

**FIRST AMENDMENT PETITION FOR REDRESS OF GRIEVANCES –  
REGARDING VIOLATIONS COMMITTED BY REPRESENTATIVES  
AND SENATORS OF THE SOUTH DAKOTA STATE LEGISLATURE  
WHO VIOLATED THEIR OATH OF OFFICE**

In pursuance to Article I, IV, VI, VII, and the Tenth Amendment of the Constitution for the United States and Article III of the South Dakota Constitution, the following State Legislators violated their legally binding oath of office by directly violating Article I and Article VI of the Constitution for the United States and in so doing directly violated Article III Section 8 of the South Dakota Constitution in voting in favor of HB1193 “An Act to amend provisions of the Uniform Commercial Code.”<sup>1</sup>

**On March 27 2023 Representatives:**

Arlint, Bartels, Chase, DeGroot, Derby, Drury, Duba, Duffy, Healy, Heermann, Jamison, Koth, Kull, Lesmeister, Massie, Mortenson, Mulder, Nelson, Drew Peterson, Rehfeldt, Reimer, Reisch, Sauder, Schneider, St. John, Stevens, Tordsen, Venhuizen, Weisgram, and Wittman voted in favor of violating the Constitution in voting for HB 1193<sup>2</sup> to overturn the Governor Noems Veto.

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<sup>1</sup> South Dakota House Bill 1193 “An Act to amend provisions of the Uniform Commercial Code,” <https://mylrc.sdlegislature.gov/api/Documents/250850.pdf>

<sup>2</sup> South Dakota House vote on 23 Feb 2023 for HB1193, <https://sdlegislature.gov/Session/Vote/78271>

**On March 01 2023 Senators:**

Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Hunhoff, Johnson, Steve Kolbeck, Larson, Mehlhaff, Nesiba, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish. Tobin, Wheeler, Wiik, Wink, and Zikmund voted in favor of HB 1193.<sup>3</sup>

WHEREAS, in accordance with Article III Section 8 of the South Dakota Constitution all members of the State Legislature legally swear or affirm to an oath of office that states:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or

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<sup>3</sup> South Dakota State Senate vote 01 March 2023 for HB 1193, <https://sdlegislature.gov/Session/Vote/77886>

influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.”<sup>4</sup>

Each of the aforementioned legislators have been legally sworn into their respective office and are legally bound to the referenced oath above, and WHEREAS, during the Ratification Debates concerning the adoption of the federal Constitution , many of the States pointed out a glaring principle failure of the Articles of Confederation was the application of transient medium for currency such as paper money and in today’s technology money in a digital form, where there are no controls as to its value due to the ease of inflating a transient medium like paper or the simple creation of digits in a digital realm. In the Virginia Ratification Debates Governor Randolph asserted:

“Paper money may also be an additional source of disputes. Rhode Island has been in one continued train of opposition to national duties and integrity; they have defrauded their creditors by their paper money. Other states have also had emissions of paper money, to the ruin of credit and commerce. May not Virginia, at a future day, also recur to the same expedient? Has Virginia no affection for paper money, or disposition to violate contracts? I fear she is as fond of these measures as most other states in the Union. The inhabitants of the adjacent states would be affected by the depreciation of paper money,

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<sup>4</sup> South Dakota Constitution January 2019, <https://sdsos.gov/general-information/about-state-south-dakota/docs/2019SouthDakotaConstitution20190107.pdf>

which would assuredly produce a dispute with those states. This danger is taken away by the present Constitution, as it provides "that no state shall emit bills of credit."<sup>5</sup>

Mr. James Wilson during the Pennsylvania Ratification Debates asserted the following:

