than those specified in the article which has been recited, provided those cases belong to the judicial power of the United States.

If it had been intended to leave it in the discretion of the legislature to apportion the judicial power between the supreme and inferior courts according to the will of that body, it would certainly have been useless to have proceeded further than to have defined

the judicial power and the tribunals in which it should be vested. The subsequent part of the section is mere surplusage—is entirely without meaning—if such is to be the construction. If Congress remains at liberty to give this court appellate jurisdiction, where the Constitution has declared their jurisdiction shall be original, and original jurisdiction where the Constitution has declared it shall be appellate, the distribution of jurisdiction, made in the Constitution, is form without substance.

Affirmative words are often, in their operation, negative of other objects than those affirmed; and in this case, a negative or exclusive sense must be given to them, or they have no operation at all.

It cannot be presumed that any clause in the Constitution is intended to be without effect; and, therefore, such a construction is inadmissible, unless the words require it. . . .

The authority, therefore, given to the Supreme Court by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the Constitution; and it becomes necessary to inquire whether a jurisdiction, so conferred, can be exercised.

The question whether an act, repugnant to the Constitution, can become the law of the land is a question deeply interesting to the United States but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on which they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it or that the legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and. like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.

Certainly, all those who have framed written constitutions contemplate them as forming the fundemantal and paramount law of the nation, and, consequently, the theory of every such government must be, that

an act of the legislature repugnant to the Constitution is void.

This theory is essentially attached to a written constitution and is, consequently, to be considered, by this court, as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.

If an act of the legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow, in fact, what was established in theory and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

It is, emphatically, the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

So if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle that the Constitution is to be considered, in court, as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution would of itself be sufficient, in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the Constitution of the United States furnish additional arguments in favor of its rejection.

The judicial power of the United States is extended to all cases arising under the Constitution. Could it be the intention of those who gave this power to say that, in using it, the Constitution should not be looked into? That a case arising under the Constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained.

In some cases, then, the Constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

There are many other parts of the Constitution which serve to illustrate this subject. It is declared that 'no tax or duty shall be laid on articles exported from any state.' Suppose a duty on the export of cotton, or tobacco, or of flour; and a suit instituted to recover it. Ought judgment to be rendered in such a case? Ought the judges to close their eyes on the Constitution and only see the law?

The Constitution declares that 'no bill of attainder or *ex post facto* law shall be passed.' If, however, such a bill should be passed and a person should be prosecuted under it, must the court condemn to death those victims whom the Constitution endeavors to preserve?

'No person,' says the Constitution, 'shall be convicted of treason, unless on the testimony of two witnesses to the same *overt* act, or on confession in open court.' Here the language of the Constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change that rule and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?

From these, and many other selections which might be made, it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of *courts* as well as of the legislature.

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies, in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature is completely demonstrative of the legislative opinion on this subject. It is in these words: 'I do solemnly swear that I will administer justice, without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as, according to the best of my abilities and understanding, agreeably to the Constitution, and laws of the United States.'

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? If it is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.

It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void and that courts, as well as other departments, are bound by that instrument.

The rule must be discharged."

II.

Is the United States Government a proper party in which the court has jurisdiction over in this case?

The foregoing argument is referred to as though herein set out in full.

28 U.S.C. limiting the cases in law and equity arising out of the Constitution in which the United States shall be a party is unconstitutional.

Congress does not have the right to pass a law limiting the cases which may be brought before the judicial department of the Government of the United States unless the Constitution of the United States gives Congress the right to pass such a law.

Where in the Constitution of the United States is there

authority to pass such a law limiting jurisdiction of the court to controversies to which the United States shall be a party?

On the contrary, Article VI of the *United States Constitution* provides:

> "That this constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land."

In pursuance of what constitutional provision were the foregoing named statutes passed? Appellants are unable to find any constitutional provision upon which such statutes may be based. On the contrary, the above statutes appear to be repugnant to the Constitution of the United States. See Article III, Section 2:

> "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States."

Further:

> "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States—; to controversies to which the United States shall be a party."

See Article I of Amendments to the Constitution of the United States:

> "Congress shall make no law prohibiting the right of the people peaceably to assemble, and petition the government for a redress of grievances."

We are here in this court peaceably assembled petitioning the judicial part of the Government of the United States for a redress of grievances. The above cited statutes are

repugnant to this Article of the Constitution of the United States and, therefore, are void.

If, and only if, the Constitution of the United States stated:

> "The judicial power shall extend to all cases, in law and equity, arising under this constitution, and the laws made in pursuance thereto and to controversies in which the United States shall be a party with such exceptions and under such regulations as the Congress shall make;"

then it would be a different matter. But in Article III there is no such exception and the Congress of the United States has no right to make such an exception without a constitutional amendment bearing in mind that all sovereign power resides in the people and that the Government of the United States is without authority to alter or limit the rights of the people or an individual unless the United States Government is expressly given that right by the Constitution of the United States. The theory that the sovereign cannot be sued in its own courts without its consent and permission is a theory applicable only to kings, monarchs, despots and dictators. The trouble with such a line of reasoning on the part of the courts and Congress is that they are looking the wrong way for sovereignty.

It is to be noted that this is a republic which we live in and not a democracy. A republic is a democracy with a built-in legal device to protect the individual from the tyranny of the majority. The United States of America is a constitutional republic. The United States Constitution frames the most finely adjusted and balanced republic ever devised.

"The Ninth Amendment to the Constitution of the

United States announces and acknowledges in a single sentence that (1) the individual, and not the State, is the source and basis of our social compact and that sovereignty now resides, has always resided and always will reside in the individual; (2) that our Government exists through the delegation by the individual of a portion of his governmental powers based upon his naturally endowed and inherent rights; (3) that every one of the people of the United States retains his sovereignty and with it a residue of individual rights and liberties which have never been, and which never can be surrendered to the state, but which are still to be recognized, protected and secured; and (4) that individual liberty and rights are inherent, and that such rights are not derived from the Constitution, but belong to the individual by natural endowment."

If the rights of the individual are not recognized and protected then we do not have a constitutional republic but a monarchical democracy such as exists in Great Britain.

The Federal Reserve System is admittedly a privately owned system. They are catching on; this is a suit to completely eliminate the nefarious activities of this privately owned Federal Reserve monopoly in coining money and regulating its value. This Federal Reserve System amounts to a direct interference with public administration, an abomination before God and a curse on our people. Congress has the power to coin and create money and regulate its value and need not depend upon the Federal Reserve System for any purpose. This is not a suit against the operations of the United States Government as such, This is a suit in favor of the Government and its people. The United States Government would operate much more efficiently if it coined and created its own money and regulated the value thereof itself rather than delegate this power to a select

monopoly of shylocks who are now coining unconstitutional fiat Federal Reserve one dollar bills. This is a case which comes within the scope of the judicial power of the United States as set out by Article III and is a controversy in which the United States is definitely a party. Every case cited by appellees in their brief are all distinguishable upon their facts. This Federal Reserve System constitutes an interference with the public administration and a nuisance as defined by common law. The right to expand or contract the Nation's money and credit and to control the volume of it is in private hands. These private individuals can precipitate a depression at their whim. This power to coin money and regulate its value is specifically vested by the constitution in the hands of Congress. The control which must remain in the hands of Congress. The Congress cannot abdicate.

Once again, appellees show no constitutional basis for their argument. They cannot base their arguments upon the constitution or any law made pursuant to any provision of the constitution in order to sustain their position.

III.

Do plaintiffs Zurn and Van Poperin have a cause of action for damages because of loss in exchange of foreign currency?

The trial court made the finding that plaintiffs Zurn and Van Poperin were paid in Federal Reserve notes in exchange for foreign currency. There is no basis in the record for such a finding whatsoever. The record shows that plaintiff Zurn presented 363 dollars in Canadian Currency for exchange at the Foreign Exchange Department of defendant Northwestern National Bank of Minneapolis and that

he received in exchange therefor $4.87 lawful money of the United States as and for his return. There is no basis for finding or assuming that he received any more than this. The fact is that he did not so far as this record discloses.

The same is true for the plaintiff Van Poperin. She presented 287 dollars in Canadian Currency and for exchange received $4.76. The fact as disclosed by the record is that she did not receive any more than this. This presents a direct loss to plaintiffs in their individual capacity.

The Constitution, Article I, Section 8, Clause 5, provides:

> "The Congress shall have the power to coin money, regulate the value thereof and of foreign coin."

This means that the rate of exchange on foreign coin must be regulated by Congress by law. This power cannot be delegated to these private bankers and any delegation thereof is unconstitutional. The delegation thereof being unconstitutional the defendant bank is operating outside of the law and is directly amenable to suit for any loss sustained by plaintiffs Zurn and Van Poperin. The defendant Northwestern National Bank of Minneapolis is responsible in damages to plaintiffs Zurn and Van Poperin which directly resulted from its illegal activity.

Again, appellees do not rely upon any provision of the Constitution of the United States to sustain their position nor do they agree with the recognized rule that upon motion for summary judgment the facts stated in the complaint must be accepted in a light most favorable to the plaintiff. They merely say, so what? Nothing was deprived from Zurn or Van Poperin that is not being deprived from the public generally so they have no complaint.

IV.

Does the complaint present a justiciable controversy based upon constitutional grounds?

Article I, Section 8, Clause 5 of the *United States Constitution:*

> "Congress shall have the power to coin money and regulate the value thereof."

By Section 241 of 12 *United States Code Annotated* the Congress has unconstitutionally set up a Board of Governors of the Federal Reserve System and by Section 411 of the same code has unconstitutionally delegated the power to issue private bank notes to this Board of Governors of the Federal Reserve System for the purpose of supplying our nation's money, credit and currency. This surrendering of the right to issue the nation's money at the discretion of the Board of Governors of the Federal Reserve System is a surrender of the power to coin money and regulate the value thereof to the Board of Governors of the Federal Reserve System. In other words, the creation of money, the regulation of the amount in circulation and the regulation of its value is left solely in the hands of these private people. Congress cannot abdicate its legislative powers. The power to coin money and regulate its value is a legislative power placed by the constitution under the direct control of Congress.

Appellee United States Government cites several cases in its brief to the effect that the powers of Congress to charter banks authorized to issue bank notes and determine what shall constitute legal tender have been consistently recognized from the earliest days of the Republic. The case of *M'Culloch v. Maryland* holds that Congress has a right

as an implied power from Article I, Section 8, to incorporate a bank for the purpose of carrying on a business of banking. Not one case cited by appellees holds that Congress has the right to allow the said banks to coin money and regulate the value thereof or to determine what is legal tender or to issue bank notes. On the contrary, the case of *M'Culloch v. Maryland,* 4 Wheat. (17 U.S.) 316 states specifically:

> "Should Congress in the execution of its powers adopt measures which are prohibited by the constitution or should Congress under the pretext of executing its powers pass laws for the accomplishment of objects not entrusted to the Government it would become the painful duty of this tribunal should a case require such a decision come before it to say that such act was not the law of the land."

The entire Chapter Two, Title 12 of *United States Code Annotated* relating to national banks insofar as it permits national banks to coin money and regulate the value thereof and of foreign exchange is unconstitutional. The entire Chapter Three of Title 12 of *United States Code Annotated* under the heading of Federal Reserve System is unconstitutional in that it delegates the power to coin money and regulate the value thereof to the privately owned Federal Reserve System.

The legislative powers of Congress are delegatable.

The right of banks in coining and creating money on their own books and the constitutionality of bank money or directly in question.

> No one will deny that bank notes are intended, and in fact are, a substitute for money. Their necessity grows out of a deficiency of money. Congress has authority, which it derives from the constitution, to coin money and regulate the value thereof.

If authority exists anywhere to coin a substitute, it must rest with that branch of the Government authorized to coin the real. The very fact that congress delegates the power to banks, and the fact that banks claim to derive their power from congress, to issue paper substitutes for coin, are admissions that congress possessed the power, else how could it confer what it did not possess?

All the powers of congress are derived from the constitution, and if that instrument confers the power to coin money substitutes, it is implied in that clause conferring power to coin money. Has congress a right to delegate its control over the coinage of gold and silver to private corporations? If not, whence does it derive its authority to delegate to banking associations its control over coin substitutes? Congress could not grant the substitute prerogative to the banks unless it first possessed it. If it ever possessed it, it held it as a trust, to exercise for the benefit of the people as their agent. If it never possessed the substitute prerogative, it could not confer it upon banks, hence, they exercise a usurped power. If congress does possess the prerogative, it has no more right to delegate it than it has to delegate the power to coin money.

Is the right to issue, regulate and control the currency of the country a natural individual right, or a function of sovereignty?

If a natural individual right, is not the monopoly of it by the national banks in violation of the spirit of our republican form of Government which was instituted to protect all men in the full enjoyment of their natural rights, instead of depriving them of one of them?

If it is a function of sovereignty, how can it be exercised by any except such as are chosen by the sovereign people from time to time to exercise it?

If congress has a right to confer the monetary function of sovereignty upon a hereditary succession, has

it not the same right to dispose of any and all sovereign powers in the same manner?

The two great arms of national sovereignty are the purse and the sword; if it is wise to confer one upon a hereditary succession, why not dispose of the other in the same manner?

If it is safe to trust the monetary prerogative of the nation to the present generation of bankers and their heirs and assigns forever, without regard to fitness and qualification, why not trust the war power of the Government to the present generation of brigadiers, their heirs and assigns forever?

Viewed in its true light, is not the national banking system a long step towards the establishment of sovereignty based upon hereditary succession, is it not a big block wrenched from the temple of liberty and planted as the corner stone of imperialism, a powerful element of sovereignty crowned with the divine right of kings?

As the Federal Government possesses no powers except such as were delegated to it by the people and enumerated in the constitution, was not the bank act, conferring and perpetuating delegated powers upon foreigners and aliens, a gross betrayal of trust, if not treason against the people?

Has the Government a constitutional right to delegate powers entrusted to it, especially to be exercised by it for the people?

If not, is not the national bank act a palpable violation of the constitution, and its enforcement a usurpation of power not warranted by that instrument?

The answer to these inquiries are left to the intelligent reader.

If bank notes are money, from whence do they derive their money qualities?

If the Government can create money for the banks, why not for itself and the people?

If greenbacks are money, how can the power of the Government to create money be denied?

If greenbacks are not money, did the bondholders ever loan any money to the Government, having loaned nothing but greenbacks?

If the *debts* of a nation are good security on which to base its money, why is not its *wealth* better?

If the Government chooses to farm out its control over the currency to private parties, why not grant the privilege to those who need it in the production of wealth, instead of giving it to an idle monopoly to rob, blackmail and oppress the producers of wealth?

Why should the money power that has accumulated colossal fortunes solely through Government protection and favoritism, be exempt from all Government support, when those out of whom it has made these fortunes are compelled to bear all the public burdens in addition to being robbed?

See page 192 of the *Rights of Man* by Thomas Paine:

"Opinions differ more on this subject, than with respect to the whole. That a nation ought to have a constitution, as a rule for the conduct of its government, is a simple question in which all men, not directly courtiers, will agree. It is only on the component parts that questions and opinions multiply.

But this difficulty, like every other, will diminish when put into a train of being rightly understood.

The first thing is, that a nation has a right to establish a constitution.

Whether it exercises this right in the most judicious manner at first, is quite another case. It exercises it agreeably to the judgment it possesses. and by continuing to do so, all errors will at last be exploded.

When this right is established in a nation, there is no fear that it will be employed to its own injury. *A nation can have no interest in being wrong.* (Italics supplied.)

Though all the constitutions of America are on one general principle, yet no two of them are exactly alike in their component parts, or in the distribution of the powers which they give to the actual governments. Some are more and others less complex.

