

This is a
good idea!



AMERICAN DECLARATION II

RESOLVES FOR THE RESTORATION OF THE REPUBLIC

No. 1 - Resolved: None of the taxes or other funds received, held, or appropriated by the United States government, or any branch of the United States government, its agencies, or any affiliate thereto, including funds received from any private person, group, or foundation; and none of the taxes or other funds received, held, or appropriated by the government of a State, or any of its subdivisions, agencies, or any affiliate thereto, including funds received from any private person, group, or foundation, shall be expended to fund any person, group, political or non-political organization, national or international, directly or indirectly, which in any way advocates, promotes or engages in the continued installation, principle or doctrine of world government.

No. 2 - Resolved: No citizen of the United States is obligated to pay tax on any income, or sales transaction, or to contribute to any excise or other form of levy or taxation which can be used to benefit, promote or advance, directly or indirectly, the current implementation of world government.

No. 3 - Resolved: No person may receive a salary, nor continue to hold public office, on either the state or federal level of government who has taken an oath to support and defend the Constitution of the United States who exercises that trust to initiate or support any action that contributes to the installation, maintenance, or continuance of the world government; or who is not in keeping with the principles and limitations set for public officials by the lawful government of the United States: the original Constitution of the United States of America.

No. 4 - Resolved: No person may continue to hold a public office on either the state or federal level of government who has taken the required Constitutional Oath to support and defend the Constitution of the United States who uses that delegated power and trust to initiate or support actions that contribute to the desecration of the rights of the people under the 1791 Constitutional Bill of Rights.

1313 East 60th Street, Chicago, Illinois
(Public Administration Clearing House)

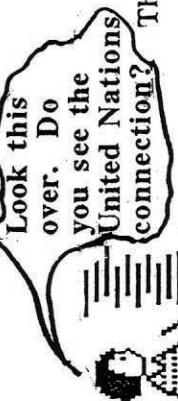
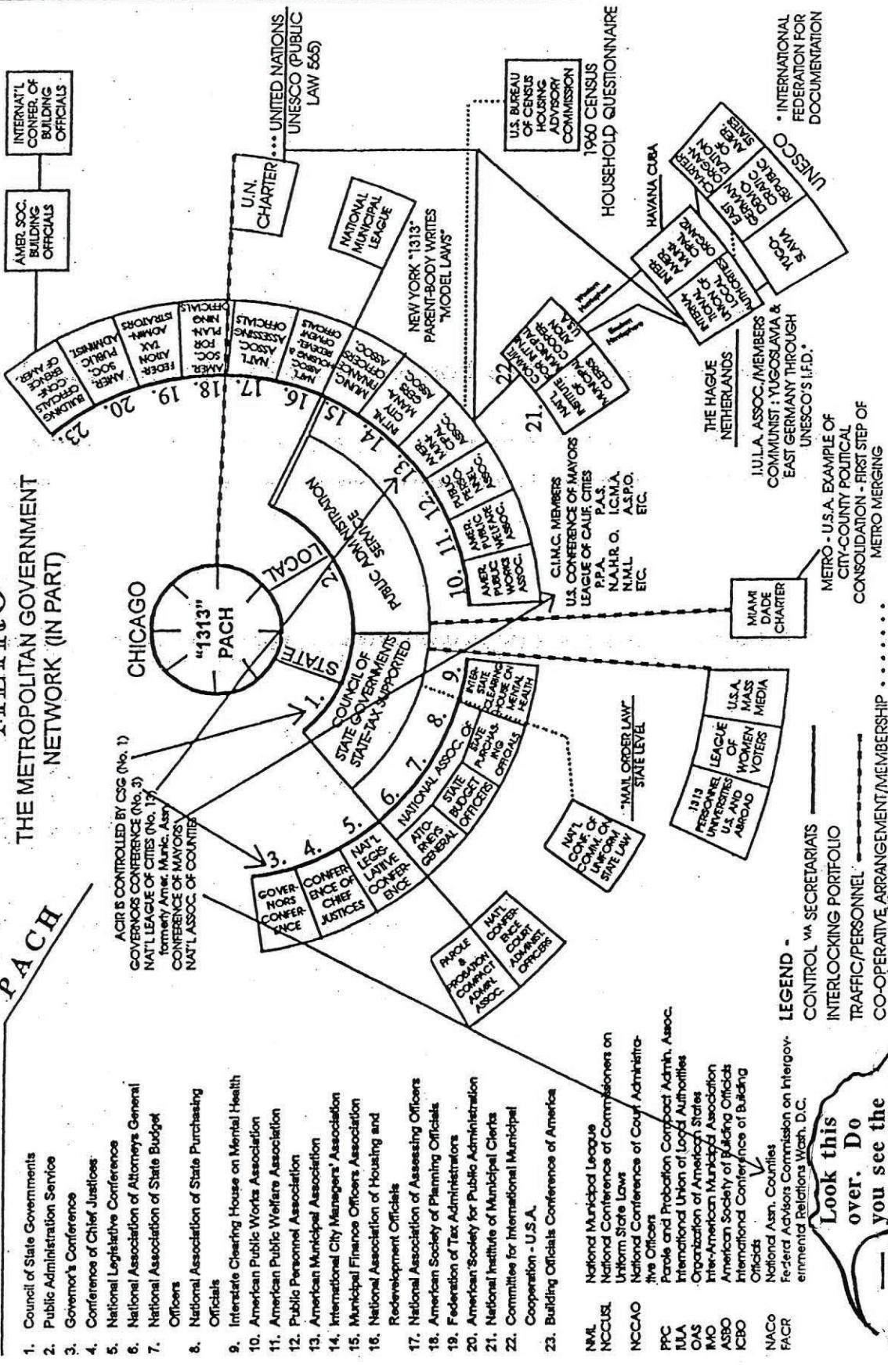
"METRO PACH"

THE METROPOLITAN GOVERNMENT NETWORK (IN PART)

1. Council of State Governments
2. Public Administration Service
3. Governor's Conference
4. Conference of Chief Justices
5. National Legislative Conference
6. National Association of Attorneys General
7. National Association of State Budget Officers
8. National Association of State Purchasing Officials
9. Interstate Clearing House on Mental Health
10. American Public Works Association
11. American Public Welfare Association
12. Public Personnel Association
13. American Municipal Association
14. International City Managers' Association
15. Municipal Finance Officers Association
16. National Association of Housing and Redevelopment Officials
17. National Association of Assessing Officers
18. American Society of Planning Officials
19. Federation of Tax Administrators
20. American Society for Public Administration
21. National Institute of Municipal Clerks
22. Committee for International Municipal Cooperation - U.S.A.
23. Building Officials Conference of America
- NML
NCUSA
NCCAO
- PPC
IUA
OAS
MAO
ASBO
ICBO
- NACo
FACR
- National Merchants League
National Conference of Commissioners on Uniform State Laws
National Conference of Court Administrators
The Officers
Parole and Probation Compact Admin. Assoc.
International Union of Local Govt. Authorities
Organization of American States
Inter-American Municipal Association
American Society of Building Officials
International Conference of Building Officials
National Assn. Counties
Federal Advisors Commission on Inter-governmental Relations Wash. D.C.

This network, developed by the Rockefellers, to indoctrinate our public officials and redirect the course of American gov't. so it could be managed by global government.

"METRO PACH"



The above chart was drafted by pioneer reporter Josephine Hindman.

RE: METRO CHART...With closer scrutiny one can see that all facets of city, county and state governments are locked into this program. To function they need the federal revenue sharing funds, and the federal grants. Please review carefully the 23 divisions or groups itemized on the left side of the METRO CHART. The operation and implementation of their objectives converts our local self-determinations into federal socialist programs.



This article stands alone to explain P.A.C.H. and A.C.I.R. You can see by Jo Hindman's Metro Chart how our economic know-how and political power (not to mention our hard earned tax dollars) got channeled for years over to the United Nations by our "so-called" representatives. Now you can see why the Check and Balance System failed us. It became a victim of induced paralysis!

WHY THE CHECK AND BALANCE SYSTEM FAILED

The Public Administration Clearing House (P.A.C.H.) at 1313 E. 6th Street in Chicago was organized under the direction of a socialist named Charles E. Merriam who was funded by the Rockefeller family. The purpose of the P.A.C.H. has always been to bring all public officials under one system of control as is evidenced by the Hindman Chart (reverse side).

The Rockefeller family provided 8 million dollars in the thirties to establish this clearing house so that they could control the indoctrination of state-wide public officials, and persuade them as to the direction they ought to pursue, all the while, rendering themselves submissive to the consolidated power building up in Washington, D.C.

Merriam authored a book which was published in 1941 entitled: On The Agenda Of Democracy. In his book, Merriam defines democracy. It is what is also known as communism! He said that revolution was "the old way....the new way is education, persuasion, participation, and cooperation". He taught how to achieve communism:

"Fortunately, our Constitution is broad enough in its terms, flexible enough in its spirit, and capable of liberal enough interpretation by the judiciary to permit the adaptation of democracy to changing conditions without serious difficulty."

"Legislative bodies are incompetent, it may be said, or corrupt; or dilatory, or unrepresentative of the general interest of the community."

"The elective process is not favorable to the choice of the leaders of the community." ...Chas E. Merriam

The Advisory Commission on Intergovernmental Relations (A.C.I.R.) was grafted onto the federal government in 1959. Its duty was to draft legislation to be handed to public officials all over the nation. These were called "slip bills". Public officials were thus expected to get whatever was handed to them -- passed into law! This made the public officials look like great thinkers to the folks back home! A.C.I.R. thus became the nation's law-making factory. In this manner unified laws were passed that took over. Gradual consolidation of all power and control was then achieved by public officials in Wash., D.C.

The governors also became members of P.A.C.H. and A.C.I.R. Their indoctrination and co-ordination for a "new world order" comes by their attendance at the annual "Governor's Conferences". Elections have been engineered so that those who will co-operate (with the desired power and other structural changes being sought to alter American Constitutional government) get heavily financed and then moved into key positions of elected office.

During the seventies, all local control was moved to the federal level by persuading local and state officials to accept federal revenue sharing funds and to adopt "general plans" for cities and communities. These must comply with the federal mandates set down for socialism and centralized control. Having achieved the objective of acquiring all control over every aspect of American government, including people, land, armed forces, etc., the federal government has devised ways by which it now transfers (what it has formerly consolidated unto itself) to the United Nations through purported "treaties" to empower the United Nations to have complete control over the "New World Order" government. Included in the plan is gradual abolition of states, cities, counties and land ownership. The nation's governors quietly co-operate in the planned arrangement for the dissolution of the very states they were elected to "preserve, protect, and defend." State officials were supposed to keep the federal system in check! They have actually joined in the subterfuge!

The Avalon Project*at Yale Law School****United Nations Participation Act, December 20, 1945***

see also Amendment of United Nations Participation Act, October 10, 1949

AN ACT To provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Participation Act of 1945".

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States at the seat of the United Nations who shall have the rank and status of envoy extraordinary and ambassador plenipotentiary, shall receive annual compensation of \$20,000, and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the United Nations and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, shall appoint a deputy representative of the United States to the Security Council who shall have the rank and status of envoy extraordinary and minister plenipotentiary, shall receive annual compensation of \$12,000, and shall hold office at the pleasure of the President. Such deputy representative shall represent the United States in the Security Council of the United Nations in the event of the absence or disability of the representative.

(c) The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative. Such representatives and alternates shall each be entitled to

receive compensation at the rate of \$12,000 per annum for such period as the President may specify, except that no member of the Senate or House of Representatives or officer of the United States who is designated under this subsection as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be entitled to receive such compensation.

(d) The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in the organs and agencies of the United Nations at such salaries, not to exceed \$12,000 each per annum, as he shall determine, but the representative of the United States in the Economic and Social Council and in the Trusteeship Council of the United Nations shall be appointed only by and with the advice and consent of the Senate, except that the President may, without the advice and consent of the Senate, designate any officer of the United States to act, without additional compensation, as the representative of the United States in either such Council (A) at any specified meeting thereof in the absence or disability of the regular representative, or (B) in connection with a specified subject matter at any specified meeting of either such Council in lieu of the regular representative. The advice and consent of the Senate shall also be required for the appointment by the President of the representative of the United States in any commission that may be formed by the United Nations with respect to atomic energy or in any other commission of the United Nations to which the United States is entitled to appoint a representative.

(e) Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

SEC. 3. The representatives provided for in section 2 hereof, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the **Charter of the United Nations**.

SEC. 4. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the **Charter of the United Nations**, and on the participation therein under his instructions, of the representative of the United States.

SEC. 5. (a) Notwithstanding the provisions of any other law, whenever the United

States is called upon by the Security Council to apply measures which said Council has decided, pursuant to **article 41 of said Charter**, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate' and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than \$10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, concerned in such violation shall be forfeited to the United States.

SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with **article 43 of said Charter**. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under **article 42 of said Charter** and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: Provided, That nothing herein contained shall be construed as an authorization to tile President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

SEC. 7. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with **article 17 of the Charter**, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service

The Avalon Project*at Yale Law School****Amendment of United Nations Participation Act, October 10, 1949*****AN ACT To amend the United Nations Participation Act of 1945**

Be it enacted by the Senate and House of Representatives of the United States of America In Congress assembled, That subsections (a), (b), (c), and (d) of section 2 of the **United Nations Participation Act of 1945** are hereby amended to read as follows:

"(a) The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the United Nations, both of whom shall have the rank and status of envoy extraordinary and ambassador plenipotentiary and shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States in the Security Council of the United Nations and may serve ex officio as United States representative on any organ, commission, or other body of the United Nations other than specialized agencies of the United Nations, and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

"(b) The President, by and with the advice and consent of the Senate, shall appoint an additional deputy representative of the United States to the Security Council who shall hold office at the pleasure of the President. Such deputy representative shall represent the United States in the Security Council of the United Nations in the event of the absence or disability of both the representative and the deputy representative of the United States to the United Nations.

"(c) The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative.

"(d) The President may also appoint from time to time such other persons as he

may deem necessary to represent the United States in the organs and agencies of the United Nations, but the representative of the United States in the Economic and Social Council and in the Trusteeship Council of the United Nations shall be appointed only by and with the advice and consent of the Senate, except that the President may, without the advice and consent of the Senate, designate any officer of the United States to act, without additional compensation, as the representative of the United States in either such Council (A) at any specified session thereof where the position is vacant or in the absence or disability of the regular representative, or (B) in connection with a specified subject matter at any specified session of either such Council in lieu of the regular representative. The President may designate any officer of the Department of State, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States in the Security Council of the United Nations in the absence or disability of the representative and deputy representatives appointed under section 2: (a) and (b) or in lieu of such representatives in connection with a specified subject matter. The advice and consent of the Senate shall be required for the appointment by the President of the representative of the United States in any commission that may be formed by the United Nations with respect to atomic energy or in any other commission of the United Nations to which the United States is entitled to appoint a representative."

Sec. 2. Section 2 of such Act is further amended by adding the following new subsection:

"(f) All persons appointed in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 411 and 412 of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress) for chiefs of mission and Foreign Service officers occupying positions of equivalent importance, except that no member of the Senate or House of Representatives or officer of the United States who is designated under subsections (c) and (d) of this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be entitled to receive such compensation."

SEC. 3. Subsection (b) of section 5 of such Act is hereby amended by inserting "or aircraft," after "or vehicle,".

SEC. 4. The proviso in section 6 of such Act is hereby amended by inserting after "That" the following: ", except as authorized in section 7 of this Act,".

SEC. 5. Such Act is hereby amended by inserting after section 6 the following new section:

"**SEC. 7.** (a) Notwithstanding the provisions of any other law, the President, upon request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request' may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the **United Nations Charter**-

"(1) the detail to the United Nations, under such terms and conditions as the President shall determine, of personnel of the armed forces of the United States to serve as observers, guards, or in any noncombatant capacity, but in no event shall more than a total of one thousand of such personnel be so detailed at any time: Provided, That while so detailed, such personnel shall be considered for all purposes as acting in the line of duty, including the receipt of pay and allowances as personnel of the armed forces of the United States, credit for longevity and retirement, and all other perquisites appertaining to such duty: Provided further, That upon authorization or approval thy the President, such -personnel may accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso hereof, and (b) extraordinary expenses and perquisites incident to such detail;

"(2) the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of any supplies and equipment to the United Nations by the National Military Establishment, under such terms and conditions as the President shall determine;

"(3) the obligation, insofar as necessary to carry out the purposes of clauses (1) and (2) of this subsection, of any funds appropriated to the National Military Establishment or any department therein, the procurement of such personnel, supplies, equipment, facilities, services, or other assistance as may be made available in accordance with the request of the United Nations, and the replacement of such items, when necessary, where they are furnished from stocks.

"(b) Whenever personnel or assistance is made available pursuant to the authority contained in subsection (a) (1) and (2) of this section, the President shall require reimbursement from the United Nations for the expense thereby incurred by the United States: Provided, That in exceptional circumstances, or when the President finds it to be in the national interest, he may waive, in whole or in part, the requirement of such reimbursement: Provided further, That when any such reimbursement is made, it shall be credited, at the option of the appropriate department of the National Military Establishment, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

" (c) In addition to the authorization of appropriations to the Department of State contained in section 8 of this Act, there is hereby authorized to be appropriated to the National Military Establishment, or any department therein, such sums as may be necessary to reimburse such Establishment or department in the event that reimbursement from the United Nations is waived in whole or in part pursuant to authority contained in subsection (b) of this section.

" (d) Nothing in this Act shall authorize the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any other law of the United States."

SEC. 6. Section 7 of such Act is hereby amended to read as follows:

" **SEC. 8.** There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a); cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); allowances and expenses as provided in section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and allowances and expenses equivalent to those provided in section 901 (3) of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress); the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof, the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to the Act of August 23, 1912, as amended (31 U. S. C. 679), and the allotment of funds similar to the allotment authorized by section 902 of the Foreign Service Act of 1946, for unusual expenses incident to the operation and

maintenance of such living quarters, to be accounted for in accordance with section 903 of said Act; and such other expenses as may be authorized by the Secretary of State; all without regard to section 3709 of the Revised Statutes, as amended (41 U. S. C. 5)."}

Source:

A Decade of American Foreign Policy : Basic Documents, 1941-49
Prepared at the request of the Senate Committee on Foreign Relations
By the Staff of the Committee and the Department of State.
Washington, DC : Government Printing Office, 1950

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*The Avalon Project : A Decade of American Foreign Policy was last modified on: 06/19/2006
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HR 1146 IH

106th CONGRESS

1st Session

H. R. 1146

To end membership of the United States in the United Nations.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To end membership of the United States in the United Nations.

SECTION 1. SHORT TITLE.

This Act may be cited as the 'American Sovereignty Restoration Act of 1999'.

SEC. 2. REPEAL OF UNITED NATIONS PARTICIPATION ACT.

(a) REPEAL- The United Nations Participation Act of 1945 (Public Law 79-264, 22 U.S.C. 287-287e) is repealed.

(b) TERMINATION OF PARTICIPATION IN UNITED NATIONS - The President shall terminate all participation by the United States in the United Nations, and any organ, specialized agency, commission or other formally affiliated body of the United Nations.

(c) CLOSURE OF UNITED STATES MISSION TO UNITED NATIONS - The United States Mission to the United Nations is closed. Any remaining functions of such office shall not be carried out.

SEC. 3. REPEAL OF UNITED NATIONS HEADQUARTERS AGREEMENT ACT.

(a) REPEAL- The United Nations Headquarters Agreement Act (Public Law 80-357) is repealed.

(b) WITHDRAWAL- The United States withdraws from the agreement between the United States and the United Nations regarding the headquarters of the United Nations (signed at Lake Success, New York, on June 26, 1947, which was brought into effect by the United Nations Headquarters Agreement Act).

SEC. 4. UNITED STATES ASSESSED AND VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS.

(a) TERMINATION- No funds are authorized to be appropriated or otherwise made available for assessed or voluntary contributions of the United States to the United Nations or any organ, specialized agency, commission or other formally affiliated body thereof, except that funds may be appropriated to facilitate withdrawal of United States personnel and equipment. Upon termination of United States membership, no payments shall be made to the United Nations or any organ, specialized agency, commission or other formally affiliated body thereof, out of any

funds appropriated prior to such termination or out of any other funds available for such purposes.

(b) APPLICATION- The provisions of this section shall apply to all agencies of the United Nations, including independent or voluntary agencies.

SEC. 5. UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) TERMINATION- No funds are authorized to be appropriated or otherwise made available for any United States contribution to any United Nations military operation.

(b) TERMINATIONS OF UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS- No funds may be obligated or expended to support the participation of any member of the Armed Forces of the United States as part of any United Nations military or peacekeeping operation or force. No member of the Armed Forces of the United States may serve under the command of the United Nations.

SEC. 6. WITHDRAWAL OF UNITED NATIONS PRESENCE IN FACILITIES OF THE GOVERNMENT OF THE UNITED STATES AND REPEAL OF DIPLOMATIC IMMUNITY.