“Permit me to make a single observation, in this place, on the restraints placed on the state governments. If only the following lines were inserted in this Constitution, I think it would be worth our adoption: "No state shall hereafter emit bills of credit; make any Thing but gold and silver coin a tender in payment of debts; pass any bills of attainder, ex post facto law, or law impairing the obligation of contracts." Fatal experience has taught us, dearly taught us, the value of these restraints. What is the consequence even at this moment? It is true, we have no tender law in Pennsylvania; but the moment you are conveyed across the Delaware, you find it haunt your journey, and follow close upon your heels. The paper passes commonly at twenty-five or thirty per cent. discount. How insecure is property!”<sup>6</sup>

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<sup>5</sup> Governor Randolph, 06 June 1788, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

<sup>6</sup> Mr. James Wilson, 04 December 1787, Debates in the Convention of the State of Pennsylvania, <https://constitution.org/1-Constitution/elliott.htm>

In the North Carolina Ratification Debates Mr. Archibald Maclaine expounded upon the need for a stable currency of metal and not a transient medium like paper or even worse in today's technology a digital currency, he asserted:

“With respect to paper money, the gentleman has acted and spoken with great candor. He was against paper money from the first emission. There was no other way to satisfy the late army but by paper money, there being not a shilling of specie in the state. There were other modes adopted by other states, which did not produce such inconveniences. There was, however, a considerable majority of that assembly who adopted the idea, that not one shilling more paper money should be made, because of the evil consequences that must necessarily follow. The experience of this country, for many years, has proved that such emissions involve us in debts and distresses, destroy our credit, and produce no good consequences; and yet, contrary to all good policy, the evil was repeated...

It is well known that in this country gold and silver vanish when paper money is made. When we adopt, if ever, gold and silver will again appear in circulation. People will not let their hard money go, because they know that paper money cannot repay it.”<sup>7</sup>

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<sup>7</sup> Mr. Archibald Maclaine, 29 July 1788 Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

Mr. Davie in the Same North Carolina Debate emphatically spoke to the reason why the demand in the Constitution for a metal currency was essential in asserting:

“The Federal Convention knew that several states had large sums of paper money in circulation, and that it was an interesting property, and they were sensible that those states would never consent to its immediate destruction, or ratify any system that would have that operation. The mischief already done could not be repaired: all that could be done was, to form some limitation to this great political evil. As the paper money had become private property, and the object of numberless contracts, it could not be destroyed or intermeddled with in that situation, although its baneful tendency was obvious and undeniable. It was, however, effecting an important object to put bounds to this growing mischief. If the states had been compelled to sink the paper money instantly, the remedy might be worse than the disease. As we could not put an immediate end to it, we were content with prohibiting its future increase, looking forward to its entire extinguishment when the states that had an emission circulating should be able to call it in by a gradual redemption.

In Pennsylvania, their paper money was not a tender in discharge of private contracts. In South Carolina, their bills became eventually a tender; and in Rhode Island, New York, New Jersey, and North Carolina, the paper money

was made a legal tender in all cases whatsoever. The other states were sensible that the destruction of the circulating paper would be a violation of the rights of private property, and that such a measure would render the accession of those states to the system absolutely impracticable. The injustice and pernicious tendency of this disgraceful policy were viewed with great indignation by the states which adhered to the principles of justice. In Rhode Island, the paper money had depreciated to eight for one, and a hundred per cent. with us. The people of Massachusetts and Connecticut had been great sufferers by the dishonesty of Rhode Island, and similar complaints existed against this state. This clause became in some measure a preliminary with the gentlemen who represented the other states. "You have," said they, "by your iniquitous laws and paper emissions, shamefully defrauded our citizens. The Confederation prevented our compelling you to do them justice; but before We confederate with you again, you must not only agree to be honest, but put it out of your power to be otherwise? Sir, a member from Rhode Island itself could not have set his face against such language. The clause was, I believe, unanimously assented to: it has only a future aspect, and can by no means have a retrospective

operation; and I trust the principles upon which the Convention proceeded will meet the approbation of every honest man.”<sup>8</sup>