In forming a constitution, it is first necessary to consider what are the ends for which government is necessary: secondly, what are the best means, and the least expensive, for accomplishing those ends.

Government is nothing more than a national association; and the object of this association is the good of all, as well individually as collectively. Every man wishes to pursue his occupation, and to enjoy the fruits of his labors, and the produce of his property, in peace and safety, and with the least possible expense. When these things are accomplished, all the objects for which government ought to be established are answered."

See also age 198 of the *Rights of Man.*

"We laugh at individuals for the silly difficulties they make to themselves, without perceiving that the greatest of all ridiculous things are acted in governments.[1]

All the constitutions of America are on a plan that excludes the childish embarrassments which occur in

[1] It is related, that in the canton of Berne, Switzerland, it had been customary, from time immemorial, to keep a bear at the public expense, and the people had been taught to believe, that if they had not a bear, they should all be undone. It happened some years ago, that the bear, then in being, was taken sick, and died too suddenly to have his place immediately supplied with another. During the interregnum the people discovered, that the corn grew and the vintage flourished, and the sun and moon continued to rise and set, and everything went on the same as before, and, taking courage from these circumstances, they resolved not to keep any more bears: for, said they 'a bear is a very voracious, expensive animal, and we were obliged to pull out his claws, lest he should hurt the citizens.'

The story of the bear of Berne was related in some of the French newspapers, at the time of the flight of Louis XVI. and the application of it to monarchy could not be mistaken in France; but it seems, that the aristocracy of Berne applied it to themselves, and have since prohibited the reading of French newspapers.

monarchical countries. No suspension of government can there take place for a moment, from any circumstance whatever. The system of representation provides for everything, and is the only system in which nations and governments can always appear in their proper character.

As extraordinary power ought not to be lodged in the hands of any individual, so ought there to be no appropriations of public money to any person beyond what his services in a state may be worth. It signifies not whether a man be called a president, a king, an emperor, a senator, or by any other name, which propriety or folly may devise, or arrogance assume; it is only a certain service he can perform in the state; and the service of any such individual in the routine of office, whether such office be called monarchical, presidential, senatorial, or by any other name or title, can never exceed the value of ten thousand pounds a-year. All the great services that are done in the world are performed by volunteer characters, who accept no pay for them; but the routine of office is always regulated to such a general standard of abilities as to be within the compass of numbers in every country to perform, and therefore cannot merit very extraordinary recompense. *Government,* says Swift, *is a plain thing, and fitted to the capacity of many heads.*

It is inhuman to talk of a million sterling a-year, paid out of the public taxes of any country, for the support of any individual, whilst thousands, who are forced to contribute thereto, are pining with want, and strugging with misery. Government does not consist in a contrast between prisons and palaces, between poverty and pomp; it is not instituted to rob the needy of his mite, and increase the wretchedness of the wretched.—But of this part of the subject I shall speak hereafter, and confine myself at present to political observations.

When extraordinary power and extraordinary pay

are allotted to any individual in a government, he becomes the centre, round which every kind of corruption generates and forms. Give to any man a million a year, and add thereto the power of creating and disposing of places, at the expense of a country, and the liberties of that country are no longer secure. What is called the splendor of a throne, is no other than the corruption of the state. It is made up of a band of parasites, living in luxurious indolence, out of the public taxes.

When once such a vicious system is established, it becomes the guard and protection of all inferior abuses. The man who is in the receipt of a million a-year is the last person to promote a spirit of reform, lest, in the event, it should reach to himself. It is always his interest to defend inferior abuses, as so many outworks to protect the citadel; and in this species of political fortification, all the parts have such a common dependance, that it is never to be expected they will attack each other.[2]

Monarchy would not have continued so many ages

[2] It is scarcely possible to touch on any subject, that will not suggest an allusion to some corruption in governments. The simile of *'fortifications,'* unfortunately involves with it a circumstance, which is directly in point with the matter above alluded to.

Among the numerous instances of abuse which have been acted or protected by governments, ancient or modern, there is not a greater than that of quartering a man and his heirs upon the public, to be maintained at its expense.

Humanity dictates a provision for the poor—but by what right, moral or political, does any government assume to say, that the person called the duke of Richmond, shall be maintained by the public? Yet, if common report is true, not a beggar in London can purchase his wretched pittance of coal, without paying towards the civil list of the duke Richmond. Were the whole produce of this imposition but a shilling a-year, the iniquitous principle would be still the same—but when it amounts, as it is said to do, to not less than twenty thousand pounds per ann. the enormity is too serious to be permitted to remain.—This is one of the effects of monarchy and aristocracy.

In stating this case, I am led by no personal dislike. Though I think it mean in any man to live upon the public; the vice originates in the government; and so general is it become, that whether the parties are in the ministry or in the opposition, it makes no difference; they are sure of the guarantee of each other.

in the world had it not been for the abuses it protects. It is the master fraud, which shelters all others. By admitting a participation of the spoil, it makes itself friends; and when it ceases to do this, it will cease to be the idol of courtiers.

Thomas Paine"

See also "THE STORY OF OUR MONEY" by Olive C. Dwinell, page 84:

" 'If the American people ever allow the banks to control the issuance of their currency, first by inflation and then be deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers occupied. THE ISSUING POWER OF MONEY SHOULD BE TAKEN FROM THE BANKS AND RESTORED TO CONGRESS AND THE PEOPLE TO WHOM IT BELONGS. I sincerely believe the banking institutions are more dangerous to liberty than standing armies.'

Thomas Jefferson"

Relief as prayed in the appellants' brief is respectfully requested.

Respectfully submitted,

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BY JEROME DALY
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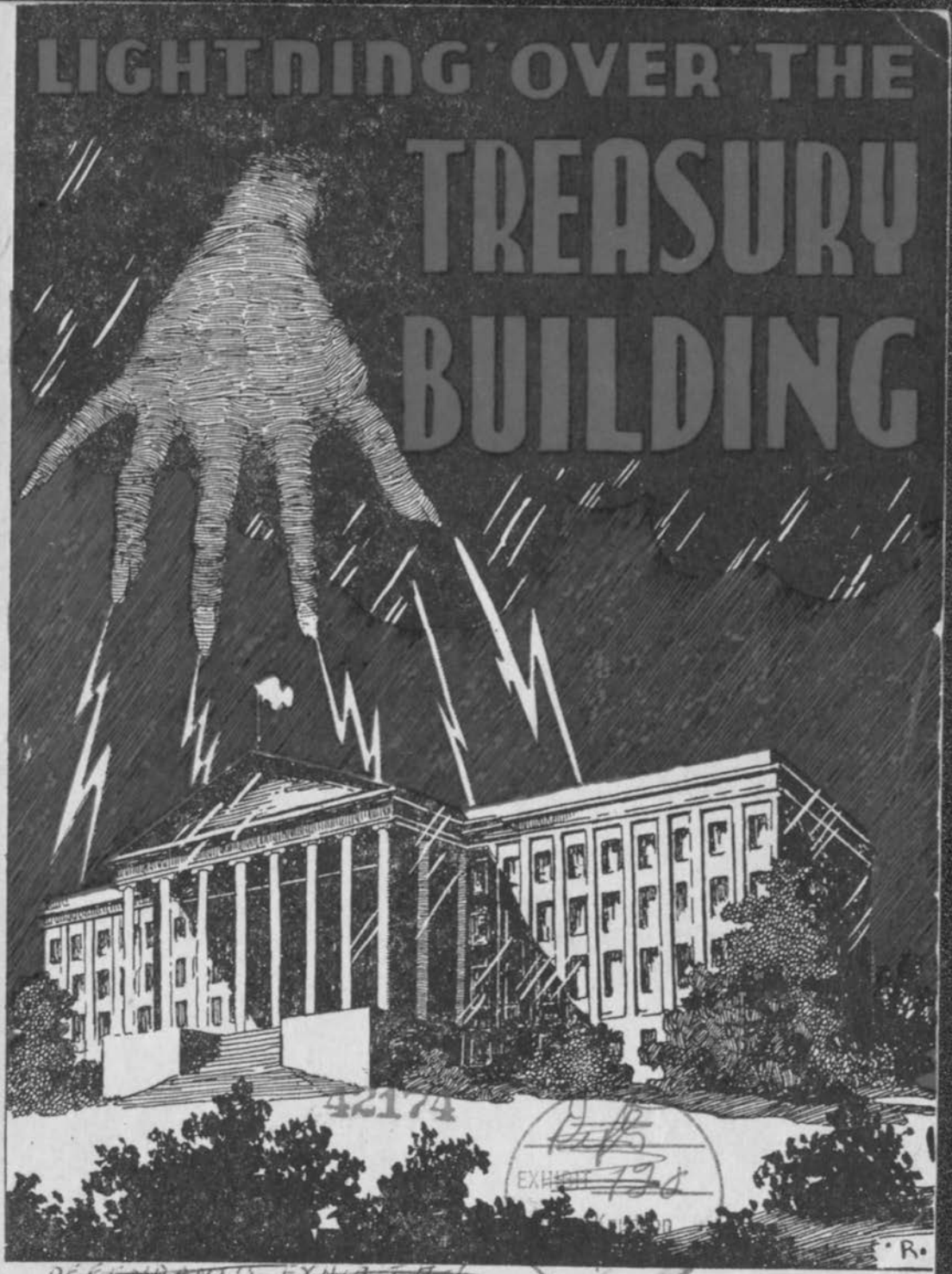
Savage, Minnesota
Attorneys for Appellants

LIGHTNING OVER THE TREASURY BUILDING



JOHN R. ELSOM

Respondents' Ex QQQ
Imp 2/18/70

LIGHTNING OVER THE TREASURY BUILDING

OR

AN EXPOSE OF OUR BANKING AND CURRENCY MONSTROSITY—AMERICA'S MOST REPREHENSIBLE AND UN-AMERICAN RACKET

By

JOHN R. ELSOM

A CLEAR AND CONCISE TREATISE OF THE BANKING AND MONEY SYSTEM OF THE UNITED STATES AS MANIPULATED BY THE INTERNATIONAL BANKERS, BY WHOM GOVERNMENTS ARE CONTROLLED, WARS PROMOTED, PEOPLES EXPLOITED AND THE REAL WEALTH OF THE NATION GATHERED UNTO THEMSELVES THROUGH THE PROCESS OF MORTGAGE AND FORECLOSURE—TOGETHER WITH A CONSTITUTIONAL REMEDY FOR OUR NATIONAL DILEMMA.

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2/18/70 lmf

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STATE OF MINNESOTA
In Supreme Court

MARY KATHERINE LOWE, formerly MARY K. MILLS,
Plaintiff-Respondent

vs.

HELEN A. PATTERSON, formerly HELEN A. KLEIS, and the HASTINGS NATIONAL BANK OF HASTINGS, MINNESOTA,
Defendants

HELEN A. PATTERSON, formerly HELEN A. KLEIS,
Appellant.

APPELLANT'S REPLY BRIEF

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AUTHORITIES CITED

STATE OF MINNESOTA

In Supreme Court

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Defendants

HELEN A. PATTERSON, formerly HELEN A. KLEIS,
Appellant.

APPELLANT'S REPLY BRIEF

PROCEDURAL HISTORY

The various orders sought to be reviewed are as follows:

1. The order selling the property, dated December 20, 1960, and filed January 19, 1961.

2. The order to show cause on Helen Patterson, dated March 12, 1962, and served March 12, 1962.

3. The order confirming sale of real estate, dated March 23, 1962, and filed March 23, 1962.

4. The order denying defendant Patterson's motion, dated April 2, 1962, and filed April 2, 1962, with clerk's notice, dated April 2, 1962.

Notice of appeal (R. p. 64) is from two orders. It is taken from the order confirming sale of real estate, dated and filed March 23, 1962, pursuant to M.S.A. 558.215 which allows appeals from order confirming sale of real estate.

Appellant also appeals from the order herein denying motions of defendant Patterson, which order was dated and filed April 2, 1962. The appeal on this order is taken pursuant to M.S.A. 605.09. The order dated April 2, 1962, was an order denying certain motions of defendant Patterson, which motion was to set aside the order confirming the sale of real estate on certain grounds and to set aside other orders of the court, mentioned above, upon certain grounds. This order is a final order affecting the substantial rights of appellant and it involves the merits of the action. Appellant claims it is also appealable by virtue of M.S.A. 558.215.

CONTROLLING AUTHORITIES

M.S.A. 558.04.

In re Hudson's Guardianship, 226 Minn. 532, 33 N.W. 2d 848.

Gore v. Murray County, 147 Minn. 24, 179 N.W. 569.

STATEMENT OF FACTS

In addition to the Statement of Facts found in appellant's original brief, appellant would like to call the court's attention to the only evidence in the record by the parties in interest as to the value of the property. In the Record, on page 2, plaintiff states, "The cash value of said premises is $170,000.00," in her verified complaint. Appellant sets the value

(R. p. 62) by affidavit of the real estate herein at $170,000.00 or in excess thereof. Appellant also, by affidavit (R. p. 62), states, "That the property has never been competently appraised; that this defendant has never been consulted as to appraisal or appraisers and that the appraisal is about 1/2 of the value of the property." The amended appraisal, which appellant refers to (R. p .21), was $100,000.00.

There is no other evidence in the record by way of affidavit by the parties in interest in this proceeding that the property is worth any less than $170,000.00. The parties in interest are in agreement that the property is worth at least $170,000.00.

Appellant also calls attention of the court to the January 31, 1962, letter by the purported referee, Allan E. Burt, apparently to the plaintiff and the defendant, appellant, to the effect that he had received an offer of $105,000.00 and also his affidavit (R. p. 29) that he related this information to both the plaintiff and the defendant and heard nothing from either of them.

The re-appraisal was not requested by any party in interest but was requested by Allan E. Burt (R. p. 18), and the application for the order to show cause was made by Allan E. Burt, purported referee (R. p. 27), and not by a party in interest herein.

Prior to the 16th day of March, 1962, date of hearing for the order confirming the real estate, appellant Patterson filed a special appearance and motion and affidavit objecting to the procedure and in affidavit form she stated as follows:

> "HELEN A. PATTERSON, being duly sworn, says that she is a defendant; that she has been served with two unjustified orders to show cause herein and objects to the procedure herein as oppression.

"That no verified answer on her behalf has ever been served and filed herein; and no answer of any kind was filed until long after the date of the purported sale; and then by an unauthorized person.

"That her interests are correctly alleged in the complaint in this court, Patterson vs. Lowe, No. 56704. That defendant verily believes that her equities will extinguish any estate claimed by plaintiff herein.

"That there is a defect of parties plaintiff and defendant.

"That no Findings of Fact, Conclusions of Law or Interlicutory Decree determining the rights of the parties has been made upon which to base partition or sale; nor any abstract or proof upon which to base the same has been filed herein.

"That this defendant never authorized nor consented to the stipulation herein dated November 15, 1960, nor was she aware of its existence.

"That said property can be partitioned in kind and no sale is necessary and if it is necessary the parties can sell it without a court proceeding.

"That this defendant particularly objects to a private sale and that if a judicial sale is to be made it must be an open competitive sale and that this defendant wants at least an opportunity to bid it in.

"That the interests of justice require that the rights of the parties be determined PRIOR TO ANY forced or judicial sale, in order to determine whether plaintiff has any interest in the property which would give the court jurisdiction in a partition proceeding.

That the property has never been completely appraised; that this defendant has never been consulted as to appraisal or appraisers; and that the appraisal is about 1/2 of the value of the property.

"That prior to the sale of the real estate some provision must be made as to the large amount of personal property located therein.

"Specifically denies that Allan E. Burt is a duly appointed, qualified and acting referee in this matter or at all.

"That no showing has been made as to the exigency requiring an order to show cause instead of a notice of motion, and that there is nothing pending before the court.