(a) WITHDRAWAL FROM UNITED STATES GOVERNMENT PROPERTY- The United Nations (including any affiliated agency of the United Nations) shall not occupy or use any property or facility of the United States Government.

(b) DIPLOMATIC IMMUNITY- No officer or employee of the United Nations or any representative, officer, or employee of any mission to the United Nations of any foreign government shall be entitled to enjoy the privileges and immunities of the Vienna Convention on Diplomatic Relations of April 18, 1961, nor may any such privileges and immunities be extended to any such individual. The privileges, exemptions and immunities provided for in the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669; 22 U.S.C. 288, 288a-f), or in any agreement or treaty to which the United States is a party, including the agreement entitled "Agreement Between the United Nations and the United States of America Regarding the Headquarters of the United Nations," signed June 26, 1947 (22 U.S.C. 287), and the Convention on Privileges and Immunities of the United Nations, entered into force with respect to the United States on April 29, 1970, (21 UST 1418; TIAS 6900; UNTS 16), shall not apply to the United Nations or any organ, specialized agency, commission or other formally affiliated body thereof, to the officers and employees of the United Nations, or any organ, specialized agency, commission or other formally affiliated body thereof, or to the families, suites or servants of such officers or employees.

SEC. 7. REPEAL OF UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION ACT - The joint resolution entitled 'A joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor' approved July 30, 1946 (Public Law 79-565, 22 U.S.C. 287m-287t), is repealed.

SEC. 8. REPEAL OF UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973 - The United Nations Environment Program Participation Act of 1973 (22 U.S.C. 287 note) is repealed.

SEC. 9 REPEAL OF UNITED STATES PARTICIPATION IN THE WORLD HEALTH ORGANIZATION - The joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor," approved July 14, 1948 (22 U.S.C. 290, 290a-e-1) is repealed.

SEC. 10 REPEAL OF INVOLVEMENT IN UNITED NATIONS CONVENTIONS AND AGREEMENTS

- As of the date of enactment of this act, the United States will end any and all participation in any and all conventions and/or agreements with the United Nations and any organ, specialized agency, commission or other formally affiliated body thereof. Any remaining functions of such conventions and/or agreements shall not be carried out.

SEC. 11 - REEMPLOYMENT WITH UNITED STATES GOVERNMENT AFTER SERVICE WITH AN INTERNATIONAL ORGANIZATION

Nothing in this Act shall be construed to affect the rights of employees under subchapter IV of chapter 35 of title 5, United States Code, relating to reemployment after service with an international organization.

SEC. 12 - NOTIFICATION

Effective on the date of the enactment of this Act, the Secretary of State shall notify the United Nations and any organ, specialized agency, commission or other formally affiliated body of the United Nations of the provisions of this Act.

SEC. 13 - EFFECTIVE DATE

Except as otherwise provided, this Act and the amendments made by this Act shall take effect 2 years after the date of the enactment of this Act.

Say!! Just WHO are the REAL
anti-government extremists?

WE didn't write and pass laws* requiring the give-away of our entire armed forces on a permanent basis to foreign communist commanders under the United Nations leaving us a "zero" military!

WE didn't approve membership in that organization whose policy is that there can be no private ownership of land!

WE didn't authorize Washington, D.C. to federalize our police for purposes of creating a national police force to be used by the communist United Nations!

WE didn't approve of all our parks, rivers, and historical sites being placed under the custody of the United Nations!

WE didn't approve of a "new world order" which expects us to dissolve our American states and give up our national sovereignty!

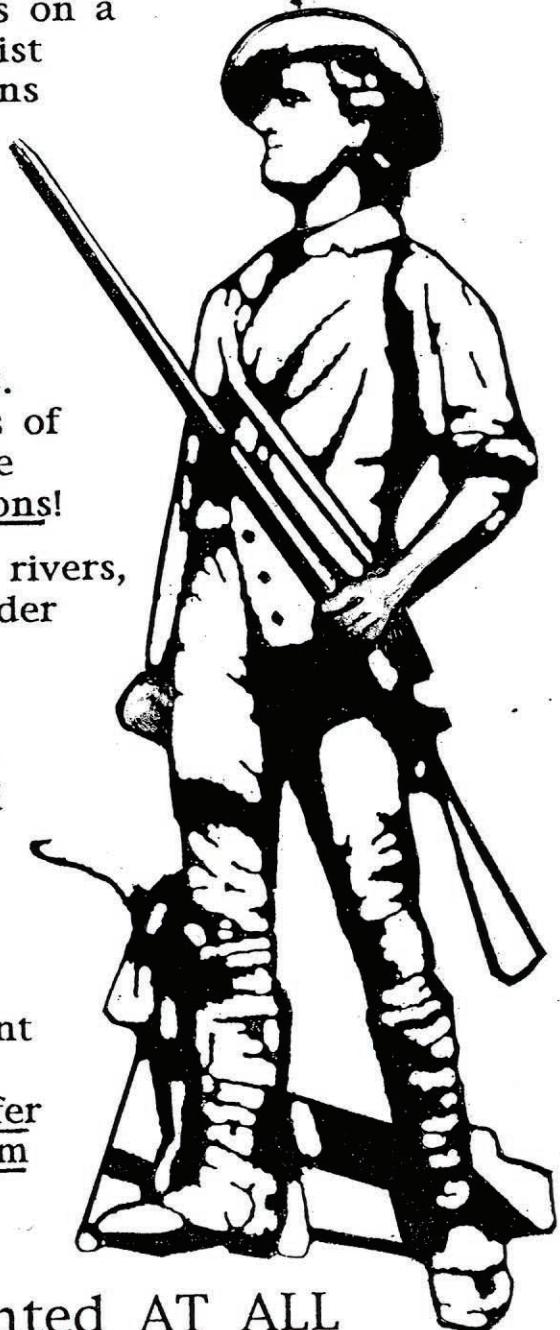
WE didn't write Clinton's Executive Order #13107 in which he has pledged to substitute for our *Bill of Rights* a communist document called The Universal Declaration of Human Rights! WE always DID prefer the Constitution over any other form of government!

As a matter of fact,
WE, NEVER HAVE consented AT ALL to being turned into communists!

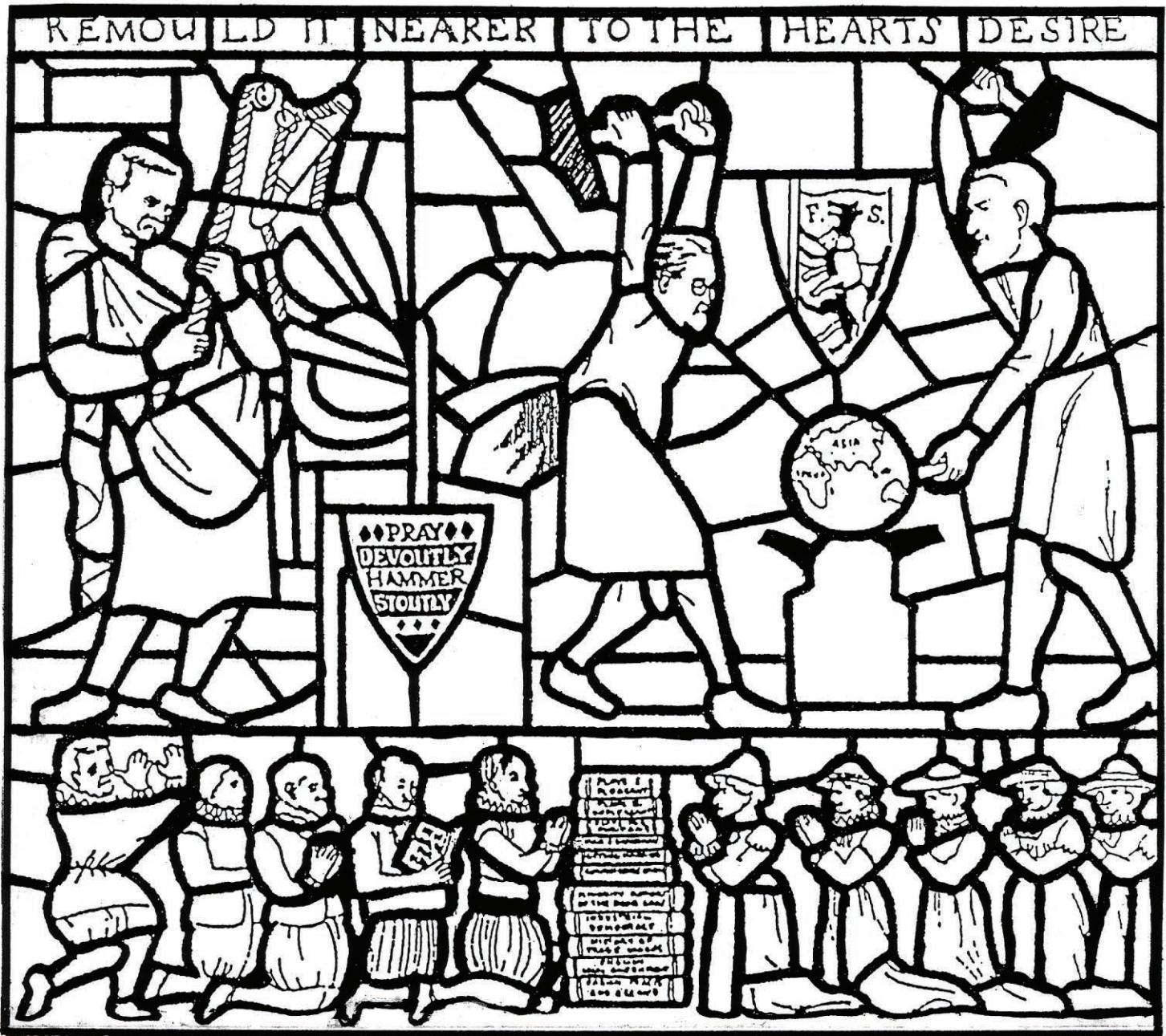
SO JUST WHO IS ANTI-GOVERNMENT??

Public Law 87-297* calls for the complete disarmament of the United States 'down to the very last gun' owned by law-abiding people.

Three
cheers
for
the
Minute
men!



THE FABIAN SOCIALIST WINDOW

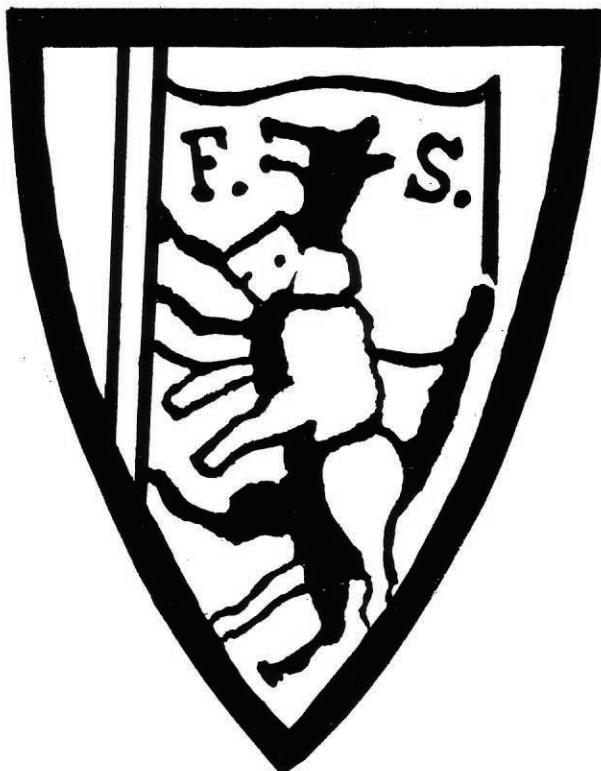


The motto of the Fabian Society :

"For the right moment you must wait, as Fabius did most patiently when warring against Hannibal, though many censured his delays; but when the time comes, you must strike hard as Fabius did, or your waiting will be in vain and fruitless."

THE FABIAN SOCIALISTS ARE IN CONTROL OF THE GOVERNMENT OF AMERICA

Conquest Through 'Gradual *Peaceful* Development'



The Fabian Society Emblem

The emblem above is an enlargement of the one in the Fabian window. Notice that the wolf is hiding underneath a sheep skin. The Fabian Society took its name from the Roman general Fabius Maximus who lived 200 years B.C. Fabius Maximus employed careful, and slow-moving policies with great success. His tactics were to *infiltrate the existing government* in the nation he wished to conquer. This also gave the Fabians time to train socialists to take over top positions in the military, as teachers in the schools, in law enforcement and the courts, and in the state and federal governments. The intent was to eliminate any resistance to totalitarian rule during the transition. In this way, through gradualism, the people would not feel the sudden jolt of what they were expected to ultimately become.

Arrogantly, the Fabians depicted themselves as reshaping the whole world in the stained glass window which once hung in the Beatrice and Sidney Webb home. The Fabian Society was established in 1884. The stained glass window was made in 1910. Beatrice and Sidney Webb set up the *London School of Economics and Political Science*.

In the Fabian window on the left, E. R. Pease is shown operating a bellows. Sidney Webb is in the center striking with a hammer. George Bernard Shaw is on the right also striking with a hammer as they "Remould The World Nearer To The Heart's Desire". On the lower right row is H.G. Wells thumbing his nose at the other Fabians because they think they must work secretively. Wells believed that they should come out and be open about it.



Samuel B. Pettengill

**Samuel B. Pettengill,
who represented
Indiana's 3rd Congressional
District in the 1930's
published a book in 1940
which was entitled:**

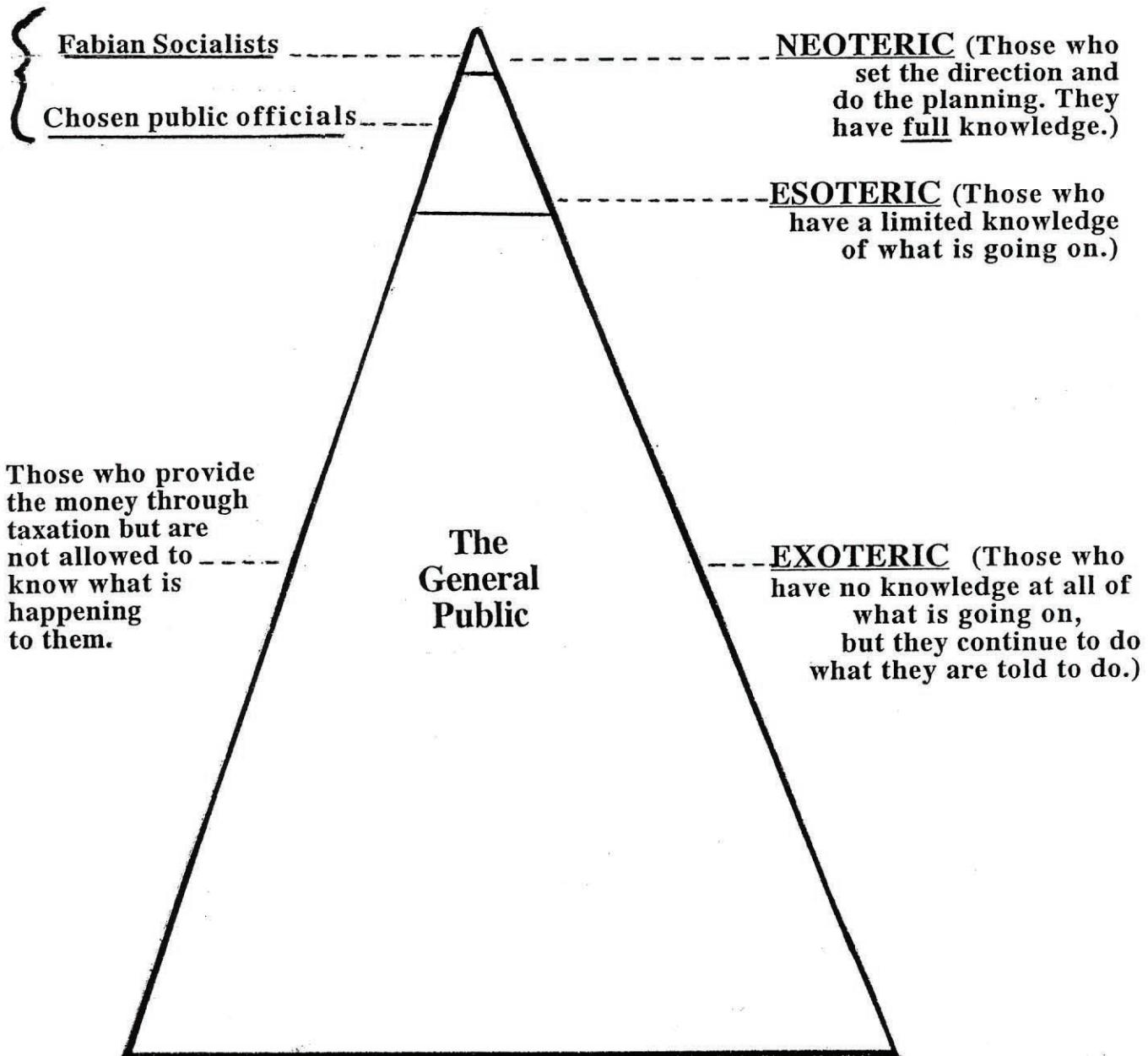
SMOKE-SCREEN.

**In SMOKE-SCREEN
Pettengill warned:**

**"The progress will be gradual, but the end
inevitable. There will be no sudden coup d'etat.
The march will be step by step, and by
muffled tread. It will move under the
smoke-screen
of laudable "objectives" to its hidden goal.
That goal is National Socialism."**

**Today we are told that government is
protecting the people
against crime, yet the government is bringing
in drugs by the planeloads, and allowing
the negative corrupt influences on
television to continue.**

WHO KNOWS WHAT IS GOING ON AND HOW MUCH?



HOW THE FABIAN SOCIALIST OPERATE.

Second Amendment Committee P.O. Box 1776 Hanford, Calif. 93232

THREE DIVISIONS OF PEOPLE AS THE FABIAN SOCIALISTS VIEW THE WORLD

1. NEOTERIC GROUP

This is their group: the 'select' few, the inmost group, that has full knowledge of the transition to a totally planned socialistic society under a world government. With special consultants and advisors, they lay out the *new moves* to be made.

They make contacts with others at summit conferences, hold special secret organized meetings, and work with governors of states. They desire a completely disarmed world except for the world army that *they* control in order to operate a world-wide totalitarian society.

2. ESOTERIC GROUP

The Neoteric group gives secret but limited information and directives to this group that does the legwork because of the positions they hold, or influence they have that is essential to the Neoteric group.

They are let in on secret activity because of key social, civic, educational, governmental influence or political offices held.

3. EXOTERIC GROUP

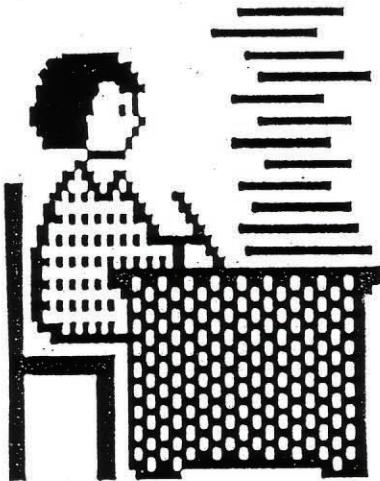
This group is the general public which is kept unaware of the real motives for unusual laws, changes, etc.

They would not approve of socialists control so they are kept outside of secret planning. Delphi Technique and sophistry must be applied to keep this group from learning what is happening to their government.

They must accept the excuses they are given for encroachments and infringements on their rights.

Joseph Stalin said in effect:

"It matters not that they are members of the party. What is important is whether they serve the same common cause."