Clearly when it came to money and our currency – the intent with the newly proposed Constitution for the United States, the States specifically delegated to the federal government a complete restriction to only establish a stable monetary system that would be less susceptible to inflation that would be based upon gold and silver, and

**WHEREAS**, Article VII of the Constitution for the United States clarifies precisely what the Constitution is and who the Parties are to it in stating:

“The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.”<sup>9</sup>

The definition of “ratification” is the same today as it was in 1787 meaning:

“The term “ratification” describes the act of making something officially valid by signing it or otherwise giving it formal consent. For example, ratification occurs when parties sign a contract. The signing of the contract makes it official, and it can then be enforced by law, should the need arise...

The difference between signing and ratification is that signing signals the

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<sup>8</sup> Mr. Davie, 29 July 1788, Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

<sup>9</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/art7.asp](https://avalon.law.yale.edu/18th_century/art7.asp)



intent to comply with something. Ratification, on the other hand, seals the deal, and makes the document legally binding.”<sup>10</sup>

Consequently, the formal and legal terms and definitions provided by the delegates to the 1787 Constitutional Convention and the Federalists who attended and were invited to the different State’s ratification debates provided perfect clarity as to the limitations of the general government; James Madison stated:

“the powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.”<sup>11</sup>

Mr. George Nicolas stated:

“In England, in all disputes between the king and people, recurrence is had to the enumerated rights of the people, to determine. Are the rights in dispute secured? Are they included in Magna Charta, Bill of Rights, &c.? If not, they are, generally speaking, within the king's prerogative, In disputes between Congress and the people, the reverse of the proposition holds. Is the disputed right enumerated? If not, Congress cannot meddle with it.”<sup>12</sup>

Mr. John Marshall, who became the Chief Justice of the Supreme Court, testified:

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<sup>10</sup> The Legal Dictionary, <https://legaldictionary.net/ratification/>

<sup>11</sup> Mr. Madison, June 6 1788, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

<sup>12</sup> Mr. George Nicholas, 10 June 1788, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

“Can they make laws affecting the mode of transferring property, or contracts, or claims, between citizens of the same state? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void.”<sup>13</sup>

Here Marshall points out that the federal government cannot make a law that is not within the enumerated powers and in context to our currency they are limited to gold and silver coin. Mr. James Iredell referred to the Constitution as a specified or limited power of attorney testifying:

“Did any man ever hear, before, that at the end of a power of attorney it was said that the attorney should not exercise more power than was there given him? Suppose, for instance, a man had lands in the counties of Anson and Caswell, and he should give another a power of attorney to sell his lands in Anson, would the other have any authority to sell the lands in Caswell? — or could he, without absurdity, say, "Tis true you have not expressly authorized me to sell the lands in Caswell; but as you had lands there, and did not say I should not, I thought I might as well sell those lands as the

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<sup>13</sup> Mr. John Marshall, 20 June 1788, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

other." A bill of rights, as I conceive, would not only be incongruous, but dangerous. No man, let his ingenuity be what it will, could enumerate all the individual rights not relinquished by this Constitution."<sup>14</sup>

Clearly Mr. Iredell associates the Constitution as a specified or limited power of attorney. Mr. James Madison also referred to the Constitution as a limited power of attorney in his Notes on Nullification of 1834 in asserting:

“The same zealots, must again say, as they do, with a like boldness & incongruity, that the Government of the U. S. which has been so deemed & so called from its birth to the present time; which is organized in the regular forms of Representative Governments, and like them operates directly on the individuals represented; whose laws are declared to be the supreme law of the land, with a physical force in the Government. for executing them, is yet no Government, but a mere agency, a power of Attorney, revocable at the will of any of the parties granting it.”