"That no copies of order appointing appraisers, appraisal, motion and order for re-appraisal, memorandum of sale or report of sale have been served upon her.

"That defendant requires additional time within which to retain a lawyer herein, brief him and prepare the matter for hearing * * *.

"FURTHER AFFIANT SAITH NOT except that this affidavit is made in support of affiant's motion that the orders to show cause herein be discharged or in lieu thereof that the whole matter be continued to the next special term.

HELEN A. PATTERSON"

"To the Honorable, the Above-Named Court:

"Specially appearing, defendant Helen A. Patterson moves the court for its order discharging the orders to show cause herein returnable March 16, 1962; or in lieu thereof for a continuance of the whole matter to next special term.

"Said motions are based upon the foregoing affidavit, and all the files, records and proceedings herein except the answer of this defendant which is inadequate and unauthorized; and upon the further grounds that no party in interest has applies to the court for relief at this time; and (2) there is nothing pending before the court upon which it can rule.

"Dated this 15th day of March, 1962.

HELEN A. PATTERSON
IN HER OWN BEHALF
Hastings, Minnesota"

Thereafter the court on March 23, 1962, made an order confirming the sale of real estate, which order includes matter not responsive to the order to show cause.

ARGUMENT OF ASSIGNMENT OF ERRORS

Assignment No. 1B: The court erred in denying Patterson's motion for order dismissing the action on the grounds of misjoinder and nonjoinder of indispensable parties, plaintiff and defendant.

Assignment No. 1C: The court erred in denying the motion for dismissal on the grounds that the complaint failed to state a cause of action which would support the prayer for relief.

There is a defect of parties in this action because the husband of the plaintiff was not named. He is an indispensable party without which the action cannot proceed.

The net effect of partition proceeding is a conveyance the referee in a partition proceeding can convey no greater right, title, and interest to the property than the parties to the action themselves have. If there is a party who is not named in the action, who also has an interest in the property, the referee conveys none of his interest.

A search of the decisions in other states indicates that whether or not the dower interest of the spouse should be protected in a partition proceeding depends upon the various partition statutes and other statutes of the state in which the property is located.

In Minnesota it would appear that the legislature intended the dower interest of the spouse should be protected. See M.S.A. 558.28, where the statute provides as follows:

> "A married woman may release to her husband her contingent interest in his real estate by writing executed and acknowledged in the same manner as a conveyance."

Also, in 11 Minnesota Law Review, page 354, it is indicated that the inchoate right of dower is protected in Minnesota.

M.S.A. 558.27 also provides for the protection of vested or contingent future right or estate in property, which would also indicate that the inchoate right of dower is protected in this state.

M.S.A. 558.03 states that the complaint shall particularly set forth the interest of all persons in the property, and if any such person or his share or interest is unknown or is uncertain or contingent, or there is a contingent remainder, so that such person cannot be named, that fact shall be set forth.

In this case the fact of the marital status of the plaintiff and the fact that she did have a husband who did not join with her in these proceedings, was not set forth in the complaint is fatally defective. The action cannot proceed without him for the simple reason that the plaintiff could not sell the property without the signature of her husband. Likewise, the referee cannot sell the property without the husband being joined as a party.

In Minnesota the inchoate and contingent interest of the wife in her husband's property remains inchoate and contingent although the property is sold and the proceeds thereof are invested by the husband in other property. See *Knox v. Knox,* 222 Minn. 477, 25 N.W. 2d 225. See, also, Section 4279, Mason's Dunnell Digest, Vol. 9, as to the inchoate interest of the husband and wife in each other's realty. See, also, *Crocker v. Crocker, et al.,* 215 Minn. 565, 10 N.W. 2d 734, where it is stated:

> "The character of a wife's interest in her husband's real estate is such that she is a 'proper party defendant' where the title to her husband's real estate is in issue."

This action cannot proceed as there is an indispensable party missing. In this case the plaintiff brings the action for partition without her husband joining in or signing off his interest in the real estate. The referee can acquire no greater interest than the parties to the action presently have. There, therefore, would be a defect in the title and in the conveyance and, hence, if the referee were allowed to go through with the sale it would constitute a cloud on the title as the husband was never a party to the action and is not bound by any of the proceedings and still has his inchoate dower interest in the property.

Assignment No. 2B-1: The court erred in denying appellant's motion for an order striking from the record the purported answer of appellant over the signature of attorneys McMenomy and Hertogs filed in the court March 12, 1962.

The grounds upon which this answer should be stricken is that it is not verified and was filed by a person not authorized to make or file it. The answer is not dated and does not contain proof of service thereon.

See page 23, attorney Hertogs was unequivocally discharged by discharge filed February 26, 1962, which denied, cancelled and terminated and revoked any authority in the said Hertogs to represent the appellant at any time or for any purpose.

Notwithstanding this discharge, the said Hertogs thereafter filed a purported answer for the appellant.

It cannot be seriously questioned that upon motion the trial court should have had this answer removed from the record. After discharge, appellant was the only one who could file any papers in the file on her own behalf until another attorney was substituted.

Assignment No. 3: The court erred in failing to strike the stipulation dated November 16, 1960, upon the grounds that it was illegal.

Motion was made to the trial court to have the stipulation set aside. Motion was based upon the grounds that the stipulation did not confirm with M.S.A. 558.04 and that it was not signed by the parties affected thereby. That because this statute was not complied with the stipulation should have

been set aside. This particular statute controls over the general statute allowing the lawyers to stipulate for his client, and is controlling.

Even in respondent's brief they do not contend that the lawyers are "the parties to be affected thereby" within the meaning of the statute which would give them the right to sign such a stipulation.

Appellant submits that it was error for the court to deny appellant's motion to set aside this written stipulation.

Assignment No. 4: The court erred in failing to set aside the trial court's order dated December 20, 1960 (R. p. 13), appointing Allan E. Burt as referee for the purpose of selling the property.

The order itself states it is based upon the stipulation. Respondent Lowe proceeded in the trial court on the theory that the jurisdiction for the trial court to enter its order was based upon the stipulation. Respondent proceeded in the Supreme Court upon the same theory that the basis of the jurisdiction for the trial court to enter its order selling the property is the stipulation. Neither in the trial court nor in the Supreme Court do respondents claim that the basis of this order selling the property is based upon anything else but the stipulation. The stipulation is void. The order of necessity is void.

The question of whether or not appellant Patterson is in default for failing to file an answer was not raised in the trial court. The question of default is not properly before the Supreme Court. If there is a question of default it properly and ought to be brought in the trial court at which time

there would have to be a motion to enter up a default judgment in which the trial court would have to take evidence, make findings of fact, conclusions of law and order for judgment to establish the title of the property. Furthermore, appellant raises issues by affidavit as she had a right to do.

It is further to be noted that appellant Patterson did not have knowledge of the stipulation nor the order selling her property. The first papers which were served upon her were served March 12, 1962. This was the first notice that she had there existed an order that her property be sold. See page 33 of the Record, wherein appellant asks the trial court for additional time within which to retain a lawyer, brief him, and prepare the file for hearing. The undersigned was called into this matter on short notice at the time that the court was confirming the sale, and did not have an opportunity to file a proper answer on appellant's behalf. When and if the stipulation and order selling her property is set aside, appellant intends to file an answer on her own behalf. The order selling her property is not based upon any proceedings in the trial court except the stipulation; the question of appellant's answer is immaterial at this time.

Assignment No. 8: The court erred in refusing to grant appellant's special appearance and motions, dated March 10, 1962, and March 15, 1962, and renewed March 30, 1962 (R. pp. 30-31).

The special appearance and motion is set out in the Statement of Facts herein.

It is obvious that the court erred in failing to grant appellant's special appearance and motion dated March 15, 1962,

which was filed with the court before the court entered its order confirming sale. It was also error for the court to enter its order confirming sale of real estate over the objections named therein. The error is apparent without argument; however, in view of respondent's contentions, appellant will argue said error briefly. Appellant Patterson objected at that time that she was never served with the following:

1. A copy of the order appointing the appraisers.
2. The appraisal.
3. The motion and order for re-appraisal.
4. The re-appraisal.
5. The memorandum of sale or the report of sale.

She objected upon the further grounds that no party in interest had applied for the court for relief and that the only party applying to the court was the purported referee, Allan E. Burt, who had not qualified; and there was no showing of an exigency existing.

She objected further that the property had never been competently appraised and the defendant had not been consulted as to the appraisal or appraisers and that the appraisal on file was about 1/2 the value of the property.

It to apparent for lengthy argument that the only duty of the referee is to file his report of sale. See M.S.A. 558.06. When the referee files his report of sale, serving copies upon all the parties affected thereby, his duties are done.

After the referee has filed his report of sale it is up to some party in interest to make a motion to confirm the report of sale. This would be the correct procedure and this procedure was followed in *Robbins, et al. v. Hobart, et al.,* 133 Minn. 49, 157 N.W. 908, where it appears that there

was a motion by the party in interest in a hearing held pursuant to said motion to confirm the report of said sale.

So far as the law is concerned, the referee is not a party in interest and is a stranger to the action and has no standing or right to obtain an order to show cause from the court why the sale should not be confirmed. Motions and applications for orders must be made by a party in interest. See Mason's Dunnell Digest, Section 6495: *Motions and orders to show cause must be accompanied with copies of affidavits and other papers upon* which the motions are made. See Mason's Dunnell Digest on Motions and Orders., Section 6497, Subdivision C. In this case there was an order to show cause to confirm a report of sale, which report of sale was never served upon appellant. The order to show cause dated March 12, 1962, should have been discharged. This involved the indispensable element of notice necessary if the proceeding is to comply with the requirement of due process of law. See, also, District Court Rules 20 and 21, neither of which were complied with. Volume 27A M.S.A.

Again appellant also raises under this assignment the constitutionality of M.S.A. 558.17 which is covered in the original brief under Assignment No. 6.

Appellant objected that the property was appraised at one half of its value.

No copies of the appraisal, motion for re-appraisal, order for re-appraisal or who the appraisers were nor copies of the re-appraisal were ever served upon appellant. In order to comply with due process of law, appellant is entitled to have all of these instruments served upon her.

Appellant also never was given the right to review the appraisal by being able to come into court, object to the

amount of the appraisal and have the appraisal reviewed by the trial court by holding a hearing on the same. The trial court should be permitted to make findings on the hearing as to the value of the property and the amount it can be sold for. The statute does not save the rights of the parties as to the amount the property can be sold for. It is therefore unconstitutional. Pursuant to these objections the constitutionality of this statute was raised before the trial court in the hearing on March 30, 1962, which was ruled on in the court's order of April 2, 1962.

This special appearance and motion was filed before the court and held its hearing on March 16, 1962, and was renewed in appellant's motions dated March 22, 1962 (R. p. 42).

Assignment No. 11:

Assignment No. 11 treats basically the error of the court in entering the orders which are appealed from that the court erred in its order confirming the sale of real estate, dated March 23, 1962, found in the Record on page 35.

The court erred also in its order dated April 2, 1962 (R. pp. 64-65), denying defendant's motions dated March 22, 1962 (R. p. 38), and March 26, 1962 (R. p. 50).

The motions dated March 22, 1962, and March 26, 1962, were motions addressed to the trial court requesting relief from the trial court upon the same grounds that appellant is now making her appeal.

The trial court erred in its order confirming sale of real estate and also erred in its order of April 2, 1962, refusing to set aside thet order confirming sale of real estate.

As is hereinbefore shown, the court had no jurisdiction to sell the real estate by referee or otherwise. There was no qualified or acting referee.

The order is implicitly void for lack of jurisdiction upon its face and that it recites that it is based upon a written stipulation entered into by and between the attorneys for the parties herein and an order was entered selling the real estate. It would appear that there was no foundation for said order; furthermore, there was no motion for said order by any party in interest. There is no application to the court to make findings of fact, conclusions of law and order for judgment. There was no foundation for the court to make the order confirming the sale either by motion or by the order to show cause. The court cannot include matters not responsive to motion or order to show cause. See *French v. French,* 236 Minn. 439, 53 N.W. 2d 215. A judgment or order which is outside the court's jurisdiction is void and subject to collateral or direct attack before or after the time expires for appeal. See *Sache v. Gillette,* 101 Minn. 169, 112 N.W. 386.

There has been a complete lack of due process of law. At no time were the appraisal or motion and order for re-appraisal or memorandum of sale or report of sale ever served upon appellant. Nor was appellant ever consulted as to the appraisal or appraisers. Appellant asserts that the property involved is worth $170,000.00 or in excess thereof.

See the Record, pages 30-31, each time an order to show cause why a sale should not be confirmed was served upon appellant Helen Patterson. She filed a special appearance and motion objecting to the procedure and stating that no affidavit and report of sale, petition for an order confirming sale was ever received by appellant. Appellant is entitled

to have a hearing in order to object to the amount of the sale if there is to be a sale.

It is respectfully submitted that this court reverse the court's orders dated April 2, 1962, denying defendant Patterson's motions to set aside the order confirming sale of real estate dated March 23, 1962, and the order dated December 20, 1960.

It is also respectfully submitted that the court reverse the order of the court confirming sale of the real estate herein dated March 23, 1962.

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Respondent's Ex. FCC
Eng 2/18/70

42174

As I go to press the Haves— the Republicans — are killing the President that they may continue in power 4 more years!

What Must be Done to Cure Our Eco-Political Malady

WHO THE HAVENOTS ARE & WHY THEY ARE HAVENOTS

Man naturally falls into two groups:
1. The accumulators of property;
2. Those who toil endlessly for a living—living always on the feather-edge of want.

All those who work with their hands and or heads and live on the feather-edge of want, of necessity—*these are the world's Havenots.*

The *Havenots,* left to themselves without the strong *Haves* to interfere, are self-sufficient under any setting; but the *Haves* are wholly dependent for all of their material ongoing on the *Havenots.*

The *Haves* can plan great buildings, envision tunnels, and in their minds span the ocean with cables; but the Havenots must draw the blue print, engineer the structures; for without the hands and heads of the *Havenots,* the *Haves would perish amid their dreams.*

Even in their dreams of empire, as Hitler said, *"The Haves must sell their dreams to the masses, the Havenots; for only they have the guts to carry through!"*

The *Haves* are wholly helpless without the *Havenots* to put their dreams into mortar, iron, and fabulous fabrications.

And the facts of the matter are: *The Havenots dream most of the dreams, and invent most of the gadgets, and unearth scientific knowledge*—the *Haves* come in and take title while the inventor, the scientist, the dreamer is still groggy over his discovery!

Blue prints are not succulent, and no dream every satisfied one's hunger but the cabbage and spuds the *Havenots* produce, drive hunger away and stay the grim reaper's scythe.

Abe Lincoln was thinking straight when he said: "Since the laboring man produces most of man's material wants, he should have a just portion of the products of his labors."

The world could continue to be replenished if every *Have* was killed, but its replenishment, the "dressing and keeping the Garden of Eden" would go with the passing of the *Havenots.* "The earth and the fullness thereof" is the trust and the heritage of the *Havenots.* And they shall live out of its abundance when the *Havenots* unite and fight for a just sharing of the products of their labors.

But if the *Haves* only were left, they would perish amid their mountains of blue prints, soothed, perhaps, in the shadow of their own ambitions for power and pelf.

The dishonesty of the *Havenots* grows out of the pinch of poverty; the dishonesty of the *Haves* grows out of their desires for gain—gains they can never use.

The *Havenots* are the generous—scattering abroad and sharing. The *Haves* are the misers, gathering and

(Continued on inside front cover)

WAR SLAVES, CHATTEL SLAVES, DEBT-PEONAGE SLAVES

piling up where rust doth corrupt and moths ply their labors in the closets.