**There's another old
saying:**

**"You can lead a horse
to water but you can't
make him drink. "**

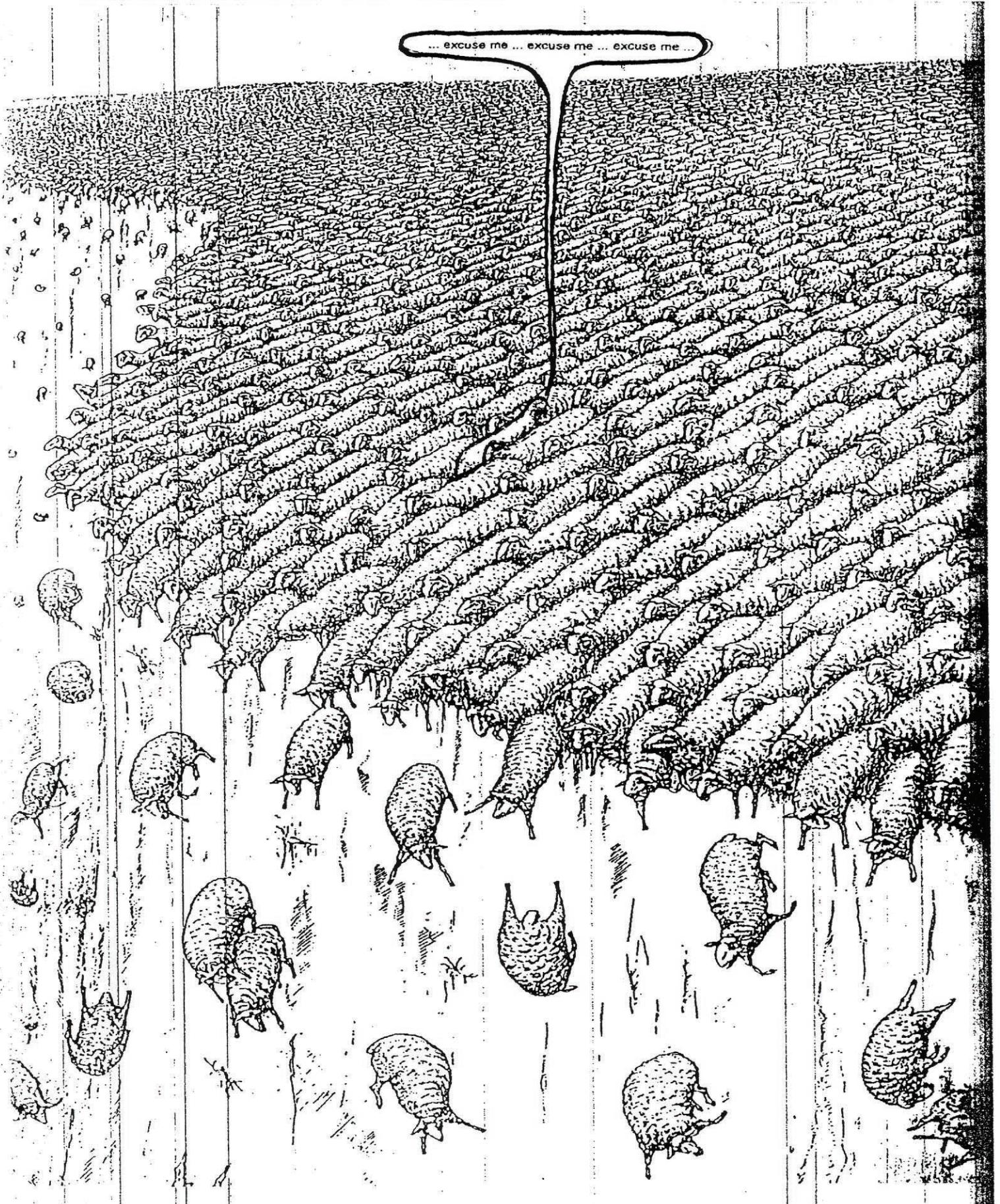
**Naturally, I hope you are now realizing that what
the real Uncle Sam and I have been telling you is
true! Backed by official documentation taken from
sources on various levels of the government, what
you see here is quite easily checked out in your
local library.**

**Those of us, who are resisting the destruction of our
rightful system of government, and oppose our merg-
ing with communist-and-socialist totalitarians all over
the world, feel duty bound to warn our fellow Ameri-
cans. We wonder what is behind the problem that
is paralyzing the will of some people to grasp the
situation. Is it apathy? Is it fear? Is it shock and
unacceptable disappointment which causes disbelief?**

Hopefully, you are not one of these! →

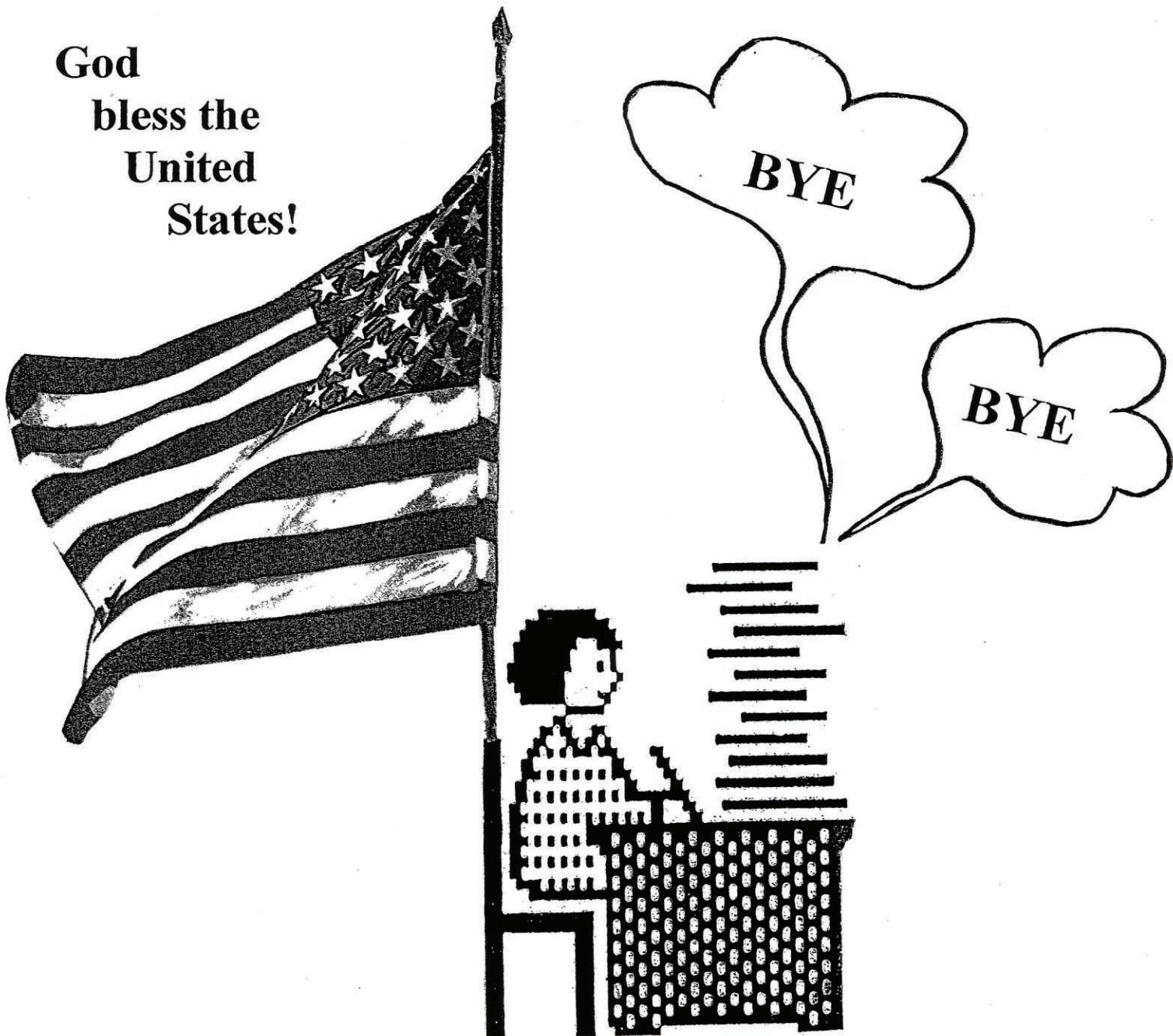
THE FATE OF THE DISBELIEVERS!

...excuse me ...excuse me ...excuse me ...



TOO FEW ARE WAKING UP.

Hate to rush off, but I *must* go! In closing, I want to tell you that the most patriotic act I could do for my country is to write "To Sink or Swim". The 24-page brief dissertation is the proper assessment of the problems before us. I hope it will connect the dots and clear the thinking for those who need it.



"Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpation."

.....James Madison

"If tyranny and oppression come to this land, it will be in the guise of fighting a foreign enemy."

.....James Madison

CFR, Trilateral

Bilderberg, CFR

Bilderberg, CFR

This chart illustrates the dominance by the Council on Foreign Relations, The Trilateral Commission and the Bilderberg of the major decision making processes and institutions of the United States of America over the last seventy years. Members are identified by "C", "T" or "B".

The Council on Foreign Relations is the American branch of a society which organized in England . . . (and) . . . believes national boundaries should be obliterated and one world rule established." [WITH NO APOLOGIES by Senator Barry Goldwater, Berkley Books, New York, p 126]

"The Trilateral Commission is international . . . (and) . . . is intended to be the vehicle for multinational consolidation of the commercial and banking interests by seizing control of the political government of the United States." [WITH NO APOLOGIES, by Senator Barry Goldwater, Berkley Books, New York, p 293]

Presidents of the United States

George Walker Bush	non-member
William J. Clinton	B,C,T
George Herbert Walker Bush	C,T
James Earl Carter	C,T
Gerald R. Ford, Jr.	B,C
Richard Milhous Nixon	C
Dwight D. Eisenhower	C
Herbert Clark Hoover	C
Vice Presidents of the United States	
Richard B. Cheney	C,T
George H. W. Bush	C,T
Walter Mondale	B,C,T

Chief of Staff - Army

Dennis J. Reimer	C
Gordon R. Sullivan	C
John A. Wickham, Jr.	C
Edward C. Meyer	B,C

Secretaries of Energy

William B. Richardson	C
James R. Schlesinger	C
Charles W. Duncan, Jr.	C

Directors of the FBI

William H. Webster	C
William D. Ruckelshaus	C,T

Secretaries of Health & Human Services

Donna E. Shalala	C
Joseph A. Califano, Jr.	C
Casper A. Weinberger	B,C,T
Elliot L. Richardson	C
Abraham A. Ribicoff	C

Secretaries of HUD

Henry G. Cisneros	C
Carla A. Hills	C
James T. Lynn	C

Former U. S. Senators

Lloyd Bentsen	C,T
David L. Boren	C,T
Rudy Boschwitz	C,T
Edward Brooke	C
William L. Bradley	C
John H. Chafee	C
William S. Cohen	C

Central Intelligence Agency Directors

George J. Tenet	C,T
William O. Studeman	C
John M. Duetch	C,T
James Woolsey	C
Robert M. Gates	C
William H. Webster	C
William J. Casey	C
Stansfield Turner	C
George H. W. Bush	C
William E. Colby	C
James Schlesinger	C
Richard Helms	C
John A. McCone	C
Allen W. Dulles	C
Walter Bedell Smith	C

Former U. S. Senators

(D) TX	C,T
(D) OK	C,T
(D) MN	C
(R) MA	C
(D) NJ	C
(R) RI	C
(R) ME	C

Dominance of the U.S.A.

The Bilderberg is a quasi-secret consortium of international elite who meet annually to plan world economic and political policies. The Bilderberg has no membership per se. Those identified with "B" in this chart have attended past Bilderberg meetings.

Council on Foreign Relations
The Harold Pratt House
58 East 68th Street
New York, NY 10021
Tel. (212) 734-0400; FAX (212)861-1789

The Trilateral Commission
345 E. 46th Street, New York, NY 10017
Tel. (212) 661-1180

Dave K. McCurdy	OK	Mng. Dir.	Robert H. Knight, Director, Nat'l. Leadership Bank
Susan K. Molinari	(D) NY	C	Hugh L. McColl, Jr., Ch., Pres. & CEO, NationsBank Corp.
Jim Moody	WI	C	C,T
Donald M. Payne	(D) NJ	C	Morris Wolf Offit, Pres., Offit Bank, NYC
John Edward Porter	(R) IL	C	Leslie Elizabeth Bains, Exec. VP, Republic Bank of NYC
Ogden R. Reid		C	Joe Lewis Albritton, Chmn., Riggs Bank of Washington
William B. Richardson	(D) NM	C	C
Patricia Scott Schroeder	(D) CO	B,C,T	M. Strasser Holcomb, Exec. VP, USAA, San Antonio
Charles Schumer	(D) NY	B,C	C
Peter Smith	VT	C	
Stephen J. Solarz	(D) NY	C	
Louis Stokes	(D) OH	C	
Esteban Edward Torres	(D) CA	C	
Robert G. Torricelli	(D) NJ	C	
Vin Weber	MN	C	
Charles W. Whalen, Jr.	OH	C	
Howard Wolpe	MI	C	
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James David Wolfensohn		C	Vartan Gregorian
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Barbara Herz		C	William Reckling Cotter
Ann O. Hamilton		C	Quigg Newton
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Andrew M. Kanarck	Washington office	C	Claire Lynn Gaudiani
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Nicholas Burhs Binkley	Chmn & CEO	C	Frank Harold Trevor Rhodes
Rudolph A. Peterson	Chmn Exec Comm	B,C	Thomas H. Kean
George William Coombe, Jr.	Exec VP (fmr)	C	Nannerl Overholster Keohane
Ignazio E. Lozano, Jr.	Dir.	C	Thomas James Laney
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Fmr. Assoc. Jus. S. Ct	C	C	Stephen Joel Trachtenberg
Assoc. Jus. S.Ct.	C	C	Gwendolyn Mikell
Assoc. Jus. S.Ct.	C	C	Lawrence Summers
Assoc. Jus. S.Ct.	C	C	Neil L. Rudenstine
Fmr. Assoc. Jus. S. Ct	C	C	David M. Abshire
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Dudley Baldwin Bonsal	Ct. Judge, CT	C	Steven Muller
Jose Alberto Cabranes	Ct. Judge, CA	C	Robert Irvin Rotberg
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Laurence Hirsch Silberman	Cir. Ct. Judge, NY	C	Niara Sudarkasa
Barriington D. Parker	U.S. Claims Tribunal	C	David Joel Steinberg
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Stephen Myron Schwebel	Int. Ct. Judge, The Hague	C	Julius Adams Strattan
Theodore Tannenwald, Jr.	Tax Ct. Sr. Judge	C	C

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Dale Rogers Marshall		
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FR Bank, Boston		
Dep. Chmn,		
FR Bank, Boston		
Chmn, FR Bank, Cleveland		
Dep. Mgr. FR Bd.		
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Mgr. Fed		
Open Market Acct		
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Riordan Roett	Director	C
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\$ \$ THE BIGGEST C

The Comprehensive Annual Financial Report (CAFR) Exposed

by Walter J. Burien, Jr.

©December 17th 1999

This is a comprehensive disclosure of governmental financial operations that have been deliberately concealed and kept from the American people by the governmental financial agencies as well as by the syndicated media. The scope is huge; the personal financial impact of vital concern to all.

Do the people of this great land own the government or do the collective governments think they own the people? Is it time to mandate "effective action" through united efforts of the American people? Can David still fling the rock true and straight to hit its mark and defeat Goliath?

Are you aware that 30 years ago only 8-12% of the financial activity and ownership of our nation resulted from the activity of the government, but today the figure is conservatively 48%? We the People have been victimized by the largest organized syndicate on the face of the Earth. The Constitution declares that all political power is inherent in the people and that all powers not directly and specifically delegated to public servants remain with the people.

Our public servants are accountable to us and it's time we hold them accountable with genuine liability and cause the profits resulting from governmental activity to directly benefit the people!!!

I became aware of something approximately 10 years ago, which changed my life. I will give you a little analogy of how I learned about the complete financial takeover of the wealth of this country by composite government.

Back in 1989 I lived in New Jersey. There was a governor by the name of Jim Florio who was running for office under a no-new-tax platform. He won, and as soon as he got into office a \$2.8 billion tax increase was enacted---the largest in the state's history. It's obvious that the public was not too thrilled about Mr. Florio's actions and one of the local radio stations, 101.5 FM, started doing some rabble-rousing, taking calls from listeners on examples of waste and misspending in government. My first two days I was listening, and I heard people calling in with examples of \$5,000, \$15,000; \$85,000 was the highest figure I heard. I

for the total cash gross receipts. As I mentioned, what IRS would ask for in an audit. I found it on page 174.

Now this is 1989's Comprehensive Annual Financial Report. On page 174 under Cash Additions, all agencies, all departments, all sources, here's a state with a declared service budget of \$17 billion, who was bringing in \$86 billion, 799 million in cash. I saw that figure and instantly realized the definition of syndicated organized crime. Here, we had a representation to the public that the state of New Jersey was bringing in \$17 billion when in reality, they were bringing in lose to \$86 billion. They had \$188 billion in liquid investment funds. I also learned the principle of operation that day.

Anything that was a cost and an expense, traditional service side of the budget report, health and welfare, human services, motor vehicles, was left under the budgetary basis, and the public footed 100% of the bill for 100% of the services. Now, anything that was a profit center had the ability of being a profit center, large investment fund that generated tens and hundreds of millions of dollars, totally restricted by a statute for no tie or inclusion whatsoever with the budgetary basis.

Now, this is what I have called The Biggest Game In Town. I saw it first in New Jersey and I said the Comprehensive Annual Financial Report... here I am a Commodity Trading Advisor. I was doing a national news line coast to coast at the time and I never heard of the Comprehensive Annual Financial Report. I wanted to find out why. I was mad. I mean, there was such a distinct difference between the revenue shown on the Comprehensive Annual Financial Report and the minuscule revenue that was shown now on the budgetary basis. I said, "Why did I not see this in a newspaper, radio show, TV show?"

Now, the department that mailed out the report the Comprehensive Annual Financial Report was from the Department of Treasury. I called the mailroom, and the mailroom usually doesn't get a call from the public, so they were very cooperative. I wanted to find out who the report was sent to. I thought it was a short list. They said, "I'm sorry, sir. The list is too long - we can't read it to you on the phone." So I start qualifying. I found out it was sent to every editor of every paper on the East Coast. It was sent to the deans of all the colleges. It was sent to the CEO and every one of the directors from ABC, CBS, and NBC. When I verified that, I started smelling cooperative effort for nondisclosure. I then got the telephone number for ABC and NBC

than the private sector. We are starting to see 35% the private sector. Now, when you look at stocks, as I Government I saw, had \$70 billion That floored me. I never even thought state owning \$70 billion in stocks. C state and federal on stock ownership \$32 trillion. That's over 53% of the issued stocks from all exchanges is government sources. You won't have owning a phenomenal base in one thousands of the different cities, composite totals. They own over 5 individual corporations, Xerox Corp primary owners are composite government listed as institutional funds - when 'funds' - that is government monies have a supposed public corporation composite government funds, I would say that's a good corporation; I would say that's a good approximately 72% owned by composite is up around 42%, so on and so on. Up until this point when the composite government was right, I always thought government was right, country and this was a free-market vault?" And those sharp little cracks door open. In fact, 95% of the public wrong. Basically, what the public has much. Have a good day."

The federal government, in 1981, required governments prepare a Comprehensive Annual Financial Statement, if to Combined Financial Statement. The background on the Comprehensive Annual Financial Statement, a group by the name of GFOA, Government Association, in 1946 created the Comprehensive Reporting Accounting structure. I then got the telephone number for ABC and NBC quite a long time. There are 54,000 corporations; cities, counties,

produce their own separate report composite totals of the revenue from the counties, the states - and you see with federal government's revenue. (According to) New Jersey's 1998 b Financial Report, they have \$295 billion funds. That's just the state report. 1 hundred cities and municipalities, a separate reports. If you take the investment funds, you're well in excess of the population of New Jersey and it comes out to a cash allocation of \$ child living in the state or family of f and some odd thousand dollars. That has been excessive.

Federal government's playing the game you break down the actual revenue it belongs to the local governments states - and one-third belongs to the In the appendix of the federal C is a list of significant government entities included are agencies which most last column, down below, it says "from these statements." Now, they Federal Reserve Board of Governors which I think we all know by now are they list the Federal Retirement Thr Savings Plan, the Farm Credit System Banks, financing corporations, Freddie Mae, Resolution Funding Corporati cow investment groups or government. Also, I want to make special note to the bottom. We have the Army and the Navy Exchange Service Comm Exchange. Folks, this is not the PX for exchange of foreign troops to the foreign soil, which they kept separate Financial Statement of the -federal so easily seen. But if we take the federal cash cow investment group and, very important, they have a portfolio on loan, that's been loaned out their receivables and their current cash about a 16 trillion positive on the So, here, even the federal government the expense side- leaving it on the - they call that their budgetary basis cash cow investment groups of fed

On where the report was sent to. I called, and the conversation went just like this:

"Hi. This is Walter Burien calling from the Department of the Treasury. We've been sending you our Comprehensive Annual Financial Report for the last fourteen years and we're doing a logistical survey on how many other states are sending you their reports. Could you please help me?"

ABC was getting it from 36 states; NBC was getting it from 34 states. When I heard that, now I'm getting very mad. I'm starting to see a clear-cut cooperative effort for nondisclosure on the most important information that exists in this country. The extent of the financial takeover by composite government of the wealth of this country, with the full cooperation of the syndicated media for nondisclosure.

My next step was I called New York, got New York's Comprehensive Annual Financial Report, which showed approximately \$735 billion in liquid investment funds. I then got the city of Manhattan's report. Now, when I mention the Comprehensive Annual Financial Report, it's not just the state-the majority of all cities, counties, school districts, pension funds, autonomous agencies such as the New Jersey Turnpike or New York Thoroughway Authority, put out a Comprehensive Annual Financial Report. When I got Manhattan's report it showed liquid investment funds of \$1.2 trillion, more than the entire state. My mind started getting bogged, thinking of the composite totals- for all the states, all the cities, and all the counties.