The only “parties” to the Constitution as identified by Article VII of the Constitution for the United States are only the States. Mr. James Wilson in the Pennsylvania Ratification Debates testified:

“Whoever views the matter in a true light, will see that the powers are as minutely enumerated and defined as was possible, and will also discover that

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<sup>14</sup> Mr. James Iredell, 28 July 1788, Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution, <https://constitution.org/1-Constitution/elliott.htm>

the general clause, against which so much exception is taken, is nothing more than what was necessary to render effectual the particular powers that are granted.”<sup>15</sup>

These are merely a few examples but to be clear, the Constitution was ratified without a Bill of Rights, specifically due to the fact that the Constitution was sold to the States that the federal government could not meddle with any role, responsibility, power, or possess any property that was not enumerated within the Constitution for the United States, and

**WHEREAS**, there is clearly no role, responsibility, or power within the Constitution for the United States formally delegating the authority to the general government by the Mode within Article V of the Constitution for the United States providing the general government an amendment for authorizing the federal government to change the species of money from metal coin to paper let alone a digital currency. Paper may be worth very little other than the “paper it is printed on;” however, digital currency does not and cannot possess any value whatsoever, and

**WHEREAS**, in accordance with the Tenth Amendment which states:

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<sup>15</sup> Mr. James Wilson, 4 December, 1788, Debates in the Convention of the State of Pennsylvania, <https://constitution.org/1-Constitution/elliott.htm>

“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.”<sup>16</sup>

Stated differently, the federal government can only operate within the delegated roles, responsibilities, and powers and to be more specific can only use metal species as the only delegated role and responsibility for the federal government to function in the regulating the money and currency. Furthermore, the States are confined and forbidden in Article I Section 10 to emit any form of currency or make a law allowing any “Thing” other than gold and silver coin as the tender for the payment of debt. Article I Section 10 clearly states:

“No state shall... coin money; emit bills of credit; make any Thing but gold and silver coin a tender in payment of debts.”<sup>17</sup>

**WHEREAS**, the enumerated roles, responsibilities, powers, or property’s delegated to the federal government within the Constitution regarding the creation of currency for the United State and ultimately the property of the citizens in the form of money and currency are as follows:

Article I Section 8 subsection 4: “The Congress shall have Power To coin Money, regulate the Value thereof;” consequently, the only “money” the federal

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<sup>16</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/rights1.asp#10](https://avalon.law.yale.edu/18th_century/rights1.asp#10)

<sup>17</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/art1.asp#1sec10](https://avalon.law.yale.edu/18th_century/art1.asp#1sec10)

government can create must be a currency direct tied to or backed by physical precious metal, specifically gold or silver, and

**WHEREAS**, in 1792, Congress passed the Coinage Act an Act establishing a mint and regulating the coins of the United States. Within Sections 9 to 14 of this Act, in accordance to the precise language of the Constitution for the United States, the aforementioned Mint would coin Gold, Silver, and Copper coins and the act dictated the value and denomination of each coin the purity of the metal, and the ability for any person to bring in gold and silver bullion with requisite purity to be coined to help place their property into a central medium for the trading of this currency.<sup>18</sup> One must note that there was no allowance in this Act established by Alexander Hamilton one of the framers of the Constitution to allow the government to emit paper as an independent currency, and

**WHEREAS**, when a matter of contention arises with a specific clause or portion of the Constitution that requires a change to the language or expressions used within the Constitution – the only mode allowed to constitutionally make such a change to the clause is enumerated in Article V within the Constitution for the United States. The framers meticulously followed the Article V process even when it came to making a minute change to the Constitution and established both the standard and precedence within the passage of the Bill of Rights as well as the

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<sup>18</sup> Coinage Act of April 2, 1792, United States Mint, <https://www.usmint.gov/learn/history/historical-documents/coinage-act-of-april-2-1792>

Eleventh and Twelfth Amendments. James Madison was the committee Chair in Congress that drafted the Bill of Rights. The First of the Twelve Amendments submitted to the States on 25 September 1789 identified that an Amendment that has still not been ratified but is significant for precedence. This amendment would be required if there was a need to change the number of citizens within a State would be apportioned for Representation in the current Constitution as 30,000 to 40,000 and finally to 50,000. This amendments language is as follows:

“After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.”<sup>19</sup>

James Madison, the father of the Constitution understood and set the proper example to the world that an amendment would be necessary to change the number of citizens to be represented by a Representative in Congress. This current number

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<sup>19</sup> National Archives, The Bill of Rights: A Transcription, <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

of 30,000 is not being followed today and the fact that Congress used the Permanent Apportionment Act of 1929 to arbitrarily change this number is a direct violation of the Constitution and an insult to the Parties of the Constitution, and

**WHEREAS**, in another example of the necessity of Amending the Constitution to change any language stated in the Constitution, the Eleventh Amendment was demanded by the States in reaction to the Supreme Court's decision of the Chisholm v. Georgia case submitted by the court on 18 February 1793. This amendment changed the language and jurisdiction of the federal judiciary in stating:

“The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.”<sup>20</sup>

This amendment undoubtedly reasserted State sovereignty over powers no longer delegated, and

**WHEREAS**, a third and final example of the necessity of Amending the Constitution to change any language stated in the Constitution, the Twelfth Amendment was submitted by Congress changing the manner in which the Electoral College was to use two separate ballots to now choose the President on one ballot

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<sup>20</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/amend1.asp#11](https://avalon.law.yale.edu/18th_century/amend1.asp#11)



and for the Electoral College to choose the Vice President on the second ballot. The Twelfth Amendment also limited the number of times the Electoral College could vote in choosing the President and Vice President and if the Electoral College could not effectively choose a separate President and Vice President the House of Representatives in the form of delegations by the States would separately choose the President (one State one vote) and the Senate would separately choose the Vice President. The design of the Twelfth Amendment was to keep factions like Political Party's from controlling the Electoral College; however, due to Congress using statutes instead of the proper mode (i.e. an Amendment) to make changes to the specific process the Parties have obtained full control over the Electoral College by controlling the outcome in using a deviations to the language in 1) using a "ticket" or a predetermined outcome for both the President and Vice President – where the Party today chooses the Electoral College not the People or the People's representatives, 2) using a winner takes all outcome – violating both the spirit and the specific Constitutional requirement of a "Representative Form of Government" in accordance to Article IV. A winner takes process disenfranchises a Congressional Districts choice for they would choose as their Elector. A State or Party of a State cannot dictate to the people of a Congressional District who their Representative is and applying a Party winner takes all is repugnant to a

Republican Form of Government. To be clear, today, the language of the Electoral College is no longer followed, and

WHEREAS, the Constitution for the United States specifically forbids States from making any laws other than allowing only gold and silver coin to be the legal tender for the payment of debt. Article VI Section 3 of the Constitution demands:

“The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution.”<sup>21</sup>

One principle reason why State public servants were included in his requirement to “support the Constitution” for the United States, was due to the history of States being bad both actors in the union as well as their draconian measures and laws with their own citizens. The best Constitutional proof of the States treating their citizens poorly was after the Civil War where the Southern States instantly began passing laws to oppress the freedmen (i.e. former slaves). This is why in 1866 Congress first passed a Civil Rights Act by what the progressive authors of history referred to as “radical Republicans.” Knowing that an Act was not enforceable upon the States Congress immediately began working on the Fourteenth Amendment to the Constitution and submitted it to the States who were still in the

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<sup>21</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/art6.asp](https://avalon.law.yale.edu/18th_century/art6.asp)

Union for Ratification. Southern State who seceded from the Union were not allowed to join the Union because in Article IV Section 3 of the Constitution, Congress was delegated the responsibility of admitting States into the Union; therefore the only way a Southern State could join the Union was to also ratify the Fourteenth Amendment, and