The *Haves* apply the lash of the slave driver. The *Havenots* bear on their backs countless millions of those cat-o-nine-tail scars. And they have borne them for so many eons of time, that they are prone to go back and toil for the master, knowing that he has a deep, sadistic streak that makes him joyous when he reduces them just a little closer to hunger and penury.

And the lash—there is no sustained power apart from the gun and the lash—witness our armies and police forces and courts—the cat-o-nine-tails of the masters of men.

"And their backs bore many scars for My sake."

The personnel of the armies, police force and the courts are of the Havenots — but how eagerly they apply the cat-o-nine-tail on the backs of their brethren. In their rise to power they strike at their fellows in appeasement of their outraged souls suffering under their duplicity—serving their masters against their fellows because they have become the executioners of the *Haves's laws*—the appliers of the cat-o-nine-tails on the backs of their fellows.

NO! NO! NO The *Havenots* are not the lazy, ragged, ignorant people you see; however, you do find them as an additional burden on their unbreakable backs.

But in the ranks of the *Havenots* you find the vast educated citizenry, the well-dressed, the well-fed, the well-housed, the well-behaved middle classes!

You find the scholar, the thinker, the worker, the builder the producer of all that all of us want.

And, too, you find that all of these fine citizens are paying high rents, high interest, high taxes to the *Haves*, for a home, a car, a TV—the comforts of life, *because the Haves not only own the earth, but they control its activities.*

It is an admitted fact that the *Haves* have from the beginning of time used the *Havenots* to the *Haves'* gain and the *Havenots'* loss.

It is also an admitted fact that human beings differ profoundly in their attitudes toward life, in their mental capacities and in their desires.

Further, it is an admitted fact that a few are born leaders, seeking too often ever greater and still greater power over their fellowmen—seeking to attain this power and continue it. The few have striven to own all the land, the goods, the money of a nation; for these are the most potent weapons they can wield over the many—the ageless struggle between the *Haves* and the *Havenots.*

Nature has decreed that—and it is humanly impossible to change the decrees of nature. There is just one hope, and that is that the *Havenots* will combine and compel the *Haves* to share with them the products of their joint efforts.

No one questions the importance of the *Haves, the strong,* in the ongoing of the human race; for there must be those to plan—and equally important that there shall be *Havenots,* the many, with the know-how to make concrete those plans to bring man and his work to an important and worthwhile fruition.

But there is faint hope in the hearts of the *Havenots* that the *Haves* will place profits below that finer thing: *the general welfare,* an abundant life for all human beings.

To expect the *Haves* to generously share with their employed *Havenots* as a good father provides impartially for his children, so long as *Gain,* the *accumulation* of *money* and *goods,* is struggling man's god, is asking too much of human nature.

(Continued on inside back cover)

The Indestructible Havenots

Vol. I. AUSTIN, TEXAS, JUNE 30, 1956 Number 2

THE TIME TO FACE FACTS, NOT PROMISES, IS NOW, TODAY

THE MASSES NEED A SPOKESMAN—

This second isuue shall incorporate the first four pages, with some elimiantions, of the first issue, that new readers may get full picture of the reltationships between the Haves and the Havenots; and why, in self-defense, the Havenots must take up the burden of their own welfare, independent of the Haves—vs. the Haves. Always capital H for Haves and Havenots. **Because they are important divisions.**

When in the course of human events it becomes important that some one step out and suggest a course of action for the bewildered masses, it requires a man of great courage to do that because it is becoming a bit more the thing "not to do" in a nation so overall wealthy.

Speak for the underprivileged, suggest that the State, or nation, should do something about it, and the speaker has hurled at him such epithets as "liberal", "socialist", "sorehead", and "communist"!

I am doing this bit of pamphleteering because I believe supremely in the worth and inate dependability of the working people, because no newspaper or other medium of publicity will give one space if the burden of his story is the underprivileged masses.

The time has come when all past party alignments must be reformed.

The time has come when we must admit that there are, and perhaps always will be, opposing groups in the world; for what is good for one in our present order of things, is not good for the other.

The two major parties have come to be the parties of the rich—have come to be two parties contesting **for the favors and the fleshpots of the rich.**

The leaders are so alike that you must use a magnifying glass to detect the least difference between Senator Republican and Senator Democrat.

Under the cloud of Russian autocracy, parading under the euphoneous name of social democracy, universally denominated "communism", such adverse coloring has been given other groups, that there are few splinter groups, if any, in the United States, willing to stand up and be counted.

Wealth doth flaunt her imperial riches and the masses are forced to follow fawning.

The masses need a spokesman, one not afraid, and who has never bent his knees that others might think him cringing.

OF, BY, AND FOR THE RICH—

We send a poor boy to Congress or to the State Senate, and he soon disappears from his old haunts—riches **mysteriously find his pockets.**

We sent a poor boy to Washington. He is now a Senator, worth many millions.

We sent a poor boy to Texas Senate. He is now the multi-millionaire governor.

In their clubs they are buddies— the leaders of the Republican and the Democratic parties.

During campaigns they hurl at each other derogatory accusations; but in their clubs they are jovial companions.

Both have but faint praise and little time for the producing, serving masses.

In the 1770s the colonists were almost 100 per cent common folks, hardworking producers and builders of all that man needs for his ongoing.

So a government was founded that took cognizance of the working masses. The gentry fashioned it in the form of a government of the people, by the people, and for the people, because they then knew that the American people would not stand for autocracy. But today, they do!

But from the beginning the gentry made of the government, a government **of the rich, by the rich, and for the rich.**

Wealth builded her throne in Washington with her 48 country **estates** scattered **over the nation,** and they have feasted sumptously every day.

Laws conferring upon the rich more and more licenses and special privileges; making it more and more difficult for the common man to do anything beyond toiling endlessly for his daily bread, have multiplied alarmingly.

HAVE YOU EVER STOPPED TO PONDER THESE FACTS?

Therefore, the people must come together under one banner, and fight for their economic and political welfare.

It is time to quit unfurling banners with high-sounding words emblazoned on them. It has come to be the time when we must drop all pretenses and frankly admit that our people fall into two groups economically and socially and politically: **the Havnots and the Haves.**

BY, OF, AND FOR THE HAVENOTS— ..

The masses should honestly and proudly name their party the **Havenots Party.** This party will embrace the great mass of people—the poor, the disheartened, the toilers and the producers of all the material wants of man—it will embrace 90 per cent of the people, and their combined voting strength will be invincible.

They shall not be led by the old cliches, peddled by the rich as they have tolled them into debt-peonage servitude; but they will stand for their rights to control and enjoy and use the products of their own labors.

It has been said that the rich are willing to do almost anything for the poor **except get off of their backs.**

If we Havenots form our own invincible **Havenots Party,** there will be left for the Haves no other course than to form their own Haves Party. And this we do invite them to do, for we shall fight both to deny them special privileges, or the participation in our havenots' party efforts.

CATS AND MICE FABLE POINTERS—

We shall not longer play the cat and mouse fable of working together for both groups' welfare; for, as with the cats and the mice, the ambitions of the two groups shall always be opposed. Their instincts, as with the cats and the mice, are different. The mice, very fittingly an emblem of the timid havenots, would gladly eat, along with the cats, the cheese; but the cats, so strikingly a symbol of the haves, not only refuse to let the mice have any cheese, but turn from their rich, in quantity plentiful cheese, and devour the mice.

Many long centuries the Haves have mastered the Havenots—being more powerful because more aggressive. They have come to rely so firmly on their ability to outmaneuver the Havenots, aided by the rules of their own making, that now they are boldly trying to keep the havenots from getting even the nubbin end of the deal.

The few own the earth, control all of its manufacturing, transportation, trade—commerce. Of course the Haves Party will include all of these. Too, tagging after them, aping them, cow-towing to them, will be those who want to be rich, and those who afar off yearn for the fleshpots of the rich.

THE INDESTRUTIBLE HAVENOTS—

The Havenots Party is now and will be open to membership to all who believe that a government should deal out "equal **juctice to all, and special privileges to none.**

It shall cost you nothing to become associated with the **Havenots Party,** for freedom should be **free.** Too, there will be no need of huge campaign funds, for there will be no need to **educate voters.**

There will be three political efforts demanded of you as member of **Havenots Party:** a) attend all meeting of the party in your community, b) to vigilantly guard against **Haves** entering and participating in the meeting, and c) to vote at all elections held in your precinct.

It matters not how congenial one of the **Haves Party** may appear, we cannot trust him; for that is their standard way of blocking the **Havenots' plans.**

What shall the **Havenots Party** stand for? This and only this: **"Equal rights and justice to all, and special privileges to none."**

THINK AND PONDER THESE FACTS—

Have you ever stopped to ponder the fact that in Texas we have an oligarchy?

That the rich name and elect one man who to all intents and purposes rules as king?

That only three men dominate and direct the 181 legislators and senators?

That the people nowhere in our political system damning Texas have any voice beyond the local precinct.

THERE IS NO OTHER COURSE LEFT TO THE HAVENOTS

That you never know how many ballots were cast, how many of those cast are thrown out, or how many are counted for dead, non-existent voters?

That the people have no voice in the writing of a platform?

That when it is written it may include many things and omit many things the candidate for governor promised in the campaign; all dictated after his nomination by this oligarchy of rich men?

That your right to vote covers every man and woman of sound mind, over the age of 21, not guilty of a crime?

That unconstitutional as the poll-tax law is, you may be deprived from voting solely on your failure to pay a poll-tax, a very nominal cost?

That the law was passed to eliminate VOTERS, not Negroes only as some have come to believe?

It would be unfair to say we have a one-man government—unfair to the man.

He is the "candidate" of the rich, he is dominated by the rich, he is the tool of the rich.

This condition is not the result of a one-party state. This is true in states where there are two strong parties; for the rich always work together, and see that the nominees of both parties are their friends, their stooges, their tools.

I have heard rich oil men say, "Sure I contribute to the campaign expenses of both leading candidates, because I don't want to be left out on a limb if my man is defeated."

THE MASSES MUST NOT BE YESERS—

The people have never had a voice in the selection of a candidate for President of the United States, and the rich who wrote the Constitution did not believe the people were either capable or entitled to have a voice in the choosing of the president—they held with the aristocracy of England that only the "noblemen", the rich, were capable, or had the right to a voice in the chosing of "their divinely annointed king."

They did not intend that the voters should vote on a person for President of the United States. They provided in the Constitution that the people choose from each district an elector, and that these electors should meet and "choose" a president!

While we have been voting on men for the presidency since John Adams' term, the electors might have at any time ignored the vote of the people, and chosen a man whose name had never been mentioned for president.

We have held on to that silly "electoral college," paying the expenses of many men to meet in Washington and cast their votes for a "president."

Today, after years of popular voting for candidates for the presidency, witnessing a few times (in a Democracy!) the choosing of a man for the presidency who received a minority of the popular vote; and now, in an effort to prevent that undemocratic thing, they are not proposing the elimination of the "electoral college"—they are proposing to give the leading candidate in the general election as many electoral votes as his percentage of the votes won.

You know the pretty shout that this is a "government of the people, by the people, and for the people," had no basis in fact in the beginnings of our government. The people have never ratified an amendment to the Federal Constitution; and the original document went to the several legislatures of the 14 states who adopted it.

I have said this to impress upon you the fact that this is not yet a "government of the people, by the people, and for the peopel." It is still a "government of the rich, by the rich, and for the rich," and that it shall remain that way so long as we permit the rich to control our elections, our legislatures, our courts, our GOVERNOR.

So long as we get in line and go down the streets shouting for their candidates, we shall not only continue to be their dupes, but their victims.

NOT FOLLOWERS ANY MORE—

In the following story I shall outline the change we must wring from the rich in our goverment, and the innovations we must introduce in party and political elections.

THE FIRST AND MOST NEEDED POLITICAL REFORM

An illustration: In 1936 when the "Jefferson Democrats" were trying in Texas to defeat the New Deal trend, a rich man said, "This thing is terrible. Once we nominated our candidates, wrote the platforms, and the boys got in the middle of the street and went down the line shouting for our candidates and our platforms. But now they ignore us." J. Evetts Haley was the brains of the "tradition" cryers, and Cullinan, Jim West and other rich (Joe Pew of Pennsylvania) et al, poured their money into the elections, but the people were not listening—the New Deal music was the first strains in their ears they had ever heard, burdened with the government's determination to succor the "underprivileged" man!

This is the course we must pursue:

Oligarchies, Aristocracies, Empires, and Kingdoms have been and are (and will ever be, if the people do not begin to act in their own stead) descriptive of the rule by the rich.

The rich, the strong, the special-privilege crowd have ever been "conservatives—against change" because their advantage, their riches, their feeling of "we are more intelligent, superior to others, and only we are qualified to rule," is not safe when change comes.

But it is all summed in the fact that they are afraid of change (except such as they dictate) because change has always meant loss of power for them.

We can't hope to make the change in one effort, in one leap. We must plan for the following changes in their order:

FIGHT FOR FOLLOWING CHANGES—

1. We must limit public service of all officers to not over 8 years; most of them to four.

2. Completely reform and constitute our election machinery: a) by limiting officers of the election to one year service, b) provide that no officer of an election (and that includes tellers and clerks) may serve more often than one year in ten.

3. Provide that every citizen of sound mind shall vote.

4. That the facts pertinent to a candidate's character and qualifications to hold an office to which he aspires, shall be made available to every voter in Texas at the expense of the taxpayers; and that therefore, no candidate may spend his own or another's money in promoting a wool-gathering campaign. (He, of course, may pay for his own transportation and other expenses in making a personal campaign.)

5. No election costs shall be charged against a candidate; but the State shall pay the costs, all costs of the election, and the informing the public of the character and qualifications of candidates to perform the duties of the offices to which they aspire. It is the State's responsibility to aid the people in choosing competent and honest men for office.

6. No party may have any control over an election, either during the campaign or in the elections; but each group of election officials must be prorated among all political parties.

7. No voting precinct shall include more than 100 voters; and polls must open at 12 noon, and close at 3 p. m. same day; and returns shall be in the hands of the County Clerk before 7 p. m. same day.

8. Every ballot must be counted, as voted, and every election return shall give total votes cast, total votes for each candidate, and issue.

THE MASSES' VOICE POSITIVE—

9. Instead of losing the right to vote on failure to buy a poll-tax, or any other requirement, EVERY CITIZEN, 18 years old, or over, SHALL VOTE; provided on his failure to vote, unless prevented by sickness, he shall be fined $100. Voting is not a privilege. It is the MOST sacred and solemn DUTY of citizenship; and no man in a Democracy has a right to refuse or fail to vote, any more than he has a right to refuse or fail to pay taxes, come to the defense of his community, State or Nation in time of peril.

10. No person may be an officer of the community, state or nation who is a member of any corporation or employed by any corporation; **because corporations are creatures of the law (state) and must be promoted and protected by the state.**

11. No man may seek to influence an officer of the community, the state, or the nation except by petition in writing, mailed to said officer; and no officer shall use his time, effort, or influence in seeking for himself or his constituency any thing of value or other official influence.

DEBT-PEONAGE SHACKLES BINDING MODERN HAVENOTS

Know this, O Havenots: That you have been building for three thousand years that for which the world has been waiting: **That honest leadership which shall rise out of your patient and triumphant suffering!**

AN ASTOUNDING ADMISSION—

William Faulkner, noted author of Mississippi, in an interview given Russell W. Howe, New York correspondent of the London Times, in reply to the following question, said:

Is the base cause of race prejudice economic?

"Absolutely. To produce cotton we have to have a system of peonage . . A planter who has a 1,000 acres of cotton wants to keep the Negro in a position of **debt peonage,** and in order to do that he is going to tell the poor class of white folks the Negro is going to violate his daughter. But **all he wants is a system of peonage** to produce his cotton at the highest rate of profit" (Quoted from The Reporter, New York.)