Subsequently, over the last ten years I've been factoring in, compiling, the aspect of composite totals. The current figure stands at about \$60 trillion plus, in liquid investment funds - the composite totals for all cities, counties, states, and the federal government. Now, you may say "Oh, wait a second here! I thought we were in debt for the state, in debt for our school districts, or in debt for the federal government". Well, let me explain something. I'm going to give you the biggest wake-up call in your life. This example holds true all across the country, for every city, county, and state and the federal government. You always hear the budgetary basis referenced - "the budget report, the budget report."

Governments across this country on the city, county, state levels, and federal, have created a two-tier accounting structure. One, the annual operating budgets, the cost side of operating government for the year - the monies they bring in for the year to handle that cost and what they expend. What's being left out is the decades -- the decades of investment wealth, enterprise ventures which generate hundreds of billions of dollars each year, which are not inclusive in the budgetary basis. When you start looking at composite totals of revenue and compare it to the private sector, government currently now is substantially bigger

only thing I was aware of at that time. They had \$11 billion on budget, \$6 billion off budget; the total annual service budget was \$17 billion a year. I called in to the show and I made the comment, "Come on, guys; you're missing the whole point. The highest figure I heard was \$85,000. The state's dealing with billions of dollars." I read off the figures. I said, "If there's fraud, waste and misspending taking place, it's taking on tunes of tens of millions, if not hundreds of millions of dollars." The DJ at that time challenged us, the listeners, to start a tax protest organization to repeal the \$2.8 billion tax increase.

Ten of us got together the next day and incorporated a group called Hands Across New Jersey. We scheduled our first rally ten days out from that point. And basically, with the help of 101.5, we had 115,000 people converge on Trenton from all the shore points in New Jersey, effectively shutting the city down. Now, during the course of organizing that rally, I took over looking at the budget, revenue and finance of the state.

For about fifteen years I was a Commodity Trading Advisor. I was one of the first tenants of the World Trade Center, back in 1979. And large figures didn't bother me-a hundred million and one dollar - there was no difference. So when I started looking at the figures on the New Jersey budget report, as I mentioned, there were \$11 billion on budget, \$6 billion off budget, it showed a net available of \$25.6 billion. Then, I asked myself the number one question that IRS asks in an audit:

What are the cash gross receipts? I started noticing the large cash cow groups in state government - the New Jersey Turnpike, Garden State Parkway, Port Authority of New York, and New Jersey. The revenue was not inclusive in the budget report. I didn't see any large returns from investment funds on the budget report. And I said, "They have to have two sets of books here. They're not accounting for the whole picture". The director of the budget at that time was an individual by the name of Richard Keevy. He was on vacation till the following Tuesday of that week. I found out who his lower assistant was, called in, and the conversation went just like this:

I said, "Hi, this is Walter Burien. I'm working on a report for Richard. Have to have it done by Tuesday when he gets back from vacation. I need all the figures on the autonomous agency accounts, interest accounts, investment accounts. And the reply I got was, "Oh, you want the Comprehensive Annual Financial Report". Bing!!! First time I ever heard that before in my lifetime. Got it that Friday. Started crunching numbers. It showed a total liquid investment funds of \$188 billion dollars -- \$188 BILLION DOLLARS--of which common stock ownership \$70 billion, insurance company equity participation, \$14 billion, on loan to public and private corporations \$10 billion. And I started looking

GAME IN TOWN

\$ \$

nding at about 65%

mentioned, New Jersey State in common stock ownership. Right about New Jersey as a composite totals city, county, ip, equates to approximately entire open interest of all owned by composite e one city or county or state stock, but you'll have entities and states owning the percent. So, when you look at oration, IBM, AT&T the government funds, and they'll be you see the word "institutional in most cases. So, when you

I - say, 72% owned by didn't call that a public government operation. Xerox is composite government funds; AT&T tension finally dawned on me, maybe 5% of the GNP of this economy, and I learned I was done here - we left the vault 2 would say, "Vault? What ers said, "Thank you very

mandated that all local nsive Annual Financial Report - , or, in the alternative, a ey did not prepare a report.

nsive Annual Financial Report: Government Financial Officers mprehensive Annual Financial ink the city of Manhattan 51, as a large entity. So, the report has been around for separate government districts, authorities, that

don't show on the budgetary basis. So, currently, the federal government shows a slight deficit on budgetary basis, but the profit centers, which would show a \$16 trillion positive, are excluded.

We started our national exposure on the Comprehensive Annual Financial Report and the structure behind it, you may have heard on the network news the feds saying, "Oh, by the way, we happened to find we're going to have a \$6 trillion surplus going into the year 2004." Keep in mind, that \$6 trillion surplus is on the budgetary basis. They're not including the cash cow investment agencies. If they were being 100% honest, inclusive of all revenue, the federal government would have approximately a \$12 to \$14 trillion surplus. And, in fact, if they included the cash cow investment agencies in with the budgetary basis, they could probably have a 50% reduction across the board of all taxation, on the federal side. Something to think about.

Let's go back to the local governments. The states, the cities, and the counties, they have their budgetary basis, the annual operating budget but they have enterprise funds. In my little city of Prescott, Arizona, where I live, the city owns a golf course. Why does the city own a golf course? So the judges and the attorneys can get lower greens fees? Here is a \$45 million dollar asset which is paid for by tax payer funds, developed, and not \$1 goes back directly to support the budgetary basis. They have investment funds sitting as idle funds -- \$48 million. With this much money out there, this phenomenal base of wealth, empires that are being built, it is mandatory to keep the public oblivious to what was going on. If the public was aware that this type of wealth was being built and obfuscated as tax dollars are being drained out of their pockets, where people are citing a shortfall of budgetary revenue, there would have been an uprising 30 years ago. But the government, to perpetuate this game, they needed the 100% cooperation of the syndicated media. That they have. You will not see ABC, NBC, saying, "Oh, by the way, we just happened to find out about the Comprehensive Annual Financial Report." You will not see that happen. They have been in cooperative nondisclosure for 25 years. That's why the situation has taken place.

It's mandatory to get the word out. It's mandatory to have your local radio show, your local TV show ..., call in, mention the Comprehensive Annual Financial Report. Depending upon what

doing it, it's the principle of operation.

Every problem I've seen in this country to date has to do with extortion of revenue from the public. It is the root of evil in this country - the wealth being taken from the populace. And one of the problems here is, a lot of people have been looking for the needle in the haystack, trying to find government corruption and wealth being stolen from us. Well, we're not looking for the needle in the haystack here, folks. It's the haystack sitting on top of the needle. All you have to do is look and start adding up the composite figures. Stop being distracted by one leaf or branch or tree in the forest. Start qualifying the forest. And when you do you'll see the clear and unequivocal financial takeover of the wealth of this country by composite government, right from the city level to the state to the federal level. It's power mongering; it's empire building. For the boys that are in there on the inner circle, the wealth is absolute.

The game is absolute, and there is so much money behind the game, and you have the participation of the syndicated media in the game, the public really has not stood a chance. The only way the public stands a chance is through full and open disclosure of the wealth - not being distracted, just sitting down crunching numbers. Not looking at one leaf, or branch or tree in the forest, start looking at the forest, adding up the totals, and it becomes evidently clear. Corrective action is needed and is needed immediately. With the scope of the financial takeover that is in existence today, they're consolidating that ownership. Within several years you'll have composite government owning 85% of the wealth in this country.

This is no game, folks. We've had our heritage stolen from us right under our noses. As I mentioned, if you go back 25 years ago government was about 6-8 percent of the GNP, currently, we're standing at over 48%, and that's a conservative figure. That's a phenomenal amount of wealth. We have the largest orchestrated syndicate on the face of the planet, which is composite government wealth. A little notation. This is supposed to be a country of laws, correct? Law is supposed to protect people of this country, correct? Well, when I got New Jersey's report, it had the pension plans listed. I didn't understand pensions or the actuarial basis used. One of our volunteers for Hands Across New Jersey, he wrote the pension funds for Blue Cross/Blue Shield nationally. I gave him the book, and I asked him to break down the pension funds and compare them to a Fortune

You start looking at the
n 54,000 reports - the cities,
e the \$60 trillion inclusive

city, what county, what state you're looking at the ratio of the budgetary basis, the annual service budget, to the reality of the total wealth, usually ranges from a ratio of 8:1 to as high as 40:1. I briefed a federal auditor of 30 years. He was in charge of auditing one of the largest federal agencies in the country and also eight of the central western states prior to his retirement. He was always looking at individual budget reports, the individual leaves, branches and trees in the forest. And I briefed him on the composite totals. Floored him! He looked, he verified, and three months later he made the comment to me. He goes, "Walter, what we have here in this country is 100% Communism under the guise of a free market capitalist system." He goes, "The government owns everything." [<http://www.cafrman.com>] Now, the public is constantly complaining about higher taxes, higher taxes, more money being taken for this, for that. And they're conditioned - year in, year out. We had the Boston Tea Party--I think it was for a 3% tax on tea, caused the revolution. Here we've been conditioned to 45% of our pay going back to government. And when you look at all aspects of what the government's getting - export tax, import tax, duties on manufacturing, the composite total is phenomenal on the money that's taken by government. On the government pension funds - city, county, state, federal - they're standing at about \$28 trillion. The private sector will never see \$28 trillion in their lifetime.

Talking also about the runaway freight train of growth on the city level, the county level, the state level. If you go back 25 years ago, government was approximately 6 to 8 percent of the GNP of this country, gross national product total revenue base. Currently, today, composite government - city, county, state and federal - it's 48% of the GNP based on cash and ownership.

Let's look at the state of California, with approximately \$12 trillion under management. Now, under the Comprehensive Annual Financial Report you'll see a total of about \$3 trillion. But when you start tracking down the cities, the counties, all the revenue base, you're up to about \$12 trillion. Now, in California, say, for example, one of the investment managers who is handling, say, \$400 billion in funds, and he had, say, \$150 billion -with Shearson Lehman Hutton American Express institutional banking. That's a very powerful position. If that individual contacts the director of the institutional banking, and said his brother in Argentina needed a \$120 million loan in Argentina for a sugar cane energy development project, unsecured, do you think he's going to say NO? I don't think so. He'll have one of his associates from another company that he deals with closely cut the loan. If it's defaulted on hell just make up the difference on some business hell do with that firm.

The power mongering and the elbow rubbing that takes place here is obscene! And it's not just one group, one organization,

500 company. He told me it would take him about two weeks. Two weeks later I check back and I say, "Well, what have you got?" He goes, "Well, on a scale from 1 to 10, with the Johnson & Johnson being a 5, all of New Jersey pensions came in at a 7, excluding the judicial branch." He said the judicial branch was the millionaire boys' retirement club.

Every state judge in New Jersey was guaranteed \$5 million after serving one year tenure. In other words, they didn't have to work five years, ten years, fifteen years, twenty years to get their pension. All they had to do was their tenure - one year and they got their full benefit package, which was excessive.

Now, let's go to federal. District court judges, how many of you think that district court judges have a pension or retirement fund? I guess you would assume they have a pension or retirement fund. Well, they don't. District court judges are appointed for life. They get their full paycheck for life and benefits for life. And, in fact, two years ago they just took the action that when they die they can assign their full paycheck and benefits for the life of their surviving spouse or dependent relative. Now, that's a sweet deal.

In Part Two of this program, we'll be discussing what I call a CITA: Citizens Investment Trust Account, which can be implemented by initiative across this country. What the CITA is, it's an organization started by the tax payers. They will have approximately two to three CFAS, Certified Financial Auditors, who will examine the books - city, county, state, as will be applicable to those residents in that city, county and state to identify surplus funds, venture projects - which, no way government should be involved in but the private sector should be handling, which the CITA would recommend for sale.

The CITA, upon identifying and recommending for re-appropriation of the surplus revenue, and also sale of different venture projects like golf courses and different other items which cities and counties now own. The revenue that builds up in the CITA has one exclusive principle of operation. It's set up as basically an annuity pension fund for the resident tax payer. From the interest and dividend yield that's accomplished, it is to satisfy the budgetary requirements of that city, county or state.

To download CAFR reports from the Internet go to:
<http://www.financenet.gov/state/cafr.htm>

For more information on the CITA project or for videos on the CAFR contact:
CEVI
P. O. Box 31121
Mesa, AZ 85275

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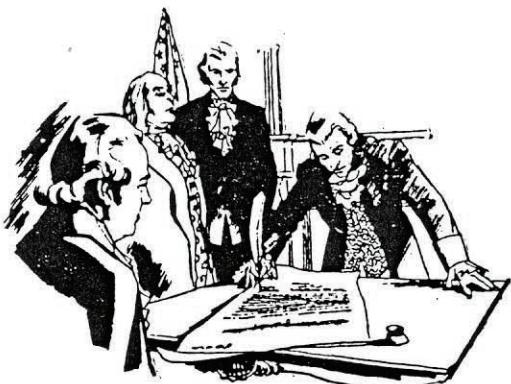
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Combined Financial Statement
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SECOND AMENDMENT COMMITTEE

(559)582-8534

P.O. BOX 1776

HANFORD, CA 93232

November 12, 1990

Subject: New World Order

Dear Gun Owners:

Attached you will find a copy of Treaty #97-19. It is a constitution. This constitution is only one of many constitutions that the United Nations has "in force" upon the United States, causing our once free people to be merged with the communist nations of the world. This is the basis upon which President George Bush and the U.S. State Department hinge their authority for converting the United States system of government from a Constitutional Republic into a segment of the international socialist world government: the "New World Order".

The hand-entered comments in the margins are there either to highlight important sections of the treaty, or to offer additional pertinent information to show the dove-tailing with other United Nations documents that are in force (all being components of the worldwide command and control "New World Order").

This treaty is now in force worldwide, having been enacted on behalf of the American people, who not only DO NOT KNOW that this treaty exists, much less the serious changes that it will make in their lives as the treaty helps overthrow the United States Constitution. Consent of the governed has never been granted to permit such destructive treaties and changes.

Two hundred years ago our forefathers engineered the best form of government that could ever be created by man as it conforms to the natural law, places limits on the power that man can exercise over his fellow man, and safeguards our natural rights, which are an endowment from the Creator. This includes the right of the people to keep and bear arms.

The P.P.B.S. (Program, Planning, and Budgeting System referred to on page 5) is not an ordinary accounting system. It is a computerized command and control system, based upon predetermined goals and objectives. It is in operation in the United States in order to socialize the American people and their government in all the economic, social and political aspects of human endeavor. Government funding is granted only when recipients comply to given management performance.

Even though the attached Treaty #97-19 does constitute a great threat to the existence of our U.S. Constitution, and our gun rights, there are several recourses available to us, one of which is attached to this set of papers (see *Rebus Sic Stantibus*, a principle in international law by which treaties can be nullified). If we fail to stand against these intrusions to our sovereignty, our independence, our right to keep and bear arms, then we, as individuals, as a state, and as a nation, are ruined!

Constitutionally yours,

SECOND AMENDMENT COMMITTEE

Bernadine Smith
Bernadine Smith

BS/jf
Attach.

THE UNITED NATIONS LOYALTY OATH

This is the loyalty oath to the United Nations, which all in our government must take who work for the United Nations. Their loyalty to the United Nations must supersede loyalty to the United States Constitution while the United Nations Charter goes on destroying the United States Constitution:

I solemnly swear to exercise in all loyalty, discretion and conscience, the functions entrusted to me as a member of the international service of the United Nations; to discharge those functions and regulate with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duty from any government or authority external to the Organization.

Note: Saddling upon us of the United Nations Charter was also done by unlawful use of the treaty-making power. Now the United Nations is calling for all U.S. citizens to be totally disarmed. Aided by Public Law 87-297, and other new laws, their disarmament treaties will confiscate every gun.

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against the tyranny in government."Thomas Jefferson

"Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. IF IT IS, then we have no Constitution! If it has bounds, they can be no others than the definitions of the powers which that instrument gives."Thomas Jefferson

"Before entering on so grave a matter as the destruction of our national fabric, with all its memories, its benefits, its hopes, would it not be wise to ascertain WHY we do it? Will you hazard so desperate a step, while there is any possibility that any portion of the ills you fly TO are GREATER than the ills you fly FROM? Will you risk the commission of so fearful a mistake?"Abraham Lincoln

"The Constitution shall never be construed....to prevent the people of the United States who are peaceable citizens from keeping their own arms."
..... Samuel Adams

"Let Mr. Madison tell me when did liberty ever exist when the sword and the purse were given up from the people? Unless a miracle shall interpose, no nation ever did, nor ever can retain its liberty after the loss of the sword and the purse." "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force and whenever you give up that force, you are inevitably ruined."Patrick Henry

*what you are seeing here is
the treaty which authorized Pres.
George Bush to establish a "new
World Order" (unlawful, of course!)*

LETTER OF TRANSMITTAL

**CONSTITUTION OF THE UNITED NATIONS
INDUSTRIAL DEVELOPMENT ORGANIZATION**

No. 100.

TREATY Doc.
No. 97-18

SENATE

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THE CONSTITUTION OF THE UNITED NATIONS' INDUSTRIAL
DEVELOPMENT ORGANIZATION (UNIDO), ADOPTED BY THE
UNITED NATIONS CONFERENCE ON THE ESTABLISHMENT
OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT
ORGANIZATION AS A SPECIALIZED AGENCY ON APRIL 8, 1979,
AND SIGNED ON BEHALF OF THE UNITED STATES OF
AMERICA ON JANUARY 17, 1980

M E S S A G E

FROM

TRANSMITTING

THE PRESIDENT OF THE UNITED STATES

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Constitution of the United Nations Industrial Development Organization (UNIDO). This Constitution was adopted by the United Nations Conference on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency on April 8, 1979, and signed on behalf of the United States of America on January 17, 1980. The report of the Department of State with respect to the Constitution is also transmitted for the information of the Senate.

The Constitution would establish UNIDO as an independent specialized agency of the United Nations system. It does not create a new entity, but rather revises UNIDO's existing legal framework in a way that significantly improves the position of the United States and other major donors in budget, program and assessment determinations.

UNIDO's principal purpose is to foster the industrialization of developing countries. It is currently the third largest executing agency for the United Nations Development Program. UNIDO's wide-ranging activities are geared to aid developing countries in establishing the technical and institutional skills necessary for industrialization. Many of these activities are consonant with United States development priorities, including development of indigenous entrepreneurial and productive capabilities in the private sector. United States commercial and academic interests also benefit from UNIDO activity.

In recent years, there has been growing recognition of the need to formulate more effective institutions within the United Nations system to deal with the problems of development in an increasingly interdependent world. Such institutions need to serve the interests of all member nations and to be governed in a manner that realistically reflects the political and economic situation in the world today. The Constitution would give UNIDO a new governing machinery that will make it more responsive to its member governments and that will give greater recognition to the special role of major donors, including the United States, other industrial democracies, and the Soviet bloc. If they act together, the major donors will be able to block decisions on UNIDO's program and budgets. In this respect, the Constitution is a precedent-setting document.

The Constitution would also provide a specific right of withdrawal from UNIDO if the United States should ever determine that its interests are not served by continued membership. This could not be



October 5, 1981.—Treaty was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1981

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accomplished under UNIDO's current statute without withdrawal from the United Nations.

While the Constitution refers to the objectives of helping establish a new international economic order, the United States has made clear its view that this does not refer to any preconceived notion of such an order as outlined in some UN resolutions to which the United States has taken exception.

The Constitution offers the United States important advantages over UNIDO's current status. It provides an opportunity to increase UNIDO's effectiveness in promoting economic development in the developing countries and, thus, its contribution to a more equitable and peaceful international environment. In addition to helping create a better institutional framework, ratification of the Constitution by the United States will be a strong reaffirmation of our commitment to the industrial development of the less developed countries and demonstrate our political will to pursue beneficial relations with those countries.

I recommend that the Senate give prompt consideration to the Constitution and advise and consent to its ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 12, 1981.

The President: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, the Constitution of the United Nations Industrial Development Organization (UNIDO), adopted by the United Nations Conference on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency on April 8, 1979, and signed on behalf of the United States of America on January 17, 1980.

The Constitution would establish UNIDO as an independent specialized agency of the United Nations system. UNIDO now exists as an organization formally within the United Nations itself, reporting to the General Assembly.

UNIDO has a mandate to provide developing countries with industrial-related technical assistance (worth \$76 million in 1980), including programs in industrial planning, institutional infrastructure, factory establishment and management, training, feasibility studies, and investment promotion. Virtually all of UNIDO's technical assistance expenditures are funded by voluntary sources, primarily the United Nations Development Program. UNIDO activities funded by the United Nations regular assessed budget (\$47 million in 1980) are largely in support of its technical assistance activities, and include: macro-economic studies of factors affecting industrialization; advice to LDC governments on development policies; industrial sector, regional, country and case studies; statistical data collection and analysis; expert group meetings including sectoral Consultations; information processing and investment promotion. UNIDO's highly diversified activities include many which are congenial to United States development priorities such as: employment generation, private sector development, basic human needs, appropriate technology, and rural and agricultural related development. American commercial and academic interests also benefit from UNIDO activity.