**WHEREAS**, for the first time in American history a sitting President Andrew Johnson, in 1866, began a campaign against the Fourteenth Amendment arguing that the Southern States were behaving in a civil manner with the freedmen; however, the truth of the New Orleans Massacre of 1866 transformed what was at first a theoretical national discussion into literally a matter of life and death in the southern states. As professor Kurt Lash points out that:

“The July 30, 1866 massacre of freedmen meeting in convention in New Orleans became a national scandal, particularly when it became clear that state officials had led the attack. Republicans used the New Orleans not as a stark example of the need to adopt the Fourteenth Amendment in order to protect the rights of speech and assembly against state abridgement.”<sup>22</sup>

This is just another example as to how States have and will act as bad actors even under our Constitution; thus, justifying to the nation the necessity of the Fourteenth Amendment, and

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<sup>22</sup> Kurt T. Lash, 2013, The Origins of the Privileges or Immunities Clause, Part III, <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2452&context=law-faculty-publications>

**WHEREAS**, Section 3 of the Fourteenth Amendment placed teeth into the Constitution on any and all public servants both federal as well as local and State public servants who would now be ineligible to hold office for life if they failed to support the Constitution or directly violated it, in essence committing an insurrection against the Constitution. Section 3 asserts:

“No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”<sup>23</sup>

As this section was being explained in the Senate by its author Senator Howard of Michigan, he stated:

“It seems to me that where a person has taken a solemn oath to support the Constitution of the United States there is a fair moral implication that he (or she) cannot afterward commit an act which in its effect would destroy the

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<sup>23</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/amend1.asp#14](https://avalon.law.yale.edu/18th_century/amend1.asp#14)

Constitution of the United States without incurring the guilt of at least moral perjury,”<sup>24</sup>

Thus, with the Fourteenth Amendment the citizens of the States and the United States are now protected from both the State and federal governments, and

**WHEREAS**, all States in the union were to incorporate into their Constitution the removal of any public servant who would violate their oath of office. Article III Section 8 of the South Dakota Constitution specifically incorporates the requirement for State legislators to fulfill their oath of office in supporting the Constitution is stating:

“Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the Legislature.”<sup>25</sup>

**WHEREAS**, the aforementioned members of both houses of the South Dakota State Legislature did violate their oath of office by voting for House Bill 1193, “An Act to amend provisions of the Uniform Commercial Code” in violation to the Constitution for the United States and South Dakota’s Constitution, which also identifies the Constitution for the United State as the supreme law of the land in Article VI Section 26, and

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<sup>24</sup> Congressional Globe, 30 May 1866, Page 2898, para 4, <https://memory.loc.gov/ammem/amlaw/lwgc.html>

<sup>25</sup> South Dakota Constitution January 2019, <https://sdsos.gov/general-information/about-state-south-dakota/docs/2019SouthDakotaConstitution20190107.pdf>

**WHEREAS**, Universal Monetary Principles demand that Money is the epitome of property and is the power and median to obtain property of any type and form. Property in its transient form is money – when a person liquidates any physical property it is done so by transforming their property into money.

**WHEREAS**, The roles responsibilities, powers, and property enumerated in the Constitution are well defined when it comes to money and currency. Article IV Section 3 subsection 2 states that:

“nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”<sup>26</sup>

Consequently, the federal government cannot make a claim that prejudices a States or a States claim and equally a State or States cannot make a claim that prejudices a federal claim. Consequently, a State cannot make a claim or law regarding currency which would prejudice the federal governments Constitutional claim to the authority of regulating our currency specifically with a metal species, and

**WHEREAS**, Article 18, Section 1 of The South Dakota State Constitution, General banking law states if a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this state of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in the approved securities of the

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<sup>26</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/art4.asp#4sec3](https://avalon.law.yale.edu/18th_century/art4.asp#4sec3)

state or of the United States, to be rated at ten per centum below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities. None of these requirements can be met with a fictitious form of digital currency. There is no security or value in a binary form, and

**WHEREAS**, the First Amendment guarantees that:

“Congress shall make... abridging the... right of the people... to petition the Government for a redress of grievances.”<sup>27</sup>

The Fourteenth Amendment further protects our right of petition in Section 1 stating:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”<sup>28</sup>

Thus, the right of the people to petition and instruct their government cannot be abridged in any way whatsoever by any level of government.