Thus it has ever been.

The man yearning for profits and using human labor in the production of his goods knows that the poorer the laborer is the more obedient he will be, and that he will work for a **peon's wages.**

A hungry man has never been known to haggle over wages.

This has been the practice since man first hired another to work for him, and even our own government aids and abets the strong in keeping the working classes in the fringe of debt-peonage— keeping them with little spending money, knowing that luxury will dull the servants' sense of obedience.

BANKERS DO THEIR BIT—

Throughout World War II the bankers were telling big customers "not to buy bonds. The Government has all the money it needs for the war, and can get more if needed. If you want to be partriotic, buy bonds in a certain series, in $25,000 or more amounts, and I will take your note, attach the bonds, clip the coupons for my interest, and at any time you wish I will mark your note paid. and keep the bonds (which he owned all the time). If you have money to invest, invest it in **first mortgage notes, gilt edge securities."**

So the rich were publicly heralded as big bond buyers. All it cost the rich was their signatures on the notes and checks.

Where did the banker come in? When the note was signed, the rich man was handed a deposit slip, which automatically **created $25,000,** to the credit of the rich man, but he signed a $25,000 check. Immediately the $25,000 was transferred to the banker's account! This he could then spend for **first mortgage notes,** and when he returned the note to the rich man, the bonds went back into the banker's lockbox without the note attached.

The rich man got the notoriety of being "patriotic", and the banker doubled his bond value!

At the same time the Havenots addressed from the tail of a truck were told you must buy bonds that Uncle Sam may make bombs to bomb the bum Japs! And every workman in war plants and corporation systems were "forced" to buy bonds, that the bankers might hold the bonds and have the money too!

And the shame of it is that today the leather-lunged broadcasters are still telling the poor (for the bankers) what a wonderful investment a 3 percent bond is; but should the poor devil need $25 to buy necessary food, he would go to a subsidiary of the bank and pay 10 to 40 percent for it! This bond selling is not Uncle Sam's business—he sells direct to the bankers—it is the bankers' method of converting their own "bank credit" into dividends for their stockholders!

Yet during the war and now, advertising and selling of U. S. Bonds is in the name of Uncle Sammy!

That's a long and interesting story I may tell you some day.

HAVES AND HAVENOTS AT THE BARGAINING COUNTER

THE HEWERS OF WOOD—

Always the interest of the masses, the **hewers of wood and the drawers of water,** the producers of all of mankind's material wants, and those who serve others for hire, has been pitted against the power and control of the **big man.**

That the **rich may grow richer** they suck from the masses every drop of blood.

The interests of the poor, the Havenots, and the interests of the rich, the Haves, it seems, shall ever be pitted against each other.

If they were not using our government for great profit (for profit is their god), why do the Browns, and Roots, and Morgans, the oil barons, too, and corporaitons of every sort, spend many many millions of dollars on electing their **men** to office, then paying out to lobbyists other many many millions to buy with other many many millions of dollars the officials who do them favors.

And all of this has been so alarmingly revealed in recent years! They are not spending these billions in an effort to **"make Democracy live,"** or for the love of just, impartial execution of just laws.

USING OUR GOVERNMENT FOR—

They are using our government for **profit!**

Then who shall call the turns, control the government? The 90 and 9, who are Havenots? Or, the ONE, who is the Have?

The conservatives—tories and royalists of former years will continue to use the last full measure of **Havenots' strength** that they may have more, and leave them in hunger, squalor and disease; or, until that day when the Havenots refuse to follow the Haves political biddings and take over by might of their numbers, or that day when man's, universal man's, first pride will be to make his employees as comfortable, as well-fed, -entertained, and -housed as he is.

We find the age-old desire to bleed the employees white so fixed in man that he drains from them the last full measure of servitude, reaps rich rewards, and then casts his wealth into monuments, sets up foundations, or spends it on riotous and wasteful living—lays it up where rust and moth do corrupt and destroy—but not one bonus for the folk who earned his riches.

Bobby Burns was trying to get that over when he said, "Man's inhumanity to man causes countless thousands to mourn."

Beginning in the dim past, the underdogs have been trying to get from under.

First, the biggest underdogs realizing they were greatly in the majority, rose and brought the top dog (then the king) to terms—setting the pattern of modern underdogs sitting at the council table, facing the top dogs—employees and management negotiating!

THE UNDERDOGS FIGHT UP—

The underdogs have always won when they united. When thinking units meet, numbers shall always prevail. The Havenots shall always have the balance of power, because they will always represent the majority.

Since the English barons wrung from King John his admission of their rights as subjects and men, registered in the Magna Carta, the underdogs have been fighting to get from under the heavy hand of the masters of men, the rich.

The Magna Carta made less burdensome the tribute of the barons to the king, while it gave no attention to the burdens of the **serfs, Havenots who were as stones on the manor, going with it if and when sold.**

The serfs saw that the barons, their overlords, gained immunity from their complete servility to the king by and through the government, began to dream of gaining their freedom from unremitting toil—if the "government" could help the barons, then it could help the serfs!

These serfs had to cross a great ocean, put miles of water between the King and his barons and them, then be protected and succored by vast **free-to-them land;** for them to draw up a Magna Carta of the Havenots. As late as the nineteenth century the haves thought it violative of deep religious morals for a hired servant to suggest more pay or shorter hours of work!

THE UNDERDOGS HAVE BEEN FIGHTING UP A LONG TIME

LONG ENURED TO SERFDOM—

It took 150 years of this remote life, protected from the eyes of the King for the Havenots in America to overcome the fear the thousands of years of serfdom had built into their very nature, before they were bold enough to declare absolute freedom from the barons and King.

Having seen the strong, the Haves, grow stronger through special favors granted by the King, the **government,** the masses too, turned to the government—**are turning to the government for succor!**

The Haves through their money spent in seducing legislators and all officials, have come to control not only all production, commerce and trade, but our very government itself, political life as well.

Our government is a mythical creature: so often thought of as something apart from the people. It has come to be so far from the Havenots that we now fail to realize that our government, in reality, and under its constitution is and of right ought to be **of, by, and for the people—all of the people —Haves and the Havenots!**

But, in reality our government today **is of the rich, by the rich and for the rich.** Our elected officials who fill the multitudinous offices in the Legislative, the Executive, and the Judicial branches of our government are tools of the Haves. used to the aggrandizement of the Haves.

And that brings me to the promise I made you in last **"The Indestructible Havenots."**

The first and most needed political reform the Havenots must accomplish if they would control and enjoy the fruits of their own labors.

WE MUST LIMIT PUBLIC SERVICE—

First. We must limit public service of all public officials to not over eight years —most of them to four years.

The strength of a monarchy, an oligarchy, an aristocracy—any totalitarian government is the life-tenure of the official personnel—or, at the pleasure of the king.

Kingdoms become corrupt because the official personnel feel only death could remove them from office. They have no fear of the people because they are the **masters of the people.**

No man or group of men can become powerful, dangerous to the public weal on short tenure of office. It takes time to build up a following, line up lieutenants who can and will carry out the imperious edicts of the boss, the king.

Had Stalin been limited to eight years, and had his lieutenants been limited to two years, and had he had no expectation of dying in office, his reign could not have been so bloody that even his lieutenants are now holding up their hands and raising their voices in holy horror.

Our government has become drunk with power—a power gained through life-tenure judges, thirty-year tenure of congressmen, and a civil service control that makes the office personnel almost dictators of the elected or appointed head.

Texas governor has gone for so many years that he has become drunk on power and has felt that his lieutenants could damn and kill all opposition.

We have drifted so far from tradition of two-term tenure in office that long tenure in office has led the officers to feel that they are masters, and that **masters can do no wrong.**

We have listened with sympathetic ears to the tyrant's cry that "I must have another term to complete my program."

Almost have we completely swerved from Democracy, the government of, by, and for the people, back to an oligarchy, a government of, by, and for the strong—the rich

Corruption, dishonesty, malfeasance in office, from justice of the peace to president, grows with lengthening tenure.

TENURE OF TEXAS OFFICERS—

In Texas we should keep the government in the hands of officials fresh from and close to the people, the masses.

To do this we should adopt the following schedule of office tenure:

Governor: Six years and out.

Lieut. Governor: Four years and out.

All Judges (I mean ALL): Six years and out.

All State Legislators: Six years and out.

County and local officers: Four years and out.

PROMISES AND PLATFORMS OF CANDIDATES NO GOOD

Executive officers, elected or appointed: Six years and out.

All public, appointive employees: Four years and out!

All teachers: Six years, the seventh "Sabbatical" spent in private effort, that they may return on the eighth year more familiar and more in harmony with the problems of the people.

No person could be elected to any office under two years following expiration of his elective term; nor could he run for another office while incumbent of an office, or by resigning from office. No person could succeed himself at any future date to any office which he has held.

There should be a state election every two years, and one third of all elective offices should be filled each two years.

All employees would be staggered to enter the service one-third of them each two-year period.

This would serve to keep the people alert to the functioning of their government.

The staggering of incumbents in office would keep at least a third of them fresh from the ranks of the people.

NOT THEIR PLANS, BUT OURS—

Officials in a Democracy are not supposed to carry out their **"plans, platforms and policies".** They are, or ought to be, chosen to carry out the wishes of all of the people—not their own, and certainly not the behests of the strong, the rich.

It is dangerous in a Democracy, in any goverment, to keep a person in office more than six years, because immediately on assuming his official duties, he changes into "the man behind the counter" where the master has always sat. No two facing each other across a counter were after a common objective. Each is bargaining, scheming to get his own way and the officer soon takes on the bearing of the most important (in his mind) of the bargainers.

Across the public counter of public policy and administration, the people must be the master in the bargaining.

The officer should never be anything other than a servant of the people.

It has been a long time since an officer has closed his letter with **"Your obedient servant."**

Even cops imperiously order the violators of laws around; yet our high-flown language of the rostrum is that, "no man is guilty before the law, until tried and convitced by **"a jury of his peers."**

Officiousness of officers must ever be struck down, because "to dominate is a deep (hidden often) urge in human nature."

Therefore, no officer can long retain the citizen's point of view after entering upon his official duties. He forgets he is of and from the citizens— forgets their interests— obsessed with his own ambitions and his greed for power and pelf.

One must be recently of and from among the people to be kept close to the people.

OFFICE DEADENS CITIZENSHIP— ....

We have a Congressman in Washington who has been there so long that his seniority (in length of service; not necessarily ability) enables him to hold high position in Congress and his party.

He has completely lost his identity as a citizen, and has come to look upon himself as having the right to dictate to the people even their party affairs. He has lost a true sense of his role as "servant of the people," and has assumed the role of a dictator. He would be Boss of his party. BOSS of the people and their party.

His attitude is quite in keeping with the ambitions of a king. What a change from the blackland farmer's son!

No man should remain in Washington, as a public official, nor in Austin, more than eight years.

The official families have become so numerous, and they are dictating to the people—ignoring the interests of the people so grossly that it might be well to deny them by law the right to participate in political campaigns, or cast a ballot. That would not be violating his rights as a citizen, for he ceased to be a citizen in becoming a "servant" of the people.

A servant, accustomed to taking orders, has never attained the full stature of a citizen.

But unthinking **you**, you say, "But a man must stay there a long term to learn the ropes and become powerful enough to defend us, our nation, against make-believe enemies."

OUR GREATEST NEED— A CLEAN BALLOT BOX, HAVENOTS

No person should go to Congress, or be elected or appointed to any other public position of trust, **unless he is qualified** to make decisions, intelligent, informed decisions the first day of his official tenure. It is too dangerous, a bit more concentrated danger, to elect one ignorant of what he must do—a bit more dangerous than the ballot of an ignorant, uninformed voter!

Not only is it too dangerous, but it is too expensive to train, have to train an official after he assumes his duties.

Congressmen and even six-year senators, come back for re-election on the plea that "I have just learned the ropes; and I must be re-elected that I may accomplish **my program."**

ABOLISH OFFICIALS' PROGRAMS—

Let's abolish the candidate's and the elected official's **program.** Let's substitute the **people's program.**

We hear these important people (in their own estimation, and the conviction of their bosses) say:

"I'm going to be a **career diplomat,"** or "I'm going to make public office holding a profession." and take little thought of what that means.

Careers, professions, vocations are just fine for private citizens, but wholly anti-Democratic in public service. Careerists, professionals, are set apart from the people, and invariably lose sight of the general welfare, and become absorbed in promoting their own welfare, and the interests of their subsidizers and creators.

I would not let even a school teacher go on for years without a break. Every seventh year would have to be spent in the private walks of life, without leave-of-absence pay, facing and fighting the common-every-day problems of the rest of us. Then he might possibly return to the classroom with a new outlook on life, and a deeper interest and concern for the problems of the private citizens, their patrons.

Legislation the teachers in Texas have fought for and gained have been in "the interest of the children," they've said, but the laws have uniformly advanced the teachers' pay check.

I have come to despair even of the long-planted-in-one-spot private citizen's becoming the highest type of citizen—one mindful of his fellows' interest.

There's but one efficient renovator of human faults and obsolescence, and that is **change.** Only in **change** is there the **elevating** of the **masses**, and **protecting** them from the oppression of the strong.

Change is the innovator of all new ideas, and the guardian angel of all progress.

It is pleasing to be told that even the sun is changing, for it can mean better universal conditions.

OUR BALLOT BOX DANGERS —

Second. We must completely reform and constitute our ballot box and election machinery.

In the ballot box and through the personnel of the ballot box officials and helpers lies the most dangerous link in our Democracy, between the people and the official family of our government.

We hear men boast that they may and do carry within their hands the power or practice of adding 15 percent to the total ballots cast, and we play the part of poor citizens when we fail to haul them before a court and there compel them to reveal the means used, those behind the fraud, and deal out summary punishment to every election official a party to the crime—and there is no greater crime against a Democracy than to violate the **sacredness of the ballot.**

Gross violations of the purity of the ballot box, the free election, the right of every citizen to vote, and **have his vote counted,** and only **the ballots cast by each citizen voter,** has been going on for years.

Before the Terrell Election Law was enacted, local ballot boxes were grossly used with impunity by citizens bent on having their own way—a struggle between local contending forces.

THE DUKES LIKE OUR ELECTION HABITS—THEY PAY OFF

CONNECTING LINK BETWEEN US—

The connecting link between the people and the government is the ballot box, therefore its sacredness and purity must forever be made safe from the despoilers of the rights and hereditaments of men..

In 1898, when a pupil in the Groveton public school (we had no high schools then), I saw illiterate Negroes and whites marched to the polls by local politicians and business men, and voted. At this box each set of candidates had its own box—a box for judge, for clerk, sheriff, etc. If a voter placed a vote for sheriff in any other box, it was thrown out!

The politician or "boss" would go in and note the order of the boxes. Maybe it was sheriff, judge, clerk and so on.

He would then go to the place where he had the ignoramuses corralled, and place in each person's hand a ballot for each of his candidates for the several offices represented, stacking in reverse order of the boxes. Then you wrote the name of the candidate of your choice, each on a separate slip.

The opposing faction, if in control of the ballot boxes (as democrats are now in Texas) would send a man in behind the boss, and shift the boxes. So when the ignorant voter entered and poked his ballots into the boxes, none went in the right box, or few, at best.

Politicians got tired of playing that game, and came up with a reform—an election law, enacted by politicians sent to the legislature, who had no ambition or desire to cut out crooked ballot boxes, but the smarter feeling that with a state law they could play the game more profitably for themselves.

There enters a strange anomaly: crooks setting about "regulating themselves."