UNIDO was established as an organ of the United Nations General Assembly pursuant to United Nations General Assembly Resolutions 2089 (XX) and 2152 (XXI), adopted in 1965 and 1966, respectively. In 1975, the United Nations General Assembly, endorsing the recommendation of the Second General Conference of UNIDO, adopted Resolution 3362 (S-VII) which established an intergovernmental committee of the whole followed by a conference of plenipotentiaries to draft and consider a constitution to transform UNIDO into a specialized agency of the United Nations. The intergovernmental committee of the whole met five times over a two-year period and was succeeded by the Conference on the Establishment of UNIDO as a Specialized Agency.

(iii)

*Handwritten comment enclosed here
are the work of Bernadine Smith
to speed your reading of document.*

10-29-90

The Constitution, while not creating a new entity, revises UNIDO's existing legal framework, significantly improving the provisions relating to control of budget and programming. Under the current regime, UNIDO's work program is decided upon by its governing body, the Industrial Development Board, while its program budget is set by the United Nations General Assembly as one component of the overall United Nations' Program Budget. Thus, UNIDO's budget is currently not subject to intergovernmental review by a body directly responsible for UNIDO activities; nor do the present institutional arrangements, by which all questions are decided by majority vote, adequately reflect the special interest of major donors.

The Constitution seeks to correct these defects by providing that the program and budget of UNIDO shall both be acted upon by three governing bodies in succession: the Program and Budget Committee (the Committee), the Industrial Development Board (the Board), and the General Conference (the Conference). Each body must decide on the program and budget by a two-thirds majority vote. In the Committee and the Board, the industrial democracies and the Soviet bloc (i.e., the major donors) hold substantially more than a third of the vote and thus could, if most of them agree, block adoption of a program or budget. (The Soviets have traditionally taken a very conservative position on budgetary issues.) The Constitution thereby establishes for the first time in the United Nations system, outside of the banking institutions, a special recognition of the essential role of major donor states in United Nations affairs. The Constitution is therefore a precedent setting document, responsive to the political realities of the 1980's and beyond.

The Constitution and the related resolutions on transition to specialized agency status also achieve another objective of the United States in that they do not mandate any increase in United States contributions to UNIDO, but only change the method of assessment and payment in ways beneficial to the United States. Currently, United States assessed contributions to UNIDO are determined and paid indirectly through the mechanism of the United Nations assessed budget, making it difficult for the United States to achieve a degree of influence within UNIDO concomitant with the level of those indirect contributions. The Constitution will move toward correcting this situation by instituting direct assessed budget payments to UNIDO and providing for assessments to be determined in a manner similar to the determination of the program and budget, with major donor States holding more than a third of the vote in the Board which must decide on assessments by a two-thirds majority.

It is also noteworthy that United Nations General Assembly Resolution 96 (XXXIV) on Transitional Arrangements on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency provides for the termination of United Nations funding for UNIDO from the United Nations regular program budget and a corresponding reduction in this budget upon establishment of UNIDO as a specialized agency. The Constitution consists of a preamble, twenty-nine articles (in six chapters) and three annexes. The Preamble states that the States Parties, while bearing in mind the "broad objectives" of resolutions

adopted by the sixth and seventh special sessions of the United Nations General Assembly and the Second General Conference of UNIDO pertaining to the establishment of a new international economic order, make certain declarations regarding economic development. The declarations include the necessity of establishing a just and equitable economic and social order; the essential role of industrialization to rapid industrialization; the right of all countries to pursue the development, transfer and adaptation of technology internationally; and a determination to promote the common welfare through expanding international economic cooperation. The Preamble is basically horatory, and contains no operational links to the rest of the Constitution.

The objectives and functions of UNIDO are contained in Chapter I. Article 1 states that the primary objective of UNIDO will be the promotion and acceleration of industrial development in the developing countries with a view to assisting in the establishment of a new international economic order. The language used in the Constitution, as indicated in the statement of the United States at the time of adoption of the Constitution, can be interpreted to make clear that Article 1 refers to UNIDO's participation in an evolutionary and truly consensual process to achieve a new international economic order and that Article I does not refer to any preconceived notion of a new international economic order as outlined in certain resolutions of the United Nations General Assembly sixth and seventh special sessions, regarding which the United States has reservations.

Article 2 lists the functions of UNIDO, all related to promoting industrial development and basically similar to the functions specified in UNIDO's current statute, General Assembly resolution 2152 (XXI). The more important functions include: coordinating United Nations industrial development activities; providing technical assistance for industrialization, including training and pilot facilities; managing an industrial information clearinghouse; advising and assisting developing countries in formulating and executing development plans; assisting in the establishment and operation of industries to achieve full utilization of local human and natural resources; and as requested by the countries concerned, providing a forum for contacts and negotiations.

Chapter II provides for participation in UNIDO. Membership is open to all States members of the United Nations or a specialized agency. Article 6 provides for withdrawal from membership, not possible now without withdrawing from the United Nations, subject to providing a reasonable period of notice. The right of withdrawing from UNIDO alone may provide useful leverage, although actual withdrawal would entail a difficult decision.

Chapter III establishes the organs of UNIDO. Article 8 specifies a General Conference composed of all members which will act upon the reports of the Board and the Director-General and determine the guiding principles and policies of the organization. Article 9 provides for the Board to be composed of 53 members elected by the Conference, with the following distribution of seats: 33 members elected from the G-77 (developing countries), 15 members elected from Group B (industrialized democracies) and 5 members elected from Group D (the

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Soviet bloc). Article 10 establishes a Programme and Budget Committee to consist of 27 members elected by the Conference with the following distribution: 15 from the G-77, 9 from Group B, and 3 from Group D.

Chapter IV delineates the process for approval of the program of work and the regular budget (i.e., the budget expenditures to be met from assessed contributions) and the operational budget (i.e., budget expenditures to be met from voluntary contributions). Article 14 stipulates that the Director-General shall prepare and submit a draft work program, regular budget and operational budget to the Board through the Committee. The Committee will consider the Director-General's proposals and make recommendations to the Board by a two-thirds majority vote of those present and voting. The Board will examine the Director General's proposals and the recommendation of the Committee and adopt the program of work, regular budget and operational budget, for submission to the Conference, by a two-thirds majority of those present and voting. The Conference will approve the submission of the Board by a two-thirds majority vote of those present and voting. The Conference may make no decision or amendment involving expenditures unless the Committee and the Board have had an opportunity to act as indicated above. By commanding more than a third of the votes in the Board and the Committee, the major donor States (i.e., Groups B and D), which share a common desire to keep United Nations agency budgets to a reasonable level, will be able to block work programs and budgets of which they disapprove, if they act together.

Article 15 provides that the scale of assessments for members shall be established by the Conference by a two-thirds majority of the members present and voting, upon a recommendation of the Board adopted by a two-thirds majority of the members present and voting. The Board's recommendation is to be based on a draft prepared by the Committee. The Constitution thereby provides a mechanism for the major donors as a group to veto a scale of assessments which they disapprove. Article 15 also stipulates that the scale of assessments shall be based to the extent possible on the scale most recently employed by the United Nations and no member shall be assessed more than 25 percent of the regular budget.

Chapter VI covers legal matters. Article 23 provides for amendments, with special, stringent provisions for amendments to financial articles. Financial amendments must be approved by two-thirds majorities of the Board and Conference respectively and must be ratified by three-fourths of the Member States. This provision protects the in the Committee and Board.

Article 25 stipulates that the Constitution shall enter into force when at least eighty States that deposited instruments of ratification notify the Secretary General of the United Nations that they have agreed, after consultations among themselves, that the Constitution shall enter into force. However, for States that had deposited instruments of ratification but did not participate in such notification, the Constitution shall come into force on such later date as they choose.

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Article 27 states that no reservations may be made to the Constitution.

A major problem in the constitutional negotiations was to balance the desire of major contributing countries for control over the regular budget with the insistence by developing countries that funding for technical assistance activities continue to be available on an assured basis. Under current arrangements, a portion of UNIDO's activities in the field of technical assistance is financed by assessments from the regular budget of the United Nations. Under Annex II of the Constitution, 6% of the regular budget of UNIDO will be set aside for technical assistance activities which have heretofore been financed by assessed contributions to the United Nations budget. The six percent figure sets a constitutional ceiling on the portion of the new organization's regular budget which can be devoted to technical assistance. All other technical assistance activities must be financed by voluntary contributions. Since the United States together with the other major contributing countries will have more than a third of the votes in the Board, which must approve the regular budget by a two-thirds majority vote, we will have substantial influence on the overall figure with regard to which the 6% technical assistance figure will be calculated and, therefore, over the absolute amount of technical assistance expenditures from the regular budget.

The combined effect of the 6 percent ceiling, the major donors having more than a blocking third of the votes, and the withdrawal provisions will provide the United States with much greater capacity than presently exists to ensure that regular budget funds for technical assistance are used for programs which we believe should qualify for such funding. In this connection, the United States representative to the Constitutional Conference placed on the record our view that technical assistance financed by assessments, "must fill gaps which would be difficult for the UNDP, with its country specific focus, or other voluntary funds to fill. Specifically, such technical assistance would deal with emergency situations and financial activities that primarily benefit the entire international community, not a single country."

There has been growing recognition within the United States of the need to achieve a true consensus on development questions if UNIDO is to cope effectively with development problems. At the same time, there has been growing recognition within the United Nations for the United Nations to be more responsive to our basic programmatic and budgetary concerns, especially in light of the large United States assessed contributions. The Constitution of UNIDO is a product of both of these movements. It gives an already existing instrument a new mechanism of decision making which provides special recognition of the essential role of major contributors, including the United States. In this way, it is truly a precedent setting document.

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Note

The abuse of treaty power allows this "Constitution" to supersede the United States Constitution.

for the United Nations system which deserves our earnest and rapid
support.
The other agencies most concerned, the Department of Labor, the
Agency for International Development, and the Department of Com-
merce have no objection to ratification of The Constitution. I hope that
you will ask the Senate to consider the Constitution and give its advice
and consent to ratification as soon as possible.
Respectfully submitted,

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

PREAMBLE

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U.S. Govt. to be
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The States Parties to this Constitution,

*In conformity with the Charter of the United Nations,
Bearing in mind the broad objectives in the resolutions adopted by
the sixth special session of the General Assembly of the United Nations
on the establishment of a New International Economic Order, in the
UNIDO Second General Conference's Lima Declaration and Plan of
Action for Industrial Development and Co-operation, and in the reso-
lution of the seventh special session of the General Assembly of the
United Nations on Development and International Economic Co-
operation,*

Declaring that:

It is necessary to establish a just and equitable economic and social order to be achieved through the elimination of economic inequalities, the establishment of rational and equitable international economic relations, implementation of dynamic social and economic changes and the encouragement of necessary structural changes in the development of the world economy.

Industrialization is a dynamic instrument of growth essential to rapid economic and social development, in particular of developing countries, to the improvement of the living standards and the quality of life of the people in all countries, and to the introduction of an equitable economic and social order.

If the sovereign right of all countries to achieve their industrialization, and any process of such industrialization must conform to the broad objectives of self-sustaining and integrated socio-economic development, and should include the appropriate changes which would ensure the just and effective participation of all peoples in the indus-

As international co-operation for development is the shared goal and common obligation of all countries it is essential to promote industrialization through all possible concerted measures including the development, transfer and adaptation of technology on global, regional and national, as well as on sectoral levels.

All countries, irrespective of their social and economic systems, are determined to promote the common welfare of their peoples by individual and collective actions aimed at expanding international economic co-operation on the basis of sovereign equality, strengthening of the economic independence of the developing countries, securing their equitable share in total world industrial production and contributing to international peace and security and the prosperity of all nations, in conformity with the purposes and principles of the Charter of the United Nations.

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Mindful of these guidelines, Desiring to establish, within the terms of Chapter IX of the Charter of the United Nations, a specialized agency to be known as the United Nations Industrial Development Organization (UNIDO) (hereinafter referred to as the "Organization"), which shall play the central role in and be responsible for reviewing and promoting the co-ordination of all activities of the United Nations system in the field of industrial development, in conformity with the responsibilities of the Economic and Social Council under the Charter of the United Nations and with the applicable relationship agreements, Hereto agree to the present Constitution.

CHAPTER I.—OBJECTIVES AND FUNCTIONS

Article 1

Objectives

The primary objective of the Organization shall be the promotion and acceleration of industrial development in the developing countries with a view to assisting in the establishment of a new international economic order. The Organization shall also promote industrial development and co-operation on global, regional and national, as well as on sectoral levels.

Article 2

Functions

In fulfillment of its foregoing objectives, the Organization shall generally take all necessary and appropriate action, and in particular shall:

(a) Encourage and extend, as appropriate, assistance to the developing countries in the promotion and acceleration of their industrialization, in particular in the development, expansion and modernization of their industries;

(b) In accordance with the Charter of the United Nations, initiate, coordinate and follow up the activities of the United Nations system with a view to enabling the Organization to play the central co-ordinating role in the field of industrial development;

(c) Create new and develop existing concepts and approaches in respect of industrial development on global, regional and national, as well as on sectoral levels, and carry out studies and surveys with a view to formulating new lines of action directed towards harmonious and balanced industrial development, with due consideration for the methods employed by countries with different socio-economic systems for solving industrialization problems;

(d) Promote and encourage the development and use of planning techniques, and assist in the formulation of development, scientific and technological programmes and plans for industrialization in the public, co-operative and private sectors;

(e) Encourage and assist in the development of an integrated and interdisciplinary approach towards the accelerated industrialization of the developing countries;

(f) Provide a forum and act as an instrument to serve the developing countries and the industrialized countries in their contacts, con-

sultations and, at the request of the countries concerned, negotiations directed towards the industrialization of the developing countries;

(g) Assist the developing countries in the establishment and operation of industries, including agro-related as well as basic industries, to achieve the full utilization of locally available natural and human resources and the production of goods for domestic and export markets, as well as contribute to the self-reliance of these countries;

(h) Serve as a clearing-house for industrial information and accordingly collect and monitor on a selective basis, analyse and generate industrial development on global, regional and national, as well as on sectoral levels, including the exchange of experience and technological achievements of the industrially developed and the developing countries with different social and economic systems;

(i) Devote particular attention to the adoption of special measures aimed at assisting the least-developed, land-locked, and island developing countries, as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interest of the other developing countries;

(j) Promote, encourage and assist in the development, selection, adaptation, transfer and use of industrial technology, with due regard for the socio-economic conditions and the specific requirements of the industry concerned, with special reference to the transfer of technology from the industrialized to the developing countries as well as among the developing countries themselves;

(k) Organize and support industrial training programmes aimed at assisting the developing countries in the training of technical and other appropriate categories of personnel needed at various phases for their accelerated industrial development;

(l) Advise on and assist, in close co-operation with the appropriate bodies of the United Nations, specialized agencies and the International Atomic Energy Agency, the developing countries in the exploitation, conservation and local transformation of their natural resources for the purpose of furthering the industrialization of developing countries;

(m) Provide pilot and demonstration plans for accelerating industrialization in particular sectors;

(n) Develop special measures designed to promote co-operation in the industrial field among developing countries and between the developed and developing countries;

(o) Assist, in co-operation with other appropriate bodies, the regional planning of industrial development of the developing countries within the framework of regional and subregional groupings among those countries;

(p) Encourage and promote the establishment and strengthening of industrial, business and professional associations, and similar organizations, which would contribute to the full utilization of the internal resources of the developing countries with a view to developing their national industries;

(q) Assist in the establishment and operation of institutional infra-

structure for the provision of regulatory, advisory and developmental services to industry;

(r) Assist, at the request of Governments of the developing countries, in obtaining external financing for specific industrial projects on fair, equitable and mutually acceptable terms.

CHAPTER II.—PARTICIPATION

Article 3

Members

Membership in the Organization is open to all States which associate themselves with the objectives and principles of the Organization:

(a) States members of the United Nations or of a specialized agency or of the International Atomic Energy Agency may become Members of the Organization by becoming parties to this Constitution in accordance with Article 24 and paragraph 2 of Article 25;

(b) States other than those referred to in subparagraph (a) may become Members of the Organization by becoming parties to this Constitution in accordance with paragraph 3 of Article 24 and subparagraph 2(c) of Article 25, after their membership has been approved by the Conference, by a two-thirds majority of the Members present and voting, upon the recommendation of the Board.

Article 4

Observers

1. Observer status in the Organization shall be open, upon request, to those enjoying such status in the General Assembly of the United Nations, unless the Conference decides otherwise.

2. Without prejudice to paragraph 1, the Conference has the authority to invite other observers to participate in the work of the Organization.

3. Observers shall be permitted to participate in the work of the Organization in accordance with the relevant rules of procedure and the provisions of this Constitution.

Article 5

Suspension

1. Any Member of the Organization that is suspended from the exercise of the rights and privileges of membership of the United Nations shall automatically be suspended from the exercise of the rights and privileges of membership of the Organization.

2. Any Member that is in arrears in the payment of its financial contributions to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the assessed contributions due from it for the preceding two fiscal years. Any organ may, nevertheless, permit such a Member to vote in that organ if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Article 6

Withdrawal

✓ 1. A Member may withdraw from the Organization by depositing an instrument of denunciation of this Constitution with the Depositary.

2. Such withdrawal shall take effect on the last day of the fiscal year following that during which such instrument was deposited.

3. The contributions to be paid by the withdrawing Member for the fiscal year following that during which such instrument was deposited shall be the same as the assessed contributions for the fiscal year during which such deposit was effected. The withdrawing Member shall in addition fulfil any unconditional pledges it made prior to such deposit.

CHAPTER III.—ORGANS

Article 7

Principal and subsidiary organs

1. The principal organs of the Organization shall be:

(a) The General Conference (referred to as the "Conference");

(b) The Industrial Development Board (referred to as the "Board");

(c) The Secretariat;

2. There shall be established a Programme and Budget Committee to assist the Board in the preparation and examination of the programme of work, the regular budget and the operational budget of the Organization and other financial matters pertaining to the Organization.

3. Other subsidiary organs, including technical committees, may be established by the Conference or the Board, which shall give due regard to the principle of equitable geographical representation.

Article 8

General Conference

1. The Conference shall consist of representatives of all Members.

2. (a) The Conference shall hold a regular session every two years, unless it decides otherwise. Special sessions shall be convened by the Director-General at the request of the Board or of a majority of all Members.

(b) Regular sessions shall be held at the seat of the Organization, unless otherwise determined by the Conference. The Board shall determine the place where a special session is to be held.

3. In addition to exercising other functions specified in this Constitution, the Conference shall:

(a) Determine the guiding principles and the policies of the Organization;

(b) Consider reports of the Board, of the Director-General and of the subsidiary organs of the Conference;

(c) Approve the programme of work, the regular budget and the operational budget of the Organization in accordance with Article 14, establish the scale of assessments in accordance with Article 15, approve the financial regulations of the Organization and supervise the effective utilization of the financial resources of the Organization;

(d) Have the authority to adopt, by a two-thirds majority of the Members present and voting, conventions or agreements with respect to any matter within the competence of the Organization and to make recommendations to the Members concerning such conventions or agreements;

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(e) Make recommendations to Members and to international organizations with respect to matters within the competence of the Organizations;

(f) Take any other appropriate action to enable the Organization to further its objectives and carry out its functions.

4. The Conference may delegate to the Board such of its powers and functions as it may consider desirable, except for those provided for in:

Article 3, subparagraph (b); Article 4; Article 8, subparagraphs 3(a), (b), (c) and (d); Article 9, paragraph 1; Article 10, paragraph 1; Article 11, paragraph 2; Article 14, paragraphs 4 and 6; Article 15; Article 18; Article 23, subparagraphs 2(b) and 3(b); and Annex I.

5. The Conference shall adopt its own rules of procedure.

6. Each Member shall have one vote in the Conference. Decisions shall be made by a majority of the Members present and voting unless otherwise specified in this Constitution or in the rules of procedure of the Conference.

Article 9

Industrial Development Board

THE ENFORCEMENT PROGRAMME FOR WORLD INDUSTRY

1. The Board shall consist of 53 Members of the Organization elected by the Conference, which shall give due regard to the principle of equitable geographical distribution. In electing the members of the Board the Conference shall observe the following distribution of seats: 33 members of the Board shall be elected from the States listed in Parts A and C, 15 from the States listed in Part B, and 5 from the States listed in Part D of Annex I to this Constitution.

2. Members of the Board shall hold office from the close of the regular session of the Conference at which they were elected until the close of the regular session of the Conference four years thereafter, except that the members elected at the first session shall hold office from the time of such election and one half shall hold office only until the close of the regular session two years thereafter. Members of the Board may be re-elected.

3. (a) The Board shall hold at least one regular session each year at such times as it may determine. Special sessions shall be convened by the Director-General at the request of a majority of all members of the Board.

(b) Sessions shall be held at the seat of the Organization, unless otherwise determined by the Board.