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

**NOW THEREFORE**, in accordance with Article IV Section 4 of the Constitution for the United States, that the States are guaranteed a Republican form of government and that a Republican form of government is based upon the rule of law. Our elected County Commissioners in addition to our State Legislators are our

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<sup>27</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/rights1.asp#1](https://avalon.law.yale.edu/18th_century/rights1.asp#1)

<sup>28</sup> The Constitution for the United States, [https://avalon.law.yale.edu/18th\\_century/amend1.asp#14](https://avalon.law.yale.edu/18th_century/amend1.asp#14)

direct representatives, who in accordance with Article VI Section 3 of the Constitution for the United States must also take an oath of office prior to their service. We the citizens of South Dakota, along with the following list of elected representatives at all levels of the South Dakota government demand that the State Attorney General proceed with a filing class action case against the aforementioned State Representatives and Senators who violated their oath as documented within the Petition to the State Supreme Court. That the court properly convict and immediately remove these legislators from office and disqualify them from ever being able to serve in office or a position of public trust for the remainder of their lives as both the federal and State Constitutions demand. That unless two-thirds of both houses of Congress agree to remove this disability they will never be able to be elected or appointed to serve in the State of South Dakota.

**THAT IT FURTHER BE ENACTED**, all laws that are to be considered by the State Legislature cannot violate the federal or State Constitution nor can any existing federal or State law be allowed to exist in the State of South Dakota that would violate either the federal or State Constitutions. The only way to accomplish this is to enact a permanent joint committee in the State Legislature that would:

Section 1. There is hereby created a joint federal review committee to:

(1) Review all federal action to determine if the sovereignty of the state of South Dakota and the powers, rights, and liberties of its citizens, as legally defined during



the ratification debates of the several states in ratifying the United States Constitution, are being infringed upon or diminished;

(2) Determine and make findings as to which federal actions are not consistent with the roles, responsibilities, powers, and properties of the federal government enumerated in the United States Constitution. This duty shall be exercised without regard for any decision by a federal court or by the Supreme Court of the United States that attempts to interpret federal action; and

(3) Sponsor legislation, report to the Legislature, and advise the legislature consistent with any determinations and findings concerning the constitutionality of federal actions. For the purposes of this section, the term, federal action, means all new and existing federal laws, resolutions, rules, regulations, decrees, orders, mandates, executive orders, or any other federal dictate having the full force and effect of law.

Section 2. The joint federal review committee consists of five members of the House of Representatives to be appointed by the speaker of the House of Representatives and five members of the Senate to be appointed by the president pro tempore of the Senate. The members of the joint federal review committee shall be appointed biennially for terms expiring on January first of each succeeding odd-numbered year and shall serve until their respective successors are appointed

and qualified. No more than three from each legislative body may be from the same political party.

Section 3. The joint federal review committee shall be co-chaired by one member of the House of Representatives, chosen by the speaker of the house, and one member of the Senate, chosen by the president pro tempore of the Senate, and shall be provided with staff assistance from the Legislative Research Council.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval. This committee will ensure that all laws to be considered and existing laws will fully comply with the Constitutions.

**THAT IT FURTHER BE ENACTED**, that the Governor and State Attorney General initiate a joint lawsuit to the Supreme Court of the United States with any and all other States in the union – in suing any and all States who have passed laws that violate the Constitution for the United States; specifically where a State has actually passed and signed a law allowing for a digital currency to be used as legal tender for the payment of debt.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:

(See all associated Signature Sheets)