They lopped off none of the crookedness inhering in unregulated-by-law ballot boxes— they just made fraud easier for the strong, and an honest, fair election for the masses, or the champions of the masses, was ignored.

DUKES OF DUVAL TYPICAL—

This has been amply proven by the long reign of the "Dukes of Duval."

West Virginia had an election in the 40s, and an able citizen was counted out. He went to several large towns in West Virginia. Got a mountain of evidence of corruption in the ballots boxes— ballots in the name of dead people, non-existent people and found many of the given residences of voters to be vacant lots, or the lot non-existent.

He took an arm load of documentary proof that he has been "counted out" and laid it before the Senate Committee on Election Returns—it is stilll there, unacted upon.

Why? Maybe our "favorite son" Senator could tell you. He was counted out in 1948, but he went to the "Duke of Duval" and was counted in again by **87 votes.**

Has the practice of the "Dukes of Duval" and other "Dukes" been unknown? Certainly not! These corrupt practices of the "Dukes" over all Texas have truly been notorious for years, and only smirking acknowledgement of it has been paid by not only the citizens, but by our "legislators."

I was on the floor of the Texas Senate in 1933, when a senator twitted Archie Parr, the first "Duke of Duval," saying, "The Senator from Duval has a pretty nifty set up down his way." And Senator Parr rose and said. "That's right. I have as many votes as I need, when I want 'em and for whom and what I want them. And I imagine the rest of you fellows would like to have it that nice!"

The rest of the "retained" honorable senators smirked.

The "governor of Texas" was on the floor, a neophite Senator; and the Lieut. Governor was a new-comer in the House —not too young or new to learn.

In 1948, when the "Duke of Duval" had as many votes as he needed, when he needed them for Lyndon Johnson, he promptly delivered them when Johnson appeared and said, "Duke; he beat me. What can you do about it?

I asked legislators who admitted to me that they knew the votes found (?) for Johnson at the "Duke's castle" were fraudulent, what they were going to do about election reforms. They replied,

"Nothing. Coke has benefitted in the past."

PARTY PRIMARIES SHOULD BE MERELY PRIVATE ACTIONS

POLITICIANS FEAR CLEAN BALLOT—

In other words, a clean ballot box is the last thing a politician wants!

Therefore that this thing could not happen, I would break the long tenure in office for elected and appointed officials.

Some of you people have been looking at the same faces in the election boxes for years, **many years.** There is the place and there are the people who make a terrible engine of destruction of all that Democracy has to offer. Given a crooked set of election officials, and the crooked politicians and the crooked bosses (business men behind them) would never lose. But the masses, the people always lose.

Here is the trouble. Let a small group of people hold elections year in and year out, and all are appointed by the dominant party, and those folks are going to respect the wishes of the crooked leaders. They will come to understand each other. Understanding each other, they are going to make the return read "right."

They are going to feel so safe with the bosses promising them immunity from discovery and blame, that they can do the rankest sort of skullduggery and get away with it—as the "Dukes" have.

Al Capone led his gangsters in a merry race of murder and rapine. The "in the pay" elected officials could get nowhere against the Al, because they did not want to get anywhere; so the United States moved in on "income-tax evasion," and neatly wrapped Al up in the Alcatraz jacket!

Parr has quit playing ball with the bosses, so they are out to get him. They pass over the greatest crime one can commit against a Democracy, the corrupting of the ballot box, and our Don Quixote with his tin sword and atop of his tin hoss, is after him for misappropriation of funds. When a little country editor stirred up a veterans land mess, and a little county or district attorney got on the trail of one of the boldest and most sordid pieces of official theft, the trail led directly to the Don's hacienda! Did he draw his tin sword and make a charge at Giles' sordid calumny? Nay verily. He spluttered and spurred, but his nag went off into the limbo of little things, and it was left to local district attorneys to send Giles to the penitentiary for a pat on the wrist!

TAKE OUT OF HANDS OF PARTY—

The first step to correct this sort of elections which too often land the wrong man in the office, is to take the election machinery out of party hands, and permit members of election boxes to hold forth only one year in ten!

Do this, and there can not grow up any "understanding" between and among the officers and helpers of an election. Each will be afraid to suggest skullduggery to another.

I would make any person ineligible to assist in holding an election more than one year in ten. This would give every citizen a chance to contribute freely of his time to the state.

And I would have a non-partisan appointive power which would see that each set of election officials was composed of members of every party or faction interested in the results of the election, and these would serve without pay, gladly because it would give them something concrete to do for their state.

Why don't you see bankers, leading business men, our most intelligent and busy people sitting at the ballot boxes, aiding the citizens to have fair, competent elections? They are too busy? The task is a bit too common?

If they think so on either or both assumptions, they are wrong, for no man is too busy to render his share of public service, and it matters not how busy one may be, public service in defense of our free government, our liberties, must take precidence over all of his private affairs.

I can think of no person, worthy citizen who would not gladly serve four hours in any election. And the only expenses would be locked ballot boxes, printed ballots, and pencils. Places for holding the election would be some public building, or a place supplied by some public spirited citizens.

Democracy must ever fight long tenure in office.

Third. We must not only make it pos-

YOU HAVE TWO SETS OF RIGHTS, IN- AND UN-ALIENABLE

ble for every citizen of sound mind to vote, but make it imperative that he shall vote.

TWO SETS OF RIGHTS—

The use of the words "unalienable rights" set every American to assuming that what is unalienable **can't be taken** away from him. And he goes on blandly assuring himself that his "liberties are safe" against all comers, forgetting that the most sacred of all unalienable rights, life itself, may be taken from him unless he is always vigilant and ready to defend it. Too, the American has become so obsessed with this great social and political admission, that he has forgotten that with every right there is imposed a **duty. Duty** to defend it.

Man may enjoy two rights: one set are natural rights growing out of his creation; the other set growing out of his membership in the society of men, the rights to enjoy and participate in all social, economic and political activities growing out of the social, economic, and political efforts of man.

The first set of rights was the one incorporated in the "Declaration of Independence". Jefferson wisely and correctly used the term "unalienable", meaning that since these rights came from God, only He could take them away.

Rights growing out of our being members of the society of men, are "inalienable rights" which may be taken away by the society of men for they provided the rights, and what man provides he may, upon cause, take away.

A citizen has inalienable rights to partake of benefits provided by the state—schools, churches, roads, and all other efforts of man, so long as he meets the rules prescribed by man; but to be secure in his rights, he must meet every duty and obligation the membership in the society of man imposes.

To accomplish a Democratic guarantee of these rights, man has created his own government, and provided the ballot box as a means of selecting men worthy, capable and willing to guard these rights for him.

WRONG OFFICIALS SHAME RIGHT—

Elect wrong officials and all objectives of a Democracy are forfeited. Therefore, that all social advantages and gains may be maintained, the right sort of officials **must be chosen.**

Your enjoyment of social privileges is a right, but your enjoyment of these rights, your participation in them, carries with it a **duty, a must.** Unless you are ever alert to your social, political and economic well-being, and vote at all and **every election,** your social, political, and economic rights as well as many of your unalienable rights will be taken away from you; for men have not learned that depriving another of a right damages and cheapens his own rights.

Man has not learned that the mere enjoyment of a right is not sufficient. He must work at it; defend it.

Therefore we must not lose sight of our "rights" but let up on using it as a battle slogan, and begin to unfurl the banner of **duty, every man's duty to participate in** creating and maintaining social benefits.

A man has no **right** to lift his nose and say, "I'm too busy to participate in social well-being— politics is too dirty for me." If it is dirty his failure to do his duty as a citizen is partly the cause of it. If a man fails to keep informed and to vote at every election, he is guilty of a crime against his state.

It is the duty of every citizen of sound mind, and not under the cloud of crime, male and female over the age of 18, to inform himself on all matters of the public welfare; vote at all and every election, and should be **compelled to vote under a heavy penalty if he fails to do so.**

NOT MAY, BUT MUST VOTE—

Let's quit prating about it is my right to vote, and begin to emphasize that it is **every citizen's sacred duty to vote,** therefore **HE MUST VOTE..**

No limitation on a voter's voting should ever be tolerated. When our first poll-tax amendment was submitted to the people, I asked Congressman Gordon Russell of East Texas, who had been Federal District Judge, if he voted for the amend-

IT IS EVERY CITIZEN'S DUTY TO VOTE IN A DEMOCRACY

ment, and he replied, "No; that is a restriction placed on voting. If the legislature may set up a poll-tax requirement for one's voting, then on any other or many whimsical pretexts, they may continue to deprive other citizens a vote, until the ballot is open only to a very few."

The first demand should be the repeal of the poll-tax provision, then all other limitations placed on one's voting. and demand that a law shall be enacted demanding in the strongest terms that **all citizens must vote,** making the penalty so heavy for his failure to vote, that no citizen would fail to vote.

And to make possible every citizen's vote being counted, all excuses for throwing out ballots—marred or otherwise, if regularly cast—should be outlawed. It matters not how poorly a ballot may be marked, how many errors the voter may have made, if he gets one right mark, that vote should be counted.

There should be no party control of elections. No promise of the voter, or pledge could be demanded; but each voter would face his responsibilities to himself and his state, and vote in each and every election as his knowledge dictates with no future conditions of voting obtaining.

Parties could, as any other "private" clubs, hold elimination elections to choose their nominees, without state regulation. its party nominees, in any manner they wanted to do it.

BALLOT NO PARTY DESIGNATION—

In general elections, state or federal, only the names of the nominees of the several parties would appear on the ballot, and those without party designations.

For example: if Ike should be the Rebuplican nominee for president, Adlai, the Democrats, and Norman the Havenots' their names would appear alphabetically as follows:

For President

Ike Eisenhower
Adlai Stevenson
Norman Thomas

And it would be up to the voter to vote

And the election would go to the candidate receiving the plurality vote.

This talk of a two-party government is a recent cry of the **ins,** and in their cry they hope to outlaw all third or splinter parties, taking advantage of the disfavor of the "communist party" standing in the United States—to the old party leaders any one not agreeing blindly with them, is a radical, liberal, socialist, or communist.

OF, BY, FOR, O, HAVENOTS, NOT YET

This is not a government of and by parties, or ought not to be. **It is and of right ought to be a government of the people, by the people and for the pople.**

Well, I grant you that it is not now, but it will be when the Havenots stand together and fight shoulder to shoulder for their rights as citizens, as guaranteed by the Constitution of the United States.

The party fetish has come to dominate our government. Senators, Congressmen, Governors, and the President, topping the kennel, yellow-dog party-ism has obtruded itself between the masses and their government.

The President stoops to try to prevent a state's making its own choice of her Senators and Congressmen, and U.S. Senators and Congressmen spend weeks away from their places of service in Washington, during sessions of Congress, repairing their party fences— and their own fortunes.

Both Texas Senators are spending most of their time now trying to repair and make stand up the Repub-Demo party they launched in 1952. Daniel is trying to swing from the Senate seat to the Governor's chair that he may snatch up the mugwump torch Shivers has let fall, and Johnson is in Texas and Washington making a mad effort to ride two horses going in opposite directions.

So big! Today Johnson is holding a press conference at his ranch in the hills 50 miles west of Austin, to which many cars with many reporters will have to go. But again Mahommed had to go to the mountain!

But he ought to be in Washington do-

HORSE THIEVES DIDN'T HAVE IT SO GOOD AS POLITICIANS

ing his duty as senator. Only his own political fortunes must come first.

Instead of the people, free from official meddling and iterference of their servants, meeting and planning their own campaigns for the electing of their servants who will truly represent them, we have Senators, Congressmen directing the political affairs of Texas—that these officials **may continue in power and enjoy the bribes and riches free to them as public officials**

HOW THE HORSE THIEVES DIDN'T—

This has been ignored so long that now if the people begin to murmur that there is corruption in official circles, the officials bravely create an "investigation committee", being careful to put on their safest members, to make an investigation of corruption in office. They "investigate", careful to ask none of their buddies embarassing questions, turn in a milque-toast report, and that ends it.

How much longer would horse stealing have lasted in Texas if, on horse owners' complaint that their horses were being stolen, the horse thieves had met, selected their wiliest and smartest fellow-horse-thieves to "investigate horse stealing?" They had held a press conference, and said, "Be of good cheer, horse owners. We are going to the bottom of this, and the guilty shall be caught and punished."

Then daily bulletins would have gone out assuring the horse owners that if any horse thief shall have been found guilty of violating any of the ethics of the ancient order of horse stealing, to have violated any of this guild's codes,, they will be punished. We shall pat him on the wrist and say, "Never again, Suh. In the future be a bit more careful when and how you sling the lariat. There are certain horse owners we must respect."

We have a fellow in Austin running for Texas Senate, who avers that **making malfeisance in office a felony might be going a little too strong.**

Imagine a country Negro who has stolen a cow appearing before a court and the Judge's saying, "Sam, I think the law making cattle stealing a felony a bit too strong; I'm going to charge the jury to fine you under a midemeanor statute, and recommend that you be acquited, with the admonition that you be a little more careful not to be caught next time—the repetition of the theft will be more offensive than the stealing."

We are sending havenots daily to the penitentiary for minor thefts, and witnessing Senators who accept bribes of as much as $10,000, walking our streets free.

BLIND GODDESS NOT SO BLIND—

We have just witnessed a long-in-office crook who admitted he stole millions from the State in the veterans land business, receiving many six-year prison sentences from a court, these to run concurrently. He is now in Huntsville, eating caviar, with the assurance that if he behaves and does not squeal on the Governor and Attorney General, fellow culprits as board members with him, he will get out in a little over a year! So he is assured that his high crime of stealing a million dollars will prevent his sitting with the family at just one Christmas dinner.

And atop that courthouse is the statue of a blind goddess holding aloft her balances, assuring the world that equal justice before the law shall be found below.

Ye gods. This is what has come of the people's letting a man stay in office for a score or more years. Bascom Giles would not have dared commit that theft the first four years of his tenure— he would have feared his fellow workers; but after years of filling his office with the right folks, he decided that he could get away with murder—and did! Compare the 20 years in prison of the boy who with a pistol robbed a filling station of $50, and the 18 months sentence of the State official who took a million dollars.

O Justice, thou art besmirtched so often in our courts!

There is but one cure for these conditions, and that is a free ballot in the hand of every citizen. And stop electing kids—

THE STATE MUST INFORM THE VOTERS ON CANDIDATES

men who are ambitious for place and power. Fill all of the offices with men of character, wanting to serve their fellow-men honestly, ably, conscientiously **that democracy may live!**

EDUCATING THE VOTERS

My fourth suggestion for protecting the ballot box and the people against incompetent officials of low character, briefly is this:

The choosing of public officials is the people's responsibility; therefore, the people (through their goverment) should, at no cost to the candidates for ofifce, provide for the people pertinent facts of and about each candidate for office, covering his character and qualifications to hold the office.

The present system, or lack of system, of letting any person enter a campaign for public office, and let each in his own way try to educate or inform the voters on himself, has proven in a thousand ways destructive to good government; for, whatever or however good the foundation of a government, incompetent, low-character officials will make of it a mockery, a disgrace and a danger to the liberties of the people.

That opportunity for public service may be open to any qualified, high-of-character citizen, desiring to fill any post in our state, the government must provide an agency to which he could go, file his application, together with his qualifications and character data, submitting references among his neighbors with their statements, and after checking the statements of facts, facts fair to the people and fair to the candidate, the State would print these facts along with all other facts of all candidates in a 1,000-copy edition of a book.

These 1,000 copies would be made available to the public in Texas by filing two in each Courthouse. Opposition candidates or any interested citizen could go and examine facts about any candidate found in the book, and should he want to add additional facts, he could do so, and these would appear under the candidate's and his references' statement of facts.

And the party or parties filing supplementary statement would be held accountable to the law, as the candidate or his references, for any lie filed therein.