4. In addition to exercising other functions specified in this Constitution or delegated to it by the Conference, the Board shall:

(a) Act under the authority of the Conference, review the implementation of the approved programme of work and of the corresponding regular budget and operational budget, as well as of other decisions of the Conference;

(b) Recommend to the Conference a scale of assessments for regular budget expenditures;

(c) Report to the Conference at each regular session on the activities of the Board;

(d) Request Members to furnish information on their activities related to the work of the Organization;

(e) In accordance with the decisions of the Conference and having regard to circumstances arising between sessions of the Board or the

Conference, authorize the Director-General to take such measures as the Board deems necessary to meet unforeseen events with due regard to the functions and financial resources of the Organization;

(f) If the office of Director-General becomes vacant between sessions of the Conference, appoint an Acting Director-General to serve until the next regular or special session of the Conference;

(g) Prepare the provisional agenda for the Conference;

(h) Undertake such other functions as may be required to further the objectives of the Organization subject to the limitations stipulated in this Constitution.

5. The Board shall adopt its own rules of procedure.

6. Each member of the Board shall have one vote. Decisions shall be made by a majority of the members present and voting unless otherwise specified in this Constitution or in the rules of procedure of the Board.

7. The Board shall invite any Member not represented on the Board to participate without vote in its deliberations on any matter of particular concern to that Member.

Article 10

Programme and Budget Committee

1. The Programme and Budget Committee shall consist of 27 Members of the Organization elected by the Conference, which shall give due regard to the principle of equitable geographical distribution. In electing the members of the Committee the Conference shall observe the following distribution of seats: 15 members of the Committee shall be elected from the States listed in Parts A and C, 9 from the States listed in Part B, and 3 from the States listed in Part D of Annex I to this Constitution. In designating their representatives to serve on the Committee, States shall take into account their personal qualifications and experience.

2. Members of the Committee shall hold office from the close of the regular session of the Conference at which they were elected until the close of the regular session of the Conference two years thereafter. Members of the Committee may be re-elected.

3. (a) The Committee shall hold at least one session each year. Additional sessions shall be convened by the Director-General at the request of the Board or the Committee.

(b) Sessions shall be held at the seat of the Organization, unless otherwise determined by the Board.

4. The Committee shall:

(a) Perform the functions assigned to it in Article 14;

(b) Prepare the draft scale of assessments for regular budget expenditures, for submission to the Board;

(c) Exercise such other functions with respect to financial matters as may be assigned to it by the Conference or the Board;

(d) Report to the Board at each regular session on all activities of the Committee and submit advice or proposals on financial matters to the Board on its own initiative.

5. The Committee shall adopt its own rules of procedure.

6. Each member of the Committee shall have one vote. Decisions shall be made by a two-thirds majority of the members present and voting.

THE CHIEF
OF THE ADMINISTRATIVE
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Secretariat

Article 11

1. The Secretariat shall comprise a Director-General as such Deputy Directors-General and other staff as the Organization may require.

2. The Director-General shall be appointed by the Conference upon recommendation of the Board for a period of four years, after which he shall not be reappointed for a further term of four years, after which he shall not be eligible for reappointment.

3. The Director-General shall be the chief administrative officer of the Organization. Subject to general or specific directives of the Conference or the Board, the Director-General shall have the over-all responsibility and authority to direct the work of the Organization. Under the authority of and subject to the control of the Board, the Director-General shall be responsible for the appointment, organization and functioning of the staff.

4. In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action that might reflect on their position as international officials responsible only to the Organization. Each Member undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

5. The staff shall be appointed by the Director-General under regulations to be established by the Conference upon recommendation of the Board. Appointments at the level of Deputy Director-General shall be subject to approval by the Board. The conditions of service of staff shall conform as far as possible to those of the United Nations common system. The paramount consideration in the employment of the staff and in determining the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on a wide and equitable geographical basis.

6. The Director-General shall act in that capacity at all meetings

of the Conference, of the Board and of the Programme and Budget Committee, and shall perform such other functions as are entrusted to him by these organs. He shall prepare an annual report on the activities of the Organization. In addition, he shall submit to the Conference or to the Board, as appropriate, such other reports as may be required.

CHAPTER IV.—PROGRAMME OF WORK AND FINANCIAL MATTERS

Article 12

Expenses of delegations

Each Member and observer shall bear the expenses of its own delegation to the Conference, to the Board or to any other organ in which it may participate.

Article 13

Composition of budgets

1. The activities of the Organization shall be carried out in accordance with its approved programme of work and budgets.

2. The expenditures of the Organization shall be divided into the following categories;

(a) Expenditures to be met from assessed contributions (referred to as the "regular budget"); and

(b) Expenditures to be met from voluntary contributions to the Organization, and such other income as may be provided for in the financial regulations (referred to as the "operational budget").

3. The regular budget shall provide for expenditures for administration, research, other regular expenses of the Organization and for other activities, as provided for in Annex II.

4. The operational budget shall provide for expenditures for technical assistance and other related activities.

Article 14

Programme and budgets

1. The Director-General shall prepare and submit to the Board through the Programme and Budget Committee, at a time specified in the financial regulations, a draft programme of work for the following fiscal period, together with the corresponding estimates for those activities to be financed from the regular budget. The Director-General shall, at the same time, submit proposals and financial estimates for those activities to be financed from voluntary contributions to the Organization.

2. The Programme and Budget Committee shall consider the proposals of the Director-General and submit to the Board its recommendations on the proposed programme of work and corresponding estimates for the regular budget and the operational budget. Such recommendations of the Committee shall require a two-thirds majority of the Members present and voting.

3. The Board shall examine the proposals of the Director-General together with any recommendations of the Programme and Budget Committee and adopt the programme of work, the regular budget and the operational budget, with such modifications as it deems necessary, for submission to the Conference for consideration and approval. Such adoption shall require a two-thirds majority of the Members present and voting.

4. (a) The Conference shall consider and approve the programme of work and the corresponding regular budget and operational budget submitted to it by the Board, by a two-thirds majority of the Members present and voting.

(b) The Conference may make amendments in the programme of work and the corresponding regular budget and operational budget in accordance with paragraph 6.

5. When required, supplementary or revised estimates for the regular budget or operational budget shall be prepared and approved in accordance with paragraphs 1 to 4 above and the financial regulations.

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6. No resolution, decision or amendment involving expenditure, which has not already been considered in accordance with paragraphs 2 and 3, shall be approved by the Conference unless it is accompanied by an estimate of expenditures prepared by the Director-General. No resolution, decision or amendment in respect of which expenditures are anticipated by the Director-General shall be approved by the Conference until the Programme and Budget Committee and subsequently the Board, meeting concurrently with the Conference, have had an opportunity to act in accordance with the Conference. The Board shall submit its decisions to the Conference. The approval by the Conference of such resolutions, decisions and amendments shall require a two-thirds majority of all Members.

Article 16 Assessed contributions

1. Regular budget expenditures shall be borne by the Members, as apportioned in accordance with a scale of assessment established by the Conference by a two-thirds majority of the Members present and voting, upon the recommendation of the Board adopted by a two-thirds majority of the members present and voting, on the basis of a draft prepared by the Programme and Budget Committee.
2. The scale of assessments shall be based to the extent possible on the scale most recently employed by the United Nations. No Member shall be assessed more than twenty-five percent of the regular budget of the Organization.

Article 16 Voluntary contributions to the Organization

Subject to the financial regulations of the Organization, the Director-General, on behalf of the Organization, may accept voluntary contributions to the Organization, including gifts, bequests and subscriptions, made to the Organization by governments, intergovernmental or non-governmental organizations, or other non-governmental sources, provided that the conditions attached to such voluntary contributions are consistent with the objectives and policies of the Organization.

Article 17 Industrial Development Fund

In order to increase the resources of the Organization and to enhance its ability to meet promptly and flexibly the needs of the developing countries, the Organization shall have an Industrial Development Fund which will be financed through the voluntary contributions to the Organization provided for in Article 16, and other income as may be provided for in the financial regulations of the Organization. The Director-General shall administer the Industrial Development Fund in accordance with the general policy guidelines governing the operations of the Fund that are established by the Conference, or by the Board acting on behalf of the Conference, and in accordance with the financial regulations of the Organization.

Article 18 Relations with the United Nations

The Organization shall be brought into relationship with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. Any agreement concluded in accordance with Article 63 of the Charter shall require the approval of the Conference, by a two-thirds majority of the Members present and voting, upon the recommendation of the Board.

Article 19 Relations with other organizations

IMPORTANT DIRECTOR-GENERAL'S S.R.

RELATIONSHIP OF THE UNITED NATIONS SYSTEM AND WITH OTHER INTERGOVERNMENTAL AND GOVERNMENTAL ORGANIZATIONS.

(a) Enter into agreements establishing appropriate relationships with other organizations of the United Nations system and with other intergovernmental and governmental organizations.

(b) Establish appropriate relations with non-governmental and other organizations the work of which is related to that of the Organization. When establishing such relations with national organizations the Director-General shall consult with the governments concerned.

2. Subject to such agreements and relations, the Director-General may establish working arrangements with such organizations.

CHAPTER VI.—LEGAL MATTERS

Seat

To Surrender 1. The seat of the Organization shall be Vienna. The Conference may change the seat by a two-thirds majority of all Members. 2. The Organization shall conclude a headquarters agreement with our sovereignty, the Host Government.

Article 20

Legal capacity, privileges and immunities

1. The Organization shall enjoy in the territory of each of its Members such legal capacity and such privileges and immunities as are necessary for the exercise of its functions and for the fulfillment of its objectives. Representatives of Members and officials of the Organization shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

2. The legal capacity, privileges and immunities referred to in paragraph 1 shall:

(a) In the territory of any Member that has acceded to the Convention on the Privileges and Immunities of the Specialized Agencies in respect of the Organization, be as defined in the standard clauses of that Convention as modified by an annex thereto approved by the Board;

More strengthening of the Organization for world conqueing.

(b) In the territory of any Member that has not acceded to the Convention on the Privileges and Immunities of the Specialized Agencies in respect of the Organization but has acceded to the Convention on the Privileges and Immunities of the United Nations, be as defined in the latter Convention, unless such State notifies the Depositary on depositing its instrument of ratification, acceptance, approval or accession that it will not apply this Convention to the Organization; the Convention on the Privileges and Immunities of the United Nations shall cease to apply to the Organization thirty days after such State has so notified the Depositary;

(c) Be as defined in other agreements entered into by the Organization.

Article 22

Settlement of disputes and requests for advisory opinions

1. (a) Any dispute among two or more Members concerning the interpretation or application of this Constitution, including its annexes, that is not settled by negotiation shall be referred to the Board unless the parties concerned agree on another mode of settlement. If the dispute is of particular concern to a Member not represented on the Board, that Member shall be entitled to be represented in accordance with rules to be adopted by the Board.

(b) If the dispute is not settled pursuant to paragraph 1(a) to the satisfaction of any party to the dispute, that party may refer the matter: either, (i) if the parties so agree:

(A) to the International Court of Justice; or

(B) to an arbitral tribunal;

or, (ii) otherwise, to a conciliation commission.

The rule concerning the procedures and operation of the arbitral tribunal and of the conciliation commission are laid down in Annex III to this Constitution.

2. The Conference and the Board are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Organization's activities.

Article 23

Amendments

1. At any time after the second regular session of the Conference any Member may propose amendments to this Constitution. Texts of proposed amendments shall be promptly communicated by the Director-General to all Members and shall not be considered by the Conference until ninety days after the dispatch of such communication.

2. Except as specified in paragraph 3, an amendment shall come into force and be binding on all Members when:

- (a) It is recommended by the Board to the Conference;
- (b) It is approved by the Conference by a two-thirds majority of all Members; and

(c) Two-thirds of the Members have deposited instruments of ratification, acceptance, approval or approval of the amendment with the Depositary.

3. An amendment relating to Article 6, 9, 10, 13, 14 or 23 or to Annex II shall come into force and be binding on all Members when:

- (a) It is recommended by the Board to the Conference by a two-thirds majority of all members of the Board;
- (b) It is approved by the Conference by a two-thirds majority of all Members; and
- (c) Three-fourths of the Members have deposited instruments of ratification, acceptance or approval of the amendment with the Depositary.

Article 24

Signature, ratification, acceptance, approval and accession

1. This Constitution shall be open for signature by all States specified in subparagraph (a) of Article 3, until 7 October 1979 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently at United Nations Headquarters in New York until the date this Constitution enters into force.

2. This Constitution shall be subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval of such States shall be deposited with the Depositary.

3. After the entry into force of this Constitution in accordance with paragraph 1 of Article 25, States specified in subparagraph (a) of Article 3 that have not signed this Constitution, as well as States approved for membership pursuant to subparagraph (b) of that Article, may accede to this Constitution by depositing instruments of accession.

Article 25

Entry into force

1. This Constitution shall enter into force when at least eighty States that had deposited instruments of ratification, acceptance or approval notify the Depositary that they have agreed, after consultations among themselves, that this Constitution shall enter into force.

2. This Constitution shall enter into force:

(a) For States that participated in the notification referred to in paragraph 1, on the date of the entry into force of this Constitution;

(b) For States that had deposited instruments of ratification, acceptance or approval before the entry into force of this Constitution but did not participate in the notification referred to in paragraph 1, on such later date on which they notify the Depositary that this Constitution shall enter into force for them;

(c) For States that deposit instruments of ratification, acceptance, approval or accession subsequent to the entry into force of this Constitution on the date of such deposit.

THIS FIFTEEN DAY OF NOVEMBER TWENTYNINE THOUSAND NINETEEN
BY THE BOARD OF DIRECTORS
OF THE UNITED NATIONS
ORGANIZATION
IN NEW YORK
CONVENTION
COUNCIL

THIS CONSTITUTION IS UNDER THE INFLUENCE AND CONTROL OF COMMUNIST DOMINATED UNITED NATIONS.

Article 26 Transitional arrangements

1. The Depositary shall convene the first session of the Conference, to be held within three months following the entry into force of this Constitution.
2. The rules and regulations governing the organization established by United Nations General Assembly resolution 2152 (XXI) shall govern the Organization and its organs until such time as the latter may adopt new provisions.

Article 27 Reservations

No reservations may be made in respect of this Constitution.

Article 28 Depository

1. The Secretary-General of the United Nations shall be the Depositary of this Constitution.
2. In addition to notifying the States concerned, the Depositary shall notify the Director-General of all matters affecting this Constitution.

Article 29 Authentic texts

This Constitution shall be authentic in Arabic, Chinese, English, French, Russian and Spanish.

ANNEX I

Lists of States

1. If a State that is not listed in any of the lists below becomes a Member, the Conference shall decide, after appropriate consultations, in which of those lists it is to be included.
2. The Conference may at any time, after appropriate consultations, change the classification of a Member as listed below.
3. Changes in the lists below that are made in accordance with paragraph 1 or 2 shall not be considered amendments within the meaning of Article 23.

Lists

[The lists of States to be included by the Depositary in this Annex are the lists determined by the General Assembly of the United Nations for the purpose of paragraph 4 of section II of its resolution 2152 (XXI), as in effect on the date this Constitution enters into force.]

ANNEX II

ALREADY DONE The regular budget

- A. 1. Administration, research and other regular expenses of the Organization shall be deemed to include:
 - (a) Interregional and regional advisers;
 - (b) Short-term advisory services provided by the staff of the Organization;

Article 26 Meetings, including technical meetings, provided for in the Organization's programme of work financed from the regular budget of the Organization;

- (d) Programme support costs arising from technical assistance projects, to the extent that these costs are not reimbursed to the Organization by the source of financing of such projects.

2. Concrete proposals conforming to the above provisions shall be implemented after consideration by the Programme and Budget Committee, adoption by the Board and approval by the Conference, in accordance with Article 14.

- B. In order to improve the effectiveness of the Organization's programme of work in the field of industrial development, the regular budget shall also finance other activities heretofore financed out of Section 15 of the United Nations Regular Budget, in the amount of 6 per cent of the total of the regular budget. These activities shall strengthen the Organization's contribution to the United Nations development system taking into account the importance of utilizing the United Nations Development Programme country programming process, which is subject to the consent of the countries concerned, as a frame of reference for these activities.

ANNEX III

Rules concerning arbitral tribunals and conciliation commissions

Unless otherwise agreed by all the Members parties to a dispute that has not been settled pursuant to paragraph 1 (a) of Article 22 and that has been referred to an arbitral tribunal pursuant to subparagraph 1 (b) (i) (B) of Article 22 or to a conciliation commission pursuant to subparagraph 1 (b) (ii), the following rules shall govern the procedures and operation of such tribunals and commissions:

CAMP MÉDÉTÉO FOR ALL THE COUNTRIES

THE U.N.S. STATES !

NEW WORLD !

(A FEDERATED

NEW WORLD

ORDER

Establishment

- The parties to the dispute shall, by their unanimous decision, appoint, as appropriate, three arbitrators or three conciliators, and shall designate one of these as President of the tribunal or commission.
- If within three months of the notification referred to in paragraph 1 above one or more members of the tribunal or commission have not been so appointed, the Secretary-General of the United Nations

shall, at the request of any party, within three months of such request designate any members, including the President, then still required to be appointed.

(c) If a vacancy arises on the tribunal or commission, it shall be filled within one month in accordance with paragraph (a) or thereafter in accordance with paragraph (b).

3. Procedures and Operation

- (a) The tribunal or commission shall determine its own rules of procedure. All decisions on any question of procedure or substance may be reached by a majority of the members.
- (b) The members of the tribunal or commission shall receive remuneration as provided in the financial regulations of the Organization. The Director-General shall provide any necessary secretariat, in consultation with the President of the tribunal or commission. All expenses of the tribunal or commission and its members, but not of the parties to the dispute, shall be borne by the Organization.

4. Awards and Reports

- (a) The arbitral tribunal shall conclude its proceedings by an award, which shall be binding on all the parties.
- (b) The conciliation commission shall conclude its proceedings by a report addressed to all the parties to the dispute, which shall contain recommendations to which these parties shall give serious consideration.

I hereby certify that the foregoing text is a true copy of the Constitution of the United Nations Industrial Development Organization, adopted at Vienna on 8 April 1979, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General: The Legal Counsel

United Nations, New York, 11 October 1978.

O

10-29-90

The printed & handset
notes in the margins
were done to aid the
readers of this document
to better understanding
See attachment also:
Bernadene Smith

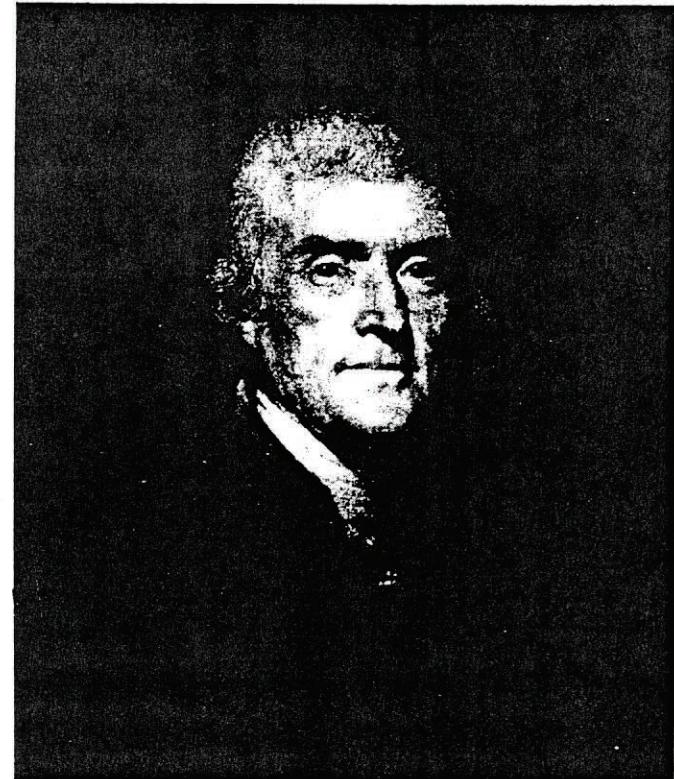
Thomas Jefferson

ON TREATIES

TREATIES, Power to Make, Limited.—By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and cannot be otherwise regulated..... It must have meant to except out of these the rights reserved to the states, for surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way.

—*Manual of Parliamentary Practice.*
Bergh 2:442. (1801.)

Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives.



"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

"The opinion which gives to the judges the right to decide which laws are constitutional, and what not, would make the judiciary a despotic branch."

....September 1804 - Thomas Jefferson

"The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric."

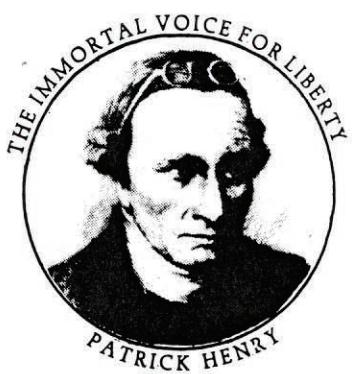
.....Thomas Jefferson



PLEASE READ THESE QUOTES
PRINTED IN BERGH'S MANUAL
WHICH QUOTE OUR 3RD PRES-
IDENT, THOMAS JEFFERSON ON
THE SUBJECT OF TREATIES.