PARTY RULE IS CORRPUT RULE—

If any statement made by the candidate, under oath, to the agency, about himself in his submitted story, or made for him by any reference, was a lie, he would be guilty of a felony and face a prison sentence.

The people MUST be informed about the qualifications of all candidates, and it is the duty of the people, the state, to make these facts available to every voter.

This would prevent vast sums of crooked money from crooked business men and groups being spent in misleading the citizens. This would of course deprive newspapers, radios, televisions, and journals and magazines of millions of campaign money, but it would save the people the shame of mudslinging campaigns, and prevent the crooked politicians and crooked business men lying about a candidate or his opponent.

Provided, that any time after the election (without time limit protections) it could be proven in court that a candidate had lied in his own favor, or spoken a lie against his opponent, he would be guilty of a felony with prison sentence mandatory.

No person has a right to an office on the demerits of his opponent. His own worth should be the measure of the man.

No person could spend money on another's campaign, and the candidate himself could spend no money for radio, television or other forms of advertising. He could spend money on expenses of his own transportation, and only his own, in personally seeing the voters himself.

No candidate would be allowed, legally, the right to attack his opponent's character or qualifications in any manner; but he would be confined, legally, to promoting his own merits, seeking to convince the voters in face to face speeches his merits and claims are justified.

You say, "But that would interfere with the right of a candidate, of a citizen." And I retort, "No man has a right per-

NOT OVER 100 VOTERS IN EACH VOTING PRECINCT

sonally and for persoal benefits to attack his fellow-citizen or his fellow-candidate in a campaign."

Others would "interpose" the objection that you could not get an agency of the government who would be unbiased in preparing the statement of a man's qualifications and character. And I reply that it has worked very well in setting up a standard for teachers for our schools, the most important public position in the goverment. The candidate himself with his references, would supply the facts, and these would have to be true or "felony charges" would follow.

It is no more undemocratic, violative of a private citizen's rights, for the public to demand certain standards of qualifications and character for public office than to require them of school teachers.

No man once guilty of serious misconduct should ever be permitted to hold public office, and if convicted of any crime, he should forever be barred from office.

It is a reflection on our intelligence to permit **just** any man to run for governor or any other elective office.

The hack driver under our present way can announce for Governor of Texas. He may be barely able to read, and be forced to make his "mark" for his signature, but on paying his fees, he may be listed as a candidate for Governor of Texas—or for President of the United States, as for that matter.

I am a sorry sort of citizen who boasts that "I am good because I am better than the Jones." Being 'better than" means nothing, unless that thing "better than" is excellent.

THE STATE MUST PAY ALL COSTS

Not only must the state pay all costs of placing in the hands of the voters each candidate's qualifications for holding the office to which he aspires, but all costs of holding elections should be borne by the State.

Corporations (states within a state) now, many of them hiring more men than some states employ, would not give a second thought to permitting a group of men outside of their organization, setting up their own method of determining the fitness and qualifications of men to hold jobs under the corporation.

Should the State have less protection against incompetent, dishonest employees? Of officials?

But, knowing that the right man means the difference between loss and profit in each and all departments of the corporation, they not only have a personnel department to pass on every applicant for employment, but they set up night schools where they train their employees continually, making them more efficient, indoctrinating them in the corporation's policies and purposes.

Then there should be no filing for office fees, and all costs of election must be paid by the State.

But this would be nominal. Only three items necessary: a) metal locked boxes, b) printed ballots, and c) pencils.

The place of holding the election would be a public building or a donated building.

THREE HOURS TO VOTE—

The voting would begin at noon and end at 3:00 p. m. **No box could have more than 100 contiguous voters.** And the ballots would be tallied placed in a locked box with the key in the county clerk's safe, and then enclose in same box complete report of number of ballots voted, number thrown out, and names of each voter and his vote number. So that any citizen could have his ballot checked to see if it were counted.

And the ballot boxes together with returns, must be in the County Clerk's safe by 7:00 p. m. the same day.

It is strange that none of us have complained that as it now stands, we have election of politicians, by politicians and for politicians, and never know how many ballots were voted.

In Travis county, a delightful old gentleman who saw no wrong, heard no wrong and spoke no wrong, known for his amenableness to the wishes of the party bosses, hidden in the back ground, served Travis county for many years as Chairman of the Travis County Democratic Executive Committee—only death making his place vacant.

His amenableness so fascinated the political bosses (in the background, keep in mind) that they sought to hold on to the same amenability in their whip hand—they appointed his son to take his place!

The same members of the Travis County Executive Committee serve year in and year out. If one drops out another amenable to the bosses is appointed.

And on to every election official.

Don't forget that the Democrats have had undisputed control of the voting in Texas; that we have incontrovertible evidence that our elections are in many boxes very corrupt; that our state government is shot through and through with corruption — thievery, bribery, malfeasance in office—; and we witness all of this and sit supinely by while the "horse thieves hold their own investigations."

Of course in the hundreds of voting boxes there are many manned by fine citizens, but too many are not.

MEN TOO LONG IN OFFICE ASSASSINATE DEMOCRACY

SMALL VOTING PRECINCTS

One of our greatest dangers of fraud in elections lies in the large voting precincts. This produces confusion; makes it difficult for all voters to vote, and leaves the election holders long into the night completing their work.

This leads to the manager of the election taking the boxes home with him. He may take his good time in turning them in to the County Clerk. In the meantime he may decide to rearrange the returns!

I saw wreckers tearing down the old home of a county commissioner who had had many "political fights". Behind the front door facing were great batches of voted ballots!

No election precinct should have within its borders more than 100 voters; there should be no gerrymandering. And the election officials should know by name and by sight every voter in his precinct. He would be permitted to let these resident voters vote, and no others; and his knowing the voter would be the only "permit" the voter would have to have.

The election would be from noon to 3:00 p.m. which would give every voter time to casually and carefully vote. Then the election officials would have **four hours** to complete their work, and get the returns to the County Clerk.

In a Democracy an election is so important that all places of business and all forms of work should cease at 11:00 a. m. and remain closed until 4:00 p. m. each election day, that all voters would have five full hours to reach the voting box, cast his ballot, and return to his daily labors.

And, too, each voter would want to participate in Democracy's most important effort by visiting with his fellow-citizens, and debating the election promises.

A clean ballot box is not too much to expect, if the Havenots fight for it. Then let's fight and demand it!

CORPORATIONS BORN OF LAW—

It took almost one hundred years of constant knocking at the door of the United States Supreme Court by corporation attorneys to accomplish the opinion of the Court that a corporation is a person, capable of suing and being sued in the courts of the land and when they got that opinion, the private citizen has since been confronted with a monster, neither flesh nor blood, a creature of statutory law, which has a beginning but may live a thousand years.

It is intangible. You may sue it, and fine it, but you can't incarcerate it in jail. It may steal you blind, abscond with the people's money or goods, stoop to chicken stealing, yet you can only fine it; you cannot close prison doors behind it. It can commit crimes, and does, that would send a private citizen to prison for many years, yet its stockholders and officials are immune from imprisonment.

It stands in court an absentee client, represented by wiley, smart, astute, cunning lawyers, and its flesh and blood counterpart may be basking in the Florida sun, or hunting moose in the Canadian woods. It may run its machine over you, as the man on the highway may do, kill a human being, yet only a fine can be imposed; while the man on the road faces long years in the penitentiary, and often gets it.

A corporation is a creature of law; must

CORPORATIONS GREATEST CORRUPTORS OF GOVERNMENT

be protecetd by law, and to the enactment of laws, it must look for protection, and through the law it corners privileges that no private citizen can secure. It finds its existence and gain so dependent on law that it lobbies for all legislatures where its tentacles may extend, and spends billions seducing, traducing and coercing the legislators of the world.

Corporations are the most corrupting factor in our economic life. One of the original batch of amendments submitted by Congress to the state legislatures for ratification, was one sponsored by Jefferson, provided that the United States nor any state could grant special permits to any group; that no group could be chartered, "incorporated" by law. Thomas Jefferson said that any enterprise too big for a group of citizens under a general partnership to accomplish, should be done by the Government, national or state.

He said that a corporation would grow so powerful that it could, and would challenge the Government, and that no private citizen could compete with it.

CORPORATION EMPLOYEES RISK—

Because they can pay enormous fees, and salaries, corporations can and do employ the strongest lawyers. To be on the safe side, the corporation puts hundreds of promising young lawyers on a retainer fee, and the young lawyer may go on for months or years without being called upon for legal work; but this is their system of training up young lawyers in their own way of thinking—it is buying prejudice and loyalty of the legal profession.

They treat scientists and economists in the same fashion; therefore it is not in best interest of the public to elect a corporation employee, in particular a corporation lawyer, to any office, more particularly to the legislature **or congress.**

When Tocqueville wrote his reactions, in 1831, to American democracy, he said:

"In an orderly and peaceable democracy like the United States, **where men cannot enrich themselves by war, by public office, or by political confiscation,** love of wealth mainly drives them into business and manufacturing."

Until the latter years of the nineteenth century, this was largely true; but when the corporation found that through protection and special privileges, they could amass fortunes, they made **public office,** a very lucrative business through the bribing and controlling of public officials.

They found that money lavished on a Congressman or Senator, even state legistors, paid back the most spectacular dividends. Nothing became too good for a capable public official.

As always when thinking on these abuses of official trust, Senator Lyndon Johnson comes to mind—and Shivers.

Brown and Root, now touted as the biggest contractors in the WORLD, through the good offices of officials throughout the world, always have their planes ready to fly their Johnsons, Shivers, et al, on any trip they wish to make.

Therefore, not only must we make it unlawful for a corporation employee to hold public office; but outlaw their keeping lobbyists around Congress or legislatures.

LOBBYING MUST BE STOPPED—

Personal lobbying must be stopped and the plan of the Constitution for influencing government adopted, which provides that the "people shall have the right to peaceably assemble, and petition the Government for a redress of their grievances."

LET PETITION DISPLACE LOBBYIST—

If the people, any number of them, desire official action in their behalf, they should call a mass meeting, for a public officer or a legislature can do nothing in a democracy, officially, that is not of concern to every citizen, and publicly discuss their grievance, and then draw up a petition to the agency of the Government through which they seek a redress. This petition should be mailed to all officers whose duty it is to give consideration to the matter—and mailed, not sent in the hand of one of the bright boys.

Then the officials, severally and jointly could go over the petition and, if found action would be in the best interest of the people, action could be taken.

As long as high-priced influence peddlers swarm in and out of our state capitals, and Washington, the corporations and not the people are going to prosper.

In the 30s when we "cracked down" on the little truckers, putting most of them out of business, I asked an ex-congressman why it was done, expressing the thought that the big truckers could take care of themselves. And he replied, "No, the little trucker, the little man will gnaw the corporation, the big man, to death every time because there are so many more of them. When you see a big man, a rich man, you see one who enjoys special privileges from the government."

The state is quite jealous of its wards, corporations and the rich. In 1954 I had occasion to buy a half-ton pickup. Among many "agreements" I had to accept from the state was one that **expressly stipulated that I could not use it for hire!**

Can you by any stretch of the imagination find any reason why a "small farmer" could not legally use his little truck for hire? No, there is just one fact: **the big fellows are trying to eliminate from their fields of activities every little fellow.**

Why, the little fellows would eat them up, if not prohibited by law to compete with them.

BANKER SAID U. S. WON'T LET 'IM—

In 1950 I went to "my" banker for $1500 loan to complete my building at 2004 S. First, Austin. The president of the bank said, "You will need more than that—men always need more than they figure. Better make it $2500, if you don't use it, you can check it back."

In 1955, I went to the same banker and asked for another loan to improve a residence I was in the act of buying, and he said: "You know that I would be glad to let you have the money, but the Government won't let me finance the building or improvement of a rent property, or houses for sale!"

Feeling a little put out, I drove on out South First, and saw to the left many G. I. houses under contruction and, of course, financed by "a bank."

Again the little fellow couldn't, while the big fellow sailed merrily along!

AIDED THE BY U. S., BANKERS MIGHTIEST ROBBER BARONS

ALL LENDERS ARE LOANSHARKS—

In financing we find the greatest disparity between the Haves and the Havenots. Let me take the small loan bracket. The field where the Havenots wear their noses raw, trying to nibble a living on the short grass.

My grandfather borrowed, often without note, from his neighbor. After the Civil War. father was left to the mercies of the old general merchant, the best credit friend the Havenots ever had.

As I matured into physical manhood, the first bank came to our town. With it came the first **cash store.** The young fellow painted along the plank fences every where **PAY CASH AND PAY LESS,** and the Havenots were turned from the old credit merchant to the bankers for cash.

The old credit merchant began the practice of demanding of the less thrifty Havenots, a chattel mortgage covering horses, cows, tools and the crop.

The bankers of the early part of the century made use of the chattel mortgage, only he demanded three times as much chatel as he loaned in money.

This hit and miss practice was kept up until First World War, which followed on the heels of Congress's giving the bankers the sweetest special privilege man had or has ever enjoyed, **The Federal Reserve System.**

Banks had already begun demanding a "deed of trust" against the borrower's real estate. If a fellow had vendor lien notes, the banker never overlooked them.

But a boom followed World War I, and, too, they had about exhaused the "deed of trust" field, so they began to pour out their swelling floods of money on just second and third mortgages against city property.

This got them so deep in mortgage paper, and the people were getting so much loose change in their pockets, and so many corporation stocks in their bureau drawers, that the bankers pulled off

DEEDS OF TRUST BETTER PROPERTY THAN REAL ESTATE, SUH!

their magnificent bank bust in 1933.

In sack cloth and ashes they appeared before the "Great White Father" in Washington, and said: "Father, we have so many poor on our hands that our finances won't meet. Won't you please help the poor people who can't pay their notes?"

The Great White Father did. He took off their hands all of the bad notes. He set about spending the "bankers money" on rehalibilitation of the "poor" and vast public works—the FHA for the poor and the Roosevelt dam for the rich.

This got results. The banker found a new source of security: **the endorsement of Uncle Sammy on almost all of his lending. To GIs, to foreign coutries, to contractors and corporations!** t

The Government lends no money to the GI, or the home repairs, or to home builders; nor to foreign countries, not even on the world-flung military operations. The bankers finance all of this out of that "free air" money they have access to, and **Uncle Sammy just puts his John Hancock on the bonds!**

NOW THEY CAN'T LOSE—

So this is the setup to date. The bankers still cling to the personal, the chattel, the vendor lien, the deed if trust practices of yester years, but World War II perfected them along with the complete streamlining of Uncle Sammy's endorsement, and the wideflung "credit insurance" security now used extensively.

So now the bankers have many sources of securities protecting their loans:

1) personal, 2) chattel mortgages, 3) deeds of trust, 4) U. S. bonds, Uncle Sammy's endorsement, 5) life policies on the borrowers, 6) and credit insurance, and they avail themselves of one, more or all in making loans.

This change cleaned out the banker's back lot where he put tools and implements taken in on bad debts, and he became a frequent visitor to the county clerks office where he filed deeds of trust and later warranty deeds.

That's an interesting story I may tell you in full some day.

Credit insurance has led the Havenots

OUR HOME-OWNER SUCKERS—

into the home-owning trap. It is reported that home-owning has climbed to an all-time high. Here is why. I'll be personal. I came back to Austin a "broke-down farmer." I found I could buy a $6,450 shack for $500, and balance on monthly installments "less than rent." I bought, and when I signed the notes, the accommodating agent said, "Well, you had better take out insurance for three years—it is cheaperer." I asked how much, and he said full amount of note. I said, "But that is much over three-fourths the value of the entire property, much more than house. I could not collect it." but he said, "O, yes; you can this insurance." And I was introduced to "credit insurance."