"The government of the United States....is one of limited powers. It can exercise authority over no subjects except those that have been delegated to it. Congress cannot, by legislation, enlarge the federal jurisdiction, nor can it be enlarged under the treaty-making power."

...Supreme Court Opinion of 1836.



"Let Mr. Madison tell me when did liberty ever exist when the sword and the purse were given up from the people? Unless a miracle shall interpose, no nation ever did, nor ever can retain its liberty after the loss of the sword and the purse."

.....Patrick Henry

"Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force and whenever you give up that force, you are inevitably ruined."

.....Patrick Henry

According to Section 256 of Volume Sixteen of American Jurisprudence, Second: "The general rule is that an unconstitutional statute... though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose... An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it... No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Friends of Patrick Henry

P. O. Box 1776
Hanford, CA 93232

10. The usefulness and permanency of this Government and the happiness of the millions over whom it spreads its protection will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

JAMES K. POLK
Veto Message, Dec. 15, 1847; *Ibid.*, p. 2476

"Our liberty depends upon freedom of the press, and that can not be limited without being lost."

.....Thomas Jefferson

"The entire and absolute freedom of the press is essential to the preservation of government on the basis of a free constitution."

.....Daniel Webster

(Today the press denies us the publication of what the government is doing in P.L. 87-297!)

9. I am determined to uphold the Constitution . . . to the utmost of my ability and in defiance of all personal consequences. What may happen to an individual is of little importance, but the Constitution of the country, or any of its great and clear principles and provisions, is too sacred to be surrendered under any circumstances whatever by those who are charged with its protection and defense.

JOHN TYLER
Protest, Aug. 30, 1842; *Messages and Papers*, p. 2046

Note: If you have no armed forces, you have no Constitution. The latter depends upon the people's ability to support and maintain armed forces.

Patriotism And Presidents

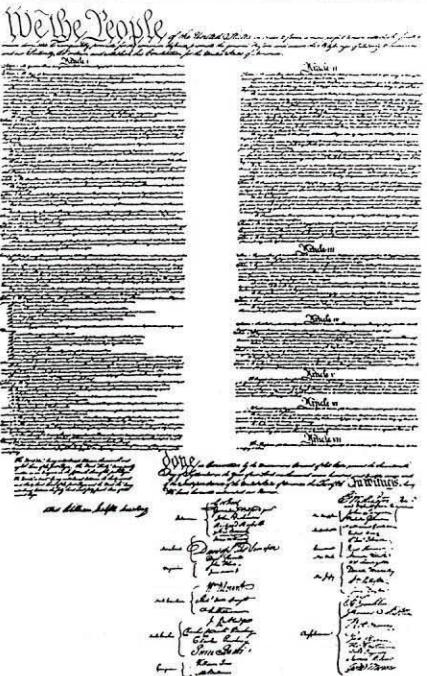
Patriotism means to stand by the country.

It does not mean to stand by the President or any other public official save exactly to the degree in which he himself stands by the country.

It is patriotic to support him insofar as he efficiently serves the country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise he fails in his duty to stand by the country.

In either event, it is unpatriotic not to tell the truth—whether about the President or anyone else—save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown to him.

—THEODORE ROOSEVELT



UNITED STATES CONSTITUTION

WRITTEN TO BE IN PERPETUITY

"The advice nearest to my heart and deepest in my convictions is, that the Union of the states be cherished and perpetuated."

.....James Madison, Advice to My Country: Conclusion.

"Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens

of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained;...."

.....Geo. Washington, Farewell Address September 17, 1796

"It is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned....."

.....Geo. Washington, Farewell Address September 17, 1796

"Whatever follies we may be led into as to foreign nations, we shall never give up our Union.."

.....Thomas Jefferson to Elbridge Gerry, May 13, 1797

"....and the Union shall be perpetual....."

....."Articles of Confederation" of the 13 original states. Perpetual is said six times in the text.

"When any one State in the American Union refuses obedience to the Confederation by which they have bound themselves, the rest have a natural right to compel them to obedience."

.....Thomas Jefferson, Jan. 24. 1786

"The Constitution, in all its provisions, looks to an indissoluble Union composed of indestructible states..."

.....Salmon P. Chase, U.S. Supreme Court 1864 - 1873 Decision, in *Texas v. White* 7 Wallace 725

"I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our National Union, and the perpetuity of popular government; and to redress wrongs already long enough endured."

.....Abraham Lincoln April 15, 1861

"A house divided against itself cannot stand...it will become all one thing or all the other."

.....Abraham Lincoln June 1858

"That we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that Government of the people, by the people, for the people, shall not perish from the earth."

.....November 19, 1863 Address by Abraham Lincoln in Gettysburg

"At every hazard and every sacrifice this Union must be preserved."

.....Andrew Jackson, Farewell Address March 4, 1837

"It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable....."

.....An act to provide for the Government of the Territory Northwest of the River Ohio Aug. 7, 1789

"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

.....Thomas Jefferson, First Inaugural Address, March 4, 1801

"We the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution."

.....California Constitution of 1849

"The governments of the past could fairly be characterized as devices for maintaining in perpetuity the place and position of certain privileged classes.... The Government of the United States is a device for maintaining in perpetuity the rights of the people, with the ultimate extinction of all privileged classes."

.....Calvin Coolidge, Speech Philadelphia September 25, 1924

"At what point then is the approach of danger to be expected? I answer if it ever reach us it must spring up amongst us; it cannot come from abroad. If destruction be our lot, we ourselves must be its author and finisher. As a nation of free men we must live through all time or die by suicide."

.....Abraham Lincoln, Perpetuation of our Political Institutions.

"Liberty and Union, now and forever, one and inseparable!"

.....Daniel Webster, Speech on Foote's Resolution, Jan 26, 1830

"The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them from invasion; and on application of the Legislature, or of the executive against domestic violence ."Art. IV Section 4 U.S. Constitution

".....to secure the blessings of liberty to ourselves and our posterity...."

.....Preamble to the United States Constitution, September 17, 1787

".....to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;....."

.....Article 1 Section 8 Paragraph 15
United States Constitution

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

.....Article II Section 1. Paragraph 8 of U.S. Constitution - Oath of office to be taken by the U.S. President.
(Written expressly by the Founding Fathers for all future presidents.)

SEC. 4. There shall also be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate, one Major-General of Division, and one Brigadier-General to each brigade, who shall be citizens of the United States, and severally residents of the division or brigade for which they shall be appointed. They shall hold their offices for the term of four years, and until their successors are appointed and qualified.

This California law repeatedly refers to the "enrolled militia."

CHAP. CCXCVI.—*An Act in relation to the Militia of the State.*

[Approved April 24, 1862.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

COMMANDER-IN-CHIEF.

To issue commissions. SEC. 1. The Governor, as Commander-in-Chief of the militia of the State, shall issue commissions to all officers appointed or elected, under the provisions of this Act. The military staff of the Commander-in-Chief shall consist of one Adjutant-General, with the rank of Brigadier-General; six Aides-de-Camp, with the rank of Lieutenant-Colonel; one Chief Engineer; one Paymaster; one Paymaster-General; one Judge-Advocate-General, and one Surgeon-General, each with the rank of Colonel.

ADJUTANT-GENERAL.

Appoint-ments. SEC. 2. The Adjutant-General shall be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate, and shall hold his office for the term of two years. He shall be, ex officio, Chief of Staff, Quartermaster-General, Commissary-General, Inspector-General, and Chief of Ordnance. He shall receive a salary of three thousand dollars annually, to be paid out of moneys appropriated for that purpose. He shall reside at the seat of government, and shall keep his office open, for the transaction of business, every day, (Sundays excepted,) from ten o'clock, A. M., to three o'clock, P. M.

OTHER OFFICERS OF GENERAL STAFF.

SEC. 3. Other officers of the general staff, and all other officers of the staff of the Commander-in-Chief, shall be appointed by the Governor, and shall continue in office for the same term as the Governor, or at his pleasure, except as hereinafter provided for officers called into active service.

STAFF OF DIVISION, BRIGADES, REGIMENTS, AND BATTALIONS.

Must be staff officers. SEC. 5. The staff of the Major-General of Division shall consist of one Assistant Adjutant-General, with the rank of Lieutenant-Colonel; two Aides-de-Camp, with the rank of Major; one Engineer Officer; one Ordnance Officer; one Quartermaster; one Commissary; one Paymaster; one Division Inspector; one Judge-Advocate, and one Surgeon, with the rank of Lieutenant-Colonel; and four Staff Orderlies, with the rank of Sergeant-Major. The staff of the Adjutant-General shall consist of one Aide-de-Camp, with the rank of Captain. The staff of each General of Brigade shall consist of one Assistant Adjutant-General, with the rank of Major; one Aide-de-Camp, with the rank of Captain; one Engineer Officer; one Ordnance Officer; one Quartermaster; one Commissary; one Paymaster; one Surgeon, with the rank of Major; and two Staff Orderlies, with the rank of Sergeant-Major. The staff of a Colonel of a regiment, and of a Lieutenant-Colonel, or a Major, commanding a battalion, as hereinafter provided, shall consist of one Adjutant and one Assistant Surgeon, each with the rank of First Lieutenant; and one Sergeant-Major, to be appointed by such commanding officer; the Adjutant being selected from the line, as in the United States Army.

HOW APPOINTED.

SEC. 6. The General of Division, the Generals of Brigade, now and the Adjutant-General, shall appoint the officers of their respective regiments, who must be residents of their respective division and brigades. Any officer of a regiment, battalion, or company, receiving and accepting any staff appointment, except that of Adjutant, shall be considered as ipso facto resigning his commission in such regiment, battalion, or company. All such staff officers will continue to hold their office until their successors shall have been appointed and commissioned, except as is herein otherwise provided for troops called into active service.

COMMISSIONS.

SEC. 7. All military officers appointed or elected under the issuance of laws of this State, shall be commissioned by the Governor, and commissions such commission shall be countersigned by the Secretary of State, and attested by the Adjutant-General, or officer acting in his place, and the officer so commissioned shall take the oath of office prescribed by the Constitution, before some officer authorized by law to administer oaths, a copy of which oath shall be indorsed on, or attached to, each commission, and a

certified copy of the same shall be made out by the officer administering it, and delivered to the officer taking it, and by him transmitted to the Adjutant-General, and the commission shall be deemed as taking effect on the day of the endorsement and transmission of the certificate of the oath, as herein provided. In case of promotion, the commission shall take effect from its date. Commissions shall run at the pleasure of the Commander-in-Chief, except as is herein otherwise provided.

DUTIES OF ADJUTANT-GENERAL.

SEC. 8. It shall be the duty of the Adjutant-General to take charge of, and to carefully guard and preserve, and to account for, all arms, accoutrements, ammunition, ordnance stores, and other military property belonging to this State, or granted to it by the Congress of the United States. He shall keep and file, in his office, all returns, reports, and military correspondence, made by him, in accordance with the provisions of this Act. He shall also keep an account of all moneys received and expended by him. The manner of keeping these accounts and papers, where not otherwise provided by law, shall be directed by the Commander-in-Chief, and they shall be always subject to his inspection. He shall, on or before the second Monday in December, of each year, make to the Governor, to be by him laid before the Legislature, a report of all the transactions of his department since his last annual report, containing—

First—An account of all moneys received and expended. *Second*—An account of all arms, accoutrements, ammunition, ordnance stores, and military property of every description, belonging to the State, from what source received, to whom issued, or how expended, and by whose order.

Third—A statement of the present condition of all such property under his charge, and if any such property shall not be under his charge, he shall state in whose possession the same may be.

Fourth—The number, strength, and condition, of the organized militia, and the strength of the enrolled militia of the State. He shall also make and transmit an annual return of the militia of this State, pursuant to the requirements of the Act of Congress, of March second, eighteen hundred and three, to the President of the United States, a copy of which, duly certified, he shall lay before the Commander-in-Chief of this State. He shall also perform all other duties appertaining to his office, or which may be enjoined on him by law. He shall be the medium of military correspondence with the Commander-in-Chief.

BONDS.

SEC. 9. Before entering upon the duties of his office he shall give bonds, to The People of the State of California, with good and sufficient sureties, to be approved by the Governor, in the sum of twenty-five thousand dollars, conditioned that he shall faithfully perform all the duties enjoined on him by law. If at any time the Governor shall deem the sureties so given to be insufficient, he shall require the Adjutant-General to give new

THIRTEENTH SESSION.

sureties, to be approved by him; and if the Adjutant-General shall refuse or neglect to do so, the Governor shall suspend him from office, and immediately report his proceedings to the Senate, if the Legislature be in session, and if not, then at the beginning of the next session; and if the Senate approve such suspension, it shall be regarded as a removal from office, but if suspension, the Senate disapprove of the suspension, the Adjutant-General shall resume the duties of his office. During the time of his suspension from office he shall receive no portion of his salary; but if such suspension be disapproved, he shall receive his back pay.

ADJUTANT-GENERAL AD INTERIM.

SEC. 10. During the suspension of the Adjutant-General from office, or his absence, or inability, from any cause, to perform his duties, the Governor may appoint some competent person to perform the duties of Adjutant-General ad interim.

TO TURN OVER PROPERTY.

SEC. 11. On the expiration of his term of office, the Adjutant-General, or the person performing his duties ad interim, shall turn over to his successor, in good order, all arms, ordnance, ordnance stores, and other property, belonging to the State, and all the books, papers, bonds, and money, in his charge, and pertaining to his office.

WHO SUBJECT TO MILITARY DUTY.

SEC. 12. Every able-bodied, white male inhabitant, of this military State, between the ages of eighteen and forty-five years, not exempt by law, shall be subject to military duty, and shall be organized and enrolled as hereinafter directed.

SEC. 13. The following persons are exempted from military duty and enrolment: All ministers of religion, having a license, or written evidence, according to the rules of their particular persuasion, or organization, that they are such ministers; all civil and military officers of the United States; all officers of foreign governments; all civil officers (including members of the Legislature,) of the State of California; all persons who have been wounded in the service of the State, or of the United States, and all persons exempted from military duty by the laws of the United States.

ENROLMENTS AND ASSESSMENTS.

SEC. 14. The District, or County, Assessor, of each and every ^{assessor.} revenue district, or county, in this State, shall, at the same time in each year, when he prepares a roll containing the taxable inhabitants of his district, or county, enroll all the inhabitants of his district, or county, subject to military duty, which list, or roll, shall be sworn to by him, and delivered to the Clerk of the Board of Supervisors, in the same manner, and at the same time, us is provided by law for the civil tax list, or assessment roll, and

the Clerk of the Board of Supervisors shall keep the same open for inspection, as is provided by law for the civil assessment roll.

SEC. 15. The Board of Equalization shall correct the said military assessment roll at the same time and in the same manner as is prescribed by law for the correction of the civil tax list; and it shall be the duty of the said Clerk to deliver to the Brigadier-General of the brigade to which his county belongs, a triplicate of said list, certified by him, within ten days after the Board of Equalization shall have completed their corrections; and the compensation allowed for making out said military list shall be the same, or be determined and fixed in the same manner as for making out the assessment list.

NEGLECT OF ASSESSOR AND CLERK OF BOARD OF EQUALIZATION.

SEC. 16. If any Assessor shall neglect, or refuse, to perform any of the duties required of him by this Act, he shall be subject to the same penalties, liabilities, and punishments, as is provided by law for a neglect, or refusal, to perform any of the duties required of him for the assessment of the civil taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of The People of the State, by the District Attorney of the respective county, and recovered in the name of The People of the State, and paid into the General Fund of the State; and if the Clerk of the Board of Equalization shall neglect, or refuse, to make and deliver to the Brigadier-General of the brigade to which his county belongs, the triplicate of the military assessment roll, as directed in this Act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to the Assessor.

ORGANIZATION OF VOLUNTEER COMPANIES.

SEC. 17. Whenever a sufficient number of persons, by the provisions of this Act, residents of any county of this State, subject to military duty, shall subscribe to a call for the organization of a volunteer company, the County Judge of said county, upon due application of the persons who have subscribed, above, shall appoint some suitable person, resident of the county, to open a book, in which he shall enter the names of the persons so volunteering, and shall fix a time and place of meeting for the purpose of organization, by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county.

SEC. 18. The person so appointed shall preside at such meeting, and organize the same; he shall superintend the election of the officers of said company, which election shall be by ballot; he shall make out, after said election shall have been determined, a list of persons so volunteering, a certificate of each officer so elected, and transmit them to the Brigadier-General commanding the brigade in which such company shall be organized; who shall, if found correct, transmit the same, with his approval, to the Adjutant-General of the State, together with a copy of the

Duties of
Board of
Equaliza-
tion.

Penalty
for neglect
of duty.

Volunteer
companies.

Presiding
officer.

proceedings of said meeting, and a copy of his appointments, and of the notice of said meeting, duly certified by him. And if it shall be found that such company has been organized, and such officers elected, in conformity with the provisions of this Act, such company shall be listed in the office of the Adjutant-General as a company of the organized militia of this State, and the officers so elected shall be commissioned by the Commander-in-Chief.

SEC. 19. The volunteer or independent companies shall be what armed and equipped in the same manner as similar corps in the number to United States Army, and shall consist of the following officers, company non-commissioned officers, and privates, viz: to each company of cavalry, one Captain, one First Lieutenant, one Senior Second, one Junior Second, Lieutenant, five Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than forty nor more than eighty Privates. To other companies there shall be one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Drummer, one Fifer, and not less than forty nor more than eighty Privates; excepting light batteries, which shall be allowed one hundred active members each, and such officers as are allowed in the United States service.

SEC. 20. Volunteer companies and battalions may adopt a by-laws, constitution and form by-laws, rules, and regulations, not inconsistent with the Constitution of the United States, or of this State, for the government of their members, and for their improvement in military science. It shall be the duty of the Acting Orderly Sergeant of the company and Sergeant-Major of the battalion to keep a perfect and complete record of the constitution, by-laws, rules, and regulations, of his company, or battalion, which shall be signed by the Captain, or Commander, and countersigned by the Orderly Sergeant, or Sergeant-Major; and said record shall at all times be subject to the inspection of any member of the company, or battalion, and all military officers, or persons interested therein; and if any member of such volunteer company, or battalion, shall fail to comply with the provisions of such constitution, by-laws, rules, and regulations, he may be expelled from such company, or battalion, and his name erased from its roll.

SEC. 21. When any volunteer company shall be organized according to law, the commanding officer thereof may apply to the Commander-in-Chief, through the proper military authorities, for such arms and accoutrements, or stores, as may be required, such application being first submitted to the County Judge, and receiving his approval, which shall be indorsed thereon. If the Commander-in-Chief shall approve such application, or any part thereof, he shall give an order, upon the back thereof, directing the issue by the Adjutant-General, who shall immediately notify the officer making such application, and the County Judge who approved it, that the arms and accoutrements, or stores, mentioned in such application, or any portion thereof, are ready for issue; and thereupon it shall be the duty of such officer to give such bonds and security as may be deemed requisite by the County Judge, to secure the county

bonds.

from loss on account of use or misapplication of such arms or equipments, or other stores. And on due notification from such County Judge, that such bonds have been given, to his satisfaction, and on receiving triplicate receipts from such officer, the Adjutant-General shall make the issue. He shall file one copy of such receipts in his office, and transmit the other two, one to the Controller of State, and the other to the County Clerk of the county to which such volunteer company belongs.

SEC. 22. It shall be the duty of the Board of Supervisors of each county in which there shall be one or more organized volunteer companies, upon application of the Captain or commanding officer of the same, to provide for each company in said county, an armory, safe and suitable for the drill of squads in the School of the Soldier, and an Armorer, to take charge of the same, and said Board shall also, at each of its sessions, audit and allow, and cause to be paid, the necessary incidental expenses of said company previously incurred; provided, that the total amount for all the purposes above mentioned shall not exceed fifty dollars in money, per month, for each company.

SEC. 23. The Commander-in-Chief shall have authority to demand and receive back from any county, or from any corporation of the military force of this State, any arms, equipments, military stores, or other property, belonging to the State, which may be in possession of any such counties, or military force. And when such arms, equipments, military stores, or other property, shall again come into the possession of the Adjutant-General, or other officer designated by the Governor to receive them from such counties, or military forces, to which they have been issued, as above provided, it shall be the duty of the Adjutant-General, or officer so appointed, to receipt for the same, which receipt shall be in triplicate, one copy to be filed in the office of the County Clerk, one in the office of the Adjutant-General, and the third in the office of the Controller of State.

SEC. 24. All arms, equipments, and military stores, issued as herein before provided, shall at all times be subject to examination by the Inspector and Ordnance officers of the State, and of any other officer designated by the Commander-in-Chief for that purpose; and if such officer shall find any of such public property out of repair, injured, or defective, he shall immediately notify the facts to the Board of Supervisors of the county, and report the same, through the proper channels, to the Commander-in-Chief, who, if the damage shall not be repaired, and the defects or losses supplied, within a reasonable time, shall order the same to be done under the direction of some officer, and the vouchers for the expense thereof shall be duly examined and audited by the State Board of Military Auditors, and paid, on the draft of the Controller of State, out of the General Fund.