Now let's see who owns the house. I put $500 into it, and got a deed. The insurance company got the deed (or Mutual would have taken it), the note holders have $6,000 in the house! But I must pay for all improvements, keep the house in tiptop shape, or the note holders will do the job and add it to my debt. I own less than one-twelfth of it, but I pay all taxes, which ran over $90 at the city hall, and too much at the courthouse.

That's why owning the notes beats "owning" the property. You save taxes on your money. You don't have to worry if the freeze busts the water pipe, or the fire consumes the building!

That's why the havenots are groaning in their installment luxury, trying to feed the kids and keep installments up. And, that I am numbered among the suckers calling this dump my property, when on my failure to pay one installment, the note holders could mature all notes, demand the $6,000, which, of course, I could not dig up; so his deed of trust would kill my "warranty deed."

If the noteholders own eleven-twelfths of the property and I own only one-twelfth of it, it looks like they should at least pay eleven-twelfths of the taxes, and up-keep. Don't you, Havenots, think so?

THE INDESTRUCTIBLE HAVENOTS
S. W. Adams, Editor-Publisher
To be issued every once in a while

IT'S BONDAGE— ALWAYS BONDAGE FOR THE HAVENOTS

As the background of a dream:

Were the Rockefellers, the Fords, the Wilson, the Morgans, the Pews, —the great organizers of all industry, as ambitious to see that every human being is well-clothed, well-fed, well-housed, well-educated, and well-entertained—that all were happy human beings living joyously their daily lives, they could do this and sweep the slums, disease, hunger and squalor from the earth.

They could easily accomplish this because they know how to put human beings to work fabricating, producing human wants. Then we could send the policeman on more pleasant tasks, the great armies and navies and air fighting forces could be turned from the business of killing, destroying, and be added to the vast army of people busy with making life a thing of the greatest beauty.

Had the trillions of dollars the world has spent and is spending on trying to hold the power of control in the hands of *Haves* been spent on the more beautiful tasks of life, then there would be no slums, no ragged, unshod hungry human beings, and beautiful cottages and fine residences would dot the world—the Master's dream of that day when "you will love one-another as I have loved you," would come to pass.

To await the *Haves* coming around to this would put other twenty centuries between the *Havenots* and their realization of *Christ's dream.*

So the *Havenots* must quit acting like the dumb brute being driven to slaughter, educate himself, know his God-given unalienable rights, and go to the polls, elect only *Havenots* to all public offices, repeal thousands of laws, and enact laws that will give all men, *Haves* and *Havenots* equal social, legal, economic and human justice.

The *Havenots* have throughout the ages lived in constant fear—fear of the sting of the *Haves's cat-o-nine-tails*, fear of hunger, fear of dying in poverty and resting finally in the potter's field.

FEAR! FEAR! FEAR! FEAR! has dogged at his heels all these centuries!

Afraid he will lose his job! Afraid his child will become ill, and he will have no money for medicine and a doctor's care! Afraid he will not be able to buy his family's daily bread!

FEAR! FEAR! FEAR! FEAR! like the hounds of Baskerville, have trailed at his feet during his waking hours, and slept at the front door by night, ready to take up his trailing as the *Havenots* leave for their daily toil!

First the *Havenots* were happy, carefree children in the forests, until one of their number found he could have his cocanuts without climbing the tree for them for he could compel the weaker ones to do the chore for him. Then the embyro *Haves* of today, led their *Havenots* of their clan against another clan, and after killing the *Haves* of the attacked clan they took the rest of the *Havenots*, along with the wives and daughters of the slain *Haves* —and the children and made them slaves—so began the prisoners-of-war slaverv. That flourished as late as the middleages, still finds practice in some nations—but out of the ranks of the *Havenots* appeared dreamers of a better life for his fellow-sufferers, with Jesus coming with his master hand; so the use of prisoners of war as slaves was gradually supplanted by the "bought" chattel slave; then during the last few centuries the *Haves* have perfected debt-peonage; and today we are in the midst of its complete flowering—and at the head of this gigantic debt-peonage serfdom for the *Havenots*

(Continued on back of cover)

THE BANKER IS NOW THE HEAD MASTER OF DEBT SLAVERY

sits the banker, with money creating powers, unconstitutionally conferred on him through enactment of laws the banker wrote himself, his endless dictating laws binding the *Havenots,* binding them under laws written by the banker more galling and more effective than the cat-o-nine-tail of the chattel-slave driver.

Some fool uttered in disgust the "very idea" of the debtor writing the laws governing debt! What is so unusual about that idea? During man's long trek down the economic road, the creditors, the *Haves* have been writing them! Is not the interests of the debtors of just as much importance as the interests of the *Haves?*

Because as a class, the *Havenots* are more considerate of their fellowmen, certainly they could and would write just, humane laws—giving the *Haves* along with the *Havenots* justice before the law! Something never done before in any economic law the *Haves* have written—and God knows they have written millions of them!

Just one example: our *Foreclosure Laws.*

Smith borrowed $5,000 from the bank, and gave the bank a deed of trust to his ranch worth $15,000 on the then market. He agreed to pay the bank $2,500 a year, and did make first payment. But drouth got him the next year, and he could not pay. The bank wanted the ranch. It would not give him an extension. The depression was on. The ranch could not have been sold on the open market for $5,000. The banker foreclosed. The redtape of law was invoked. The sheriff sold the ranch to the "highest bidder" who was a stooge of the bank. He bid $2.000. The state gave the bank a warranty deed, and wrote on its books a judgment for $1,000, balance due, interest and costs of court, in favor of the banker.

The rancher, one of us millions of *Havenots,* had spent the $5,000 improving the ranch! He turned from sale ranchless, penniless, homeless; and defeat was written across his soul with the redhot iron of injustice and he never owned another home.

Justice would have written a law requiring the banker to either renew the note, or if he foreclosed he would have to pay the rancher the difference between the $15,000, value of the ranch at the time of loan, and the $2,500, balance due, with interest and costs of sale.

Thousands of *Haves* have let their debtor pay and pay, and then on his failure to pay only one installment, foreclose and take the property, get judgment for balance due, and the debtor walks away penniless!

We have come to talk about a few lenders as *loansharks!* O, my brother, the rare animal is a lender who is not a "loanshark!"

Surely, surely, the Havenots will not continue to let the Haves write the laws, the rules of the game, knowing that we can never play the game and win under their rules?

I want the *Haves* to eat—and then, too, I want to eat!

There is a simple solution and in *The Indestructible Havenots* pamphlets we tell the story. Send 25 cents and name and address of a friend—and we will mail him a copy—and you should pass this copy on to another *Havenot.*

I am not subsidized, and am printing these pamphlets at cost of stock and my own labor; so if you think I am shooting at the BASIC economic trouble confronting our people, write

S. W. Adams, Pamphleteer
The Indestructible Havenots
2004 S. First Street, Austin, Texas

A MENTOR BOOK

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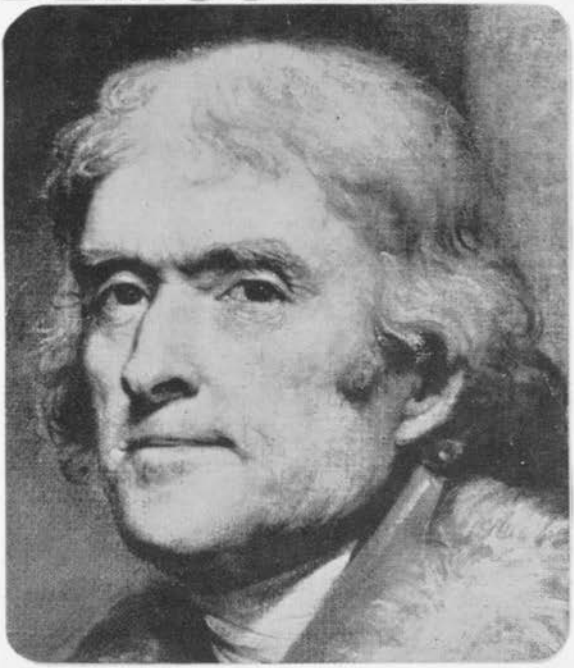
THOMAS JEFFERSON ON DEMOCRACY



The living thoughts of
America's Architect of Freedom
edited by
SAUL K. PADOVER

About This Book

Although Thomas Jefferson's name is closely linked with the idea as well as the reality of American democracy, Jefferson himself wrote no treatise or essay on the subject, and consciously abstained from a systematic exposition of his thoughts on politics and society. What we know of Jefferson's superbly fertile mind, as Saul K. Padover points out in his Preface, is derived mainly from his letters.

From these letters, and other sources—both published and unpublished—Padover has extracted the essence of Jefferson's views on democracy. He has arranged them topically, under the chapter titles "Natural Rights of Man," "Principles of Democracy," "The Constitution," "Political Economy," "Social Welfare," "Religion," and "Foreign Affairs," and he has woven them into an integrated whole. Except for his illuminating Introduction, Padover has added no text of his own, nor has he altered anything of Jefferson's thought. The book is entirely Jefferson's.

It is a book which for the first time reveals Jefferson in his full stature as a political thinker, and as a commentator on the men and events related to the democratic experiment of which he was in large part the creator. Padover himself says: ". . . the reader who will want to give himself the pleasure of perusing the book or browsing through it will make the delightful discovery of a subtle spirit capable sometimes of the indignation of a Swift, and, more often, of the prose rhythm of a Bacon. More perhaps than any other man of his time, Jefferson embodied the thoughts and hopes of a libertarian age, its belief in human goodness, its faith in progress, its trust in science and the enlightenment of reason. The editor feels that this book is timely and much-needed. Today more than ever we need guidance and hope. The editor hopes that Jefferson's countrymen will want to renew their acquaintance with the author of the Declaration of Independence."

Thomas Jefferson

on

DEMOCRACY

Selected and Arranged
With an Introduction by

SAUL K. PADOVER

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PREFACE

THOMAS JEFFERSON, a cool and poised statesman, measured his public utterances with a view to achieving a maximum of political effect. Butt of a hostile and vicious press, and highly sensitive to the abuse of his person and ideas, Jefferson carefully refrained from giving his enemies any opening for verbal bombardment. "From a very early period in my life," he wrote to James Monroe in 1796, "I had laid it down as a rule of conduct, never to write a word for the public papers."

More than that. This articulate statesman-philosopher consciously abstained from a systematic development of his thoughts on politics and society. Although his name is immortally linked with the idea and the reality of American democracy, Jefferson wrote no treatise or essay on the subject. To Van der Kemp he wrote in 1816: "You ask if I have ever published anything but the *Notes on Virginia?* Nothing but official State papers."

Whence, then, do we obtain our knowledge of Jefferson's ideas on democracy? What we know of Jefferson's superbly fertile mind we derive mainly from his letters. Cautious though he was in his public utterances, in his private correspondence he revealed his glowing hopes, his incredibly many-sided culture, his ample imagination, with little hindrance and small restraint. His letters, written from the fulness of a capacious mind and generous heart, are a permanent heritage of American democracy.

The selections from Jefferson's letters and other writings, arranged in this book so as to make an integrated whole, are, most of them, strikingly quotable. This, the editor wishes to insist, is not an anthology but a unified work, reasoned and carefully constructed. Every word in the text is Jefferson's own, and the reader who will want to give himself the pleasure of perusing the book or browsing through it will make the delightful discovery of a subtle spirit capable sometimes of the indignations of a Swift and, more often, of the prose rhythm of a Bacon. More perhaps than any other man of his time, Jefferson embodied the thoughts and hopes of a libertarian age, its belief in human goodness, its faith in progress, its trust in science and the enlightenment of reason.

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S. K. P.

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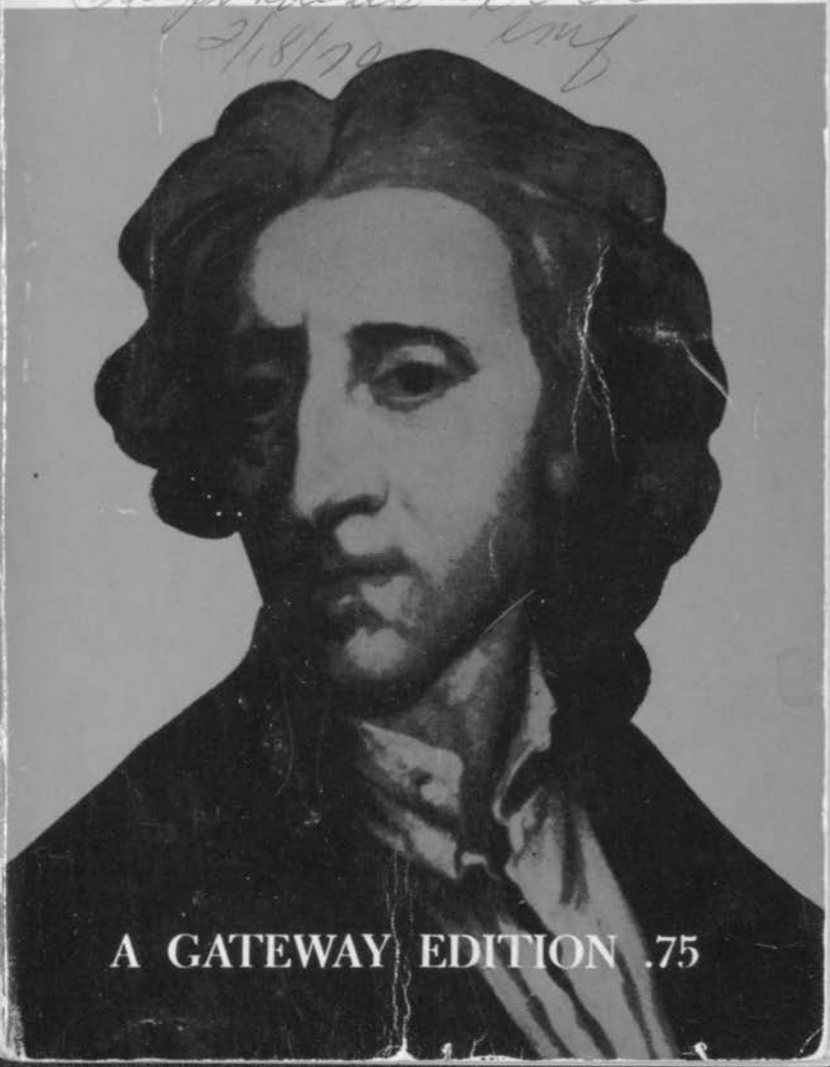
JOHN LOCKE

OF CIVIL GOVERNMENT



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JOHN LOCKE's *Second Treatise On Civil Government,* published in this new Gateway edition, constitutes one of the cardinal works of English political philosophy. Locke's theories respecting the nature of the state and the manner in which governments can best maintain a balance of power provided a vigorous incentive to American and French revolutionaries of the eighteenth century. As the founder of British empiricism and the father of "Liberalism," John Locke's social-contract theory—designed for the protection of the individual from tyrannical oppression—is of incalculable political value in understanding the Liberal attitude of the present century.

John Locke made contributions to philosophy in almost every field. However, his greatness lies chiefly in his political innovations. The policy of checks and balances contained in the Constitution of the United States was set down by Locke, as was the doctrine that revolution in some circumstances is not only a right but an obligation. The impact of this latter theory is reflected strongly in the revolutionary discourses of Voltaire and Rousseau.

JOHN LOCKE, 1632-1704

COVER BY EUGENIA FAWCETT

(Picture courtesy of Bettmann Archives)

OF CIVIL GOVERNMENT

SECOND TREATISE

JOHN LOCKE

OF CIVIL GOVERNMENT SECOND TREATISE

Introduction by Russell Kirk

A GATEWAY EDITION

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