SEC. 25. It shall be the duty of the Controller of State to charge the value of all arms, equipments, and military stores, issued as above provided, to the counties in which such public property shall be issued, and all expenses of repairs, of damage and defects, as provided in the foregoing section, and double the

value of any arms, accoutrements, and military property, which shall have failed to return to the State on the demand of the Governor. At the close of each fiscal year he shall settle the account of each county, with reference to such issues and military charges, and the amount so found due shall, on the requisition of the Controller of State, be assessed, at the time of the next annual assessment, as a part of the county taxes, and be collected in such county in the same manner as the ordinary taxes, and shall be paid into the State Treasury, as a part of the General Fund of the State.

SEC. 26. The transportation of all arms, equipments, and military stores, issued to troops, or received by the State, under provisions of this Act, shall be contracted for, under the direction of the Commander-in-Chief, by the Adjutant-General, and the vouchers for such transportation, when audited by the State Board of Military Auditors, shall be paid from the General Fund, on the warrant of the Controller.

SEC. 27. No public arms, equipments, or military stores, of any kind, shall hereafter be issued to any person not a member of any organized volunteer militia, or of the enrolled militia, called into active service, except in time of war, insurrection, or public danger, so imminent that the Commander-in-Chief shall consider that the public safety requires him to make such use, in which case an accurate account shall be taken, of such stores, and to whom they are made.

SEC. 28. Within ninety days from the passage of this Act, every officer of volunteer companies now organized, and every officer of volunteer companies now organized, living in his possession any arms, equipments, or military stores, belonging to the State, shall give to the county in which he resides, good and sufficient bonds, to be approved by the County Judge, to secure the county from loss, on account of the use or misapplication of the same; and the officer so giving bonds to the county, shall, together with his sureties, be released from his and their liabilities for the same property, on any bond heretofore given by him and them to the State, and the same shall be charged to the said county; and after the expiration of the said ninety days, no person shall retain, or have in his possession at any time, any arms, equipments, or military stores, of any kind, belonging to the State, unless they have been properly issued to such person in pursuance of law, and shall be permitted, by proper authority, to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, or military stores, belonging to the State, for his private use, under penalty, in either of the above cases, of not less than five nor over fifty dollars, for each of which to be recovered, in case of a member of the organized militia, or the enrolled militia, in active service, by sentence of a Court-martial, or in case of any other person, by suit, in the name of The People of the State, by the District Attorney of the county, before any Court of competent jurisdiction, and the money so recovered shall be paid into the Treasury, as a part of the General Fund of the State. The Commanding General of the Brigade shall have authority to take possession of such arms

Duties of Controller.
Transportation of arms.
Inspection of arms.

Also, both required to be paid to here.

and equipments so used, without process of law, and he shall account to the Adjutant-General for the same.

ORGANIZATION OF BATTALIONS AND REGIMENTS.

SEC. 29. Any number of organized volunteer companies, not less than three, nor more than eight, may form themselves into a volunteer battalion, by giving notice of such intention through their commanding officer to the General of their brigade, who will appoint some suitable officer to hold an election of the officers of such battalion; and the officer so appointed shall fix a time and place for such election by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county. Such election shall be by ballot, by the commissioned officers of the volunteer companies calling for the organization of the battalion. The officer so appointed to hold the election shall preside over and superintend such election, and as soon as it shall have been determined, he shall make out certificates of election of the officers so elected, and a certified account of the proceedings of said meeting, with a certified copy of the notice of said meeting, all of which he shall transmit to the Brigadier-General of the brigade, who shall transmit them, with a certified copy of the appointment of such officer to hold the election, to the Adjutant-General of the State, through the ordinary channels of military correspondence.

SEC. 30. A battalion of eight companies shall be deemed a regiment, and shall elect one Colonel, one Lieutenant-Colonel, and one Major; a battalion of more than four, and less than eight companies, shall elect one Lieutenant-Colonel, who shall be the commanding officer, and one Major; and a battalion of three, or four, companies, shall elect one Major, who shall be the commanding officer. Each regiment shall be allowed, in addition, a detachment of Engineers, consisting of ten, including a Junior Second Lieutenant and one Sergeant.

To publish notice.

Regiment and its officers.

SEC. 32. All commissioned officers of the organized volunteer regiments, battalions, and companies, shall take rank according to the date assigned them by their commissions; and when two or more of the same grade lie of the same date, their rank shall be determined by length of service in the militia; and if of equal service, then by lot. Officers of organized volunteer regiments, battalions, and companies, shall in all cases be deemed of superior rank to officers of the enrolled militia of the same grade, irrespective of the date of their commissions.

SEC. 33. It shall be the duty of each and every Brigadier-General, to make, from the assessment rolls received by him from the Clerks of the Boards of Supervisors, and from the muster rolls received by him from the officers of companies, battalions, and regiments, as prescribed in this Act, on or before the first Monday in October of each year, two brigade muster rolls, one to be entitled "Muster roll of the organized militia of the _____ brigade," and the other to be entitled "Muster roll of the enrolled militia of the _____ brigade," in the first of which he shall include the names of all the officers of his staff, and all the officers, non-commissioned officers, musicians, artificers, and privates, of the organized volunteer regiments, battalions, and companies, in his brigade, in the order of their organization; and in the second, he shall include, in alphabetical order, the names of all other persons subject to military duty. The originals of these muster rolls, signed by the General of Brigade, shall be filed in his office, and duly certified copies thereof shall be furnished by him to the General of Division, and to the Adjutant-General of the State.

SEC. 34. And it shall be the duty of the Major-General of Division, on or before the fourth Monday of October of each year, to make, from the rolls received by him from the Brigadier-Generals of his division, two muster rolls, one to be entitled "Muster roll of the organized militia of the division," and the other to be entitled "Muster roll of the enrolled militia of the division," the first to be made up of the names of the officers of the division, staff, and the muster rolls of the organized militia of the brigades of the division, according to their organization; and the other to be made up of the muster rolls of the enrolled militia of these brigades, as provided in the foregoing section. The originals of these muster rolls, signed by the Major-General, shall be filed in his office, and duly certified copies thereof shall be transmitted to the Adjutant-General of the State.

CLASSIFICATION OF THE MILITIA.

SEC. 35. All commissioned officers of the staff of the Commander-in-Chief, the Adjutant-General, and the officers of his staff, the Major-General and Brigadier-Generals, and all officers non-commissioned officers, musicians, artificers, and privates, of volunteer regiments, battalions, and companies, whose names are borne upon the muster rolls of their respective regiments, battalions, and companies, shall be denominated the Organized Militia of California, and shall at all times be subject to be called into active service by the Commander-in-Chief; and when so

MUSTER ROLLS.

Duties of Captain.

SEC. 31. It shall be the duty of each and every commanding officer of any volunteer company in this State, on or before the last Monday of March and September of each year, to muster his company, and to make out, in triplicate, muster rolls, setting forth the names and number of the members of his company, the officers in the order of their rank, and the privates, in alphabetical order, and stating at the foot of such muster roll a list of all arms, accoutrements, ordnance and ordnance stores, and other property belonging to the State, in his possession; one of which muster rolls, duly certified, he shall transmit, through his commanding officer, to the Adjutant-General of the State; he shall file one in the office of the County Clerk of his county, and he shall keep the other as a voucher for himself. If such company shall form a part of any organized battalion or regiment, the commanding officer thereof shall transmit the same, with a muster roll of the field and staff officers of his regiment, or battalion, to the Adjutant-General of the State, through the proper channels of military correspondence.

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any office designated in such call for an election, in the manner and at the time appointed, as provided in this Act, such vacancies or vacancies shall be filled by appointments made by the Commander-in-Chief; and any company, or companies, of drafted militia, not assigned to, and mustered in, any incomplete battalion of the organized volunteer militia, shall be organized into battalions, or regiments, the field officers of which shall be appointed by the Commander-in-Chief, such appointments being made in all cases where, in the opinion of the Commander-in-Chief, suitable persons can be obtained from the officers of the organized volunteer militia of this State.

*Who shall
call.* SEC. 39. Where troops are called into active service from different brigades, and the number so called into active service shall not be more than sufficient to constitute one complete brigade, the Commander-in-Chief shall so organize them, and shall designate the particular Brigadier-General for the command of the brigade so organized.

OF OFFICERS IN ACTIVE SERVICE.

*Duration of
commission.* SEC. 40. The commission of any officer called into active service shall continue until he shall be disbanded by the order of the Commander-in-Chief; provided, that such commission shall not be vacated by resignation, dismissal, or revocation, as provided in this Act. All vacancies of officers and non-commissioned officers, in active service, shall be filled by appointment, or promotion; the first by the Commander-in-Chief, and the second by the commanding officer of the battalion, or of the company, in case such company forms no part of any battalion. In filling such vacancies of commissioned officers, the Commander-in-Chief shall, as a general rule, promote by seniority, or appoint, on the recommendation of their superior officers, those in active service, and in any case of departure from this rule, the Commander-in-Chief shall report his reasons for such departure, to the Senate. The commanding officer of troops in active service may nominate to any vacancy, for personal bravery, or service in sieges, or battle, and if the Governor shall commission some other person than the one so nominated, he shall report his reasons to the Senate; and if the Senate, in either of the foregoing cases, shall disapprove of the reasons given, the commission so given shall be regarded as vacated, and the Governor shall immediately proceed, with the advice, and consent of the Senate, to fill such vacancy.

NEGLECT OR REFUSAL TO RENDEZVOUS.

*Refusal to
rendezvous.* SEC. 41. Any officer, non-commissioned officer, musician, artificer, or private, of the organized militia of this State, who shall neglect, or refuse, to rendezvous and organize, when ordered out by the Commander-in-Chief, shall be deemed guilty of disobedience of orders, and shall be tried and punished by a Court-martial; and any person of the enrolled militia, who shall refuse, or neglect, to rendezvous and organize, when drafted as provided in this Act, shall be subject to a fine of not less than fifty nor more than five hundred dollars, to be

recovered by an action to be brought by the District Attorney, in the name of The People of the State, upon the certificate of the officer appointed to make the draft, before any Court of competent jurisdiction in the county from which such person was drafted, and the fine so recovered shall be paid into the Treasury, as belonging to the General Fund of the State.

SUBSTITUTES AND ALIENS.

*Refusal to
draft.* SEC. 42. Any private of the organized militia, and any person of the enrolled militia, called, or drafted, into service, under the provisions of this Act, may furnish, as a substitute, any person fit for military duty, who has not been called, or drafted, into service. No alien drafted into service shall be obliged to serve and bear arms against any foreign enemy to whom he owes allegiance.

SEC. 43. The Commander-in-Chief shall order a public parade of all the organized militia of the State on at least two days of each year; such parades to be held within the limits of the brigade to which such troops respectively belong; and such public parades shall be reviewed by the Commander-in-Chief, or, in his absence, by the Major-General, or by the officer of the brigade of the highest rank present. Immediately after such troops have been reviewed, they shall be inspected by the Inspector-General, or, in his absence, by the Division or Brigade Inspector, and such inspecting officer, after a minute inspection of dress and military bearing of the field officers and commissioned staff, and the officers of companies, and arms, accoutrements and dress of each soldier, will report the result of such inspection to his commanding officer; provided, that in the City and County of San Francisco the organized militia shall parade at least six times during the year; two parades as herein before provided, two by regiments or battalions, and two parades by company, one of which company parades shall be for target practice, the result of which target practice shall be reported to the commanding officer of the brigade; and, provided, further, that upon occasions of reception, or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out the organized militia, to join such parade, and the parade so ordered is hereby constituted a legal parade; and, provided, further, that each and every company of the organized militia of the City and County of San Francisco shall assemble at least once in each week for military instruction. In other parts of the State, such companies shall assemble at least once a month for such instruction, and all members who absent themselves from such meetings for instruction during four consecutive meetings, unless properly excused by the commanding officer of such company, or through absence from the county, or bodily disability, shall be debarred from the exemption of jury duty and poll and road tax, and subject to expulsion from their company.

SEC. 44. All members of the organized militia of this State, Exemption commissioners or mustered as such under the provisions of this from jury Act, shall be exempt from jury duty, and from the payment of poll tax of every description, and from serving on any posse

comitatus, except when called to do so in their military capacity by the Commander-in-Chief. Whenever a member of the organized militia of this State shall be summoned as a juror, or called upon for any poll tax, in order to entitle him to the exemption provided in this section, he shall be required to produce, to the County Clerk, Sheriff, or Constable, and to the Collector of any poll tax, a certificate of the commanding officer of his company, countersigned by the First Sergeant, that he is a member in good standing, fit for active service, and not in arrears for fines or dues, and that he has attended all the regular drill meetings of his company unless excused on account of sickness, or absence from the place of company rendezvous, for good cause, for three months next preceding the issuance of said certificate, and such certificate shall bear date within thirty days of its presentation.

RULES OF DISCIPLINE.

The rules of discipline. SEC. 45. The rules of discipline and regulations of the Army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and regulations of the organized militia of this State; and the rules and articles of war established by Congress for the Army of the United States, shall be adopted, so far as they may be applicable, for the government of the militia of California in active service.

COURTS-MARTIAL.

SEC. 46. The Commander-in-Chief will appoint Courts-martial for the trial of general officers, and all officers of the staff of the Commander-in-Chief; the Major-General will appoint Courts-martial for the trial of all staff officers of the division and brigades, and for the field and staff officers of battalions and regiments; and Brigadier-Generals will appoint Courts-martial for the trial of all Captains and commissioned officers under their rank in their respective brigades; the commanding officers of regiments and battalions will appoint Courts-martial for the trial of all non-commissioned officers, musicians, artificers, and privates, of their respective regiments and battalions. The commanding officer of a single company not forming a part of any battalion or regiment, shall have power to appoint Courts-martial, the same as the commanding officer of a regiment or battalion. The officer appointing a Court-martial will revise the proceedings, and approve, or disapprove, the sentences of such Court-martial, and will direct the execution of such sentences, or mitigate the punishment, or pardon the person or persons convicted; but the person or persons, so sentenced, may apply to the Commander-in-Chief to revise the proceedings, and to disapprove them, or pardon the offence; in which case, the officer approving the sentence will transmit the proceedings in such case to the Commander-in-Chief, and the execution of the sentence shall be suspended until the proceedings shall be returned with the decision thereon. Courts-martial appointed under the provisions of this Act, shall be organized in like manner, and be subject to the rules and regulations governing Courts-martial in the United States Army; they shall

have the same power to compel the attendance of witnesses, when duly summoned by the Judge-Advocate, to preserve order in and about the Court-room during their session, and to punish contempt, as the Judges of the District Courts have, under the laws of this State.

REMOVALS AND ABSENCE FROM THE STATE.

SEC. 47. Any commissioned officer of a brigade, or division, Removal or who shall remove his residence from the limits of his brigade, or division, will be deemed to have resigned his commission; and the Major-General, or any Brigadier-General, who shall absent himself from the State for more than three months, without the permission of the Commander-in-Chief, shall be deemed to have resigned his office.

PAY AND ALLOWANCES OF MILITA IN ACTIVE SERVICE.

SEC. 48. Whenever any of the militia of this State shall be ~~pay of~~ called into active service for the space of more than one week, they shall receive the same pay and allowances as United States troops serving in California. Any general or field officer being called into active service, such call shall be deemed to include all the officers of their respective staff. In case a division, or part of a division, is called into active service, the Commander-in-Chief shall be authorized to put upon active service one of his Aides-de-Camp.

RETURN OF ARMS, ETC.

SEC. 49. When the Commander-in-Chief shall order the return to the State of any arms, equipments, military stores, or other military property, belonging to the State, such arms and military property shall be immediately delivered to the officers authorized in such order to receive it, he receiving for the same, and describing their condition in such receipts; and if the property mentioned in such order shall not be promptly delivered, as directed, the officer named in such order is hereby authorized to take immediate possession of the same, in the name of The People of the State; and any person resisting such officer in the performance of this duty, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not more than six months in the county jail, and shall be subject to a fine not exceeding five hundred dollars, to be recovered by an action brought by the District Attorney, in the name of The People of the State, and be paid into the Treasury as a part of the General Fund.

SEC. 50. The Commander-in-Chief, Adjutant-General, and the Military Controller of State, shall constitute a State Board of Military Auditors. The Commander-in-Chief shall be President, and the Adjutant-General shall be Secretary, of said Board.

SEC. 51. The Board of Military Auditors shall have a seal, and an impression of which shall be deposited by the Secretary of

the Board in the office of the State Treasurer, and be attached to all accounts audited by said Board.

Sec. 52. It shall be the duty of said Board of Military Auditors to audit all reasonable expenses incurred by volunteer companies in the service of this State, and officers attached to the same, and all other claims required under the provisions of this Act. It shall be the duty of the Controller of State to draw his warrants for the amount thus audited, and the Treasurer of State is hereby required to pay the same out of any moneys in the General Fund not otherwise appropriated.

Sec. 53. The Adjutant-General shall, under the direction of the Governor, prepare and keep in his charge all blank military commissions, and such other blanks as may be required for the service.

OFFICERS AND TROOPS ALREADY COMMISSIONED AND ORGANIZED.

To comply
with Act.

Sec. 54. All volunteer companies, battalions, and regiments, organized prior to the passage of this Act, shall be deemed to have been organized in compliance with its provisions, and to be entitled to its benefits; but such companies, battalions, and regiments, shall be required to comply with all the remaining provisions of this Act.

Sec. 55. The organized and enrolled militia of this State shall be organized into one division and six brigades. The brigades shall be as follows: First Brigade—San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Monterey Counties; Second Brigade—Santa Cruz, Santa Clara, San Matto, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Solano, Napa, and Lake Counties; Third Brigade—San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Buena Vista, and Tulare Counties; Fourth Brigade—Sacramento, Yolo, Yolo, Sutter, El Dorado, Amador, Placer, Nevada, Yuba, and Sierra Counties; Fifth Brigade—Butte, Plumas, Colusa, Tehama, Shasta, and Siskiyou Counties; Sixth Brigade—Mendocino, Humboldt, Trinity, Del Norte, and Klamath Counties.

Sec. 56. Any and all new counties, which may hereafter be organized in this State, shall be attached to the respective brigade in which the larger portion of said new county is now located.

Civil officers
in certain
cases may
control
troops.

Sec. 57. Whenever any portion of the organized or enrolled militia shall have been called into active service, to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of this State, or of the United States, it shall be competent for the Commander-in-Chief, or the General acting in his place, as provided in section thirty-nine, to place such troops under the temporary direction of the Mayor of any city, or the President of the Board of Supervisors of the Cities and Counties of Sacramento and San Francisco, or person acting in that capacity of the Sheriff of any county, or of any Marshal of the United States. And if, in the opinion of such civil officer, it shall become necessary that the troops so called out shall fire or charge upon any mob or body of persons, assembled to break or resist the laws, such civil officer shall give a written order to that effect, to the superior officer present in

the command, who will at once proceed to carry out the order, same, and shall direct the firing and attack to cease only when such mob or unlawful assembly shall have been dispersed, or when ordered to do so by the proper civil authority. No officer, who has been called out to sustain the civil authorities, shall, under any pretence, or in compliance with any order, fire blank cartridge upon any mob or unlawful assembly, under penalty of being cashiered by sentence of a Court-martial; provided, that nothing in this section shall be construed as prohibiting any such troops from firing or charging upon such mob or assembly, without the orders of such civil officers, in case they shall first be attacked or fired upon, or forcibly resisted in discharge of their duty. When the Commander-in-Chief, or General acting in his place, shall call troops into active service, for the purposes mentioned in this section, and shall not place them under the temporary direction of any civil officer, the commanding officer shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly.

Sec. 58. All fines, legally imposed by a Court-martial lawfully constituted, after the proceedings and findings of said Court in the premises have been approved, as prescribed by this Act, shall be and the same are hereby made collectable by law. And any person failing to pay the same, shall be proceeded against by the District Attorney, in the name of The People of the State, as for ordinary debts, in any Court of competent jurisdiction of the county. And a copy of so much of the finding and approval as relates to imposition and approval of such fine, certified by the officer authorized by law to approve the same, shall be received as evidence in the case. And if judgment be obtained, it shall be collected as in ordinary cases, and shall be paid into the County Treasury, as belonging to the General Fund of the State, and to be accounted for as such.

Sec. 59. The Commander-in-Chief may, from time to time, to publish and make known by a name, but shall be known by a name, or thereafter adopt a distinctive name, and orders, for the govt. rules, provisions and spirit of this Act.

Sec. 60. Any volunteer company may, on its organization, to adopt a particular letter, or number, in the battalion or regiment to which it belongs.

Sec. 61. No person shall be a member of two companies at the same time, and any member of a company who removes to but one beyond the limits of the county, shall be considered as having been discharged from such company.

Sec. 62. In the cases of military taxes and fines assessed and charged against a minor, the parent or guardian shall be held to pay. In case of minors who are orphans, the Commander-in-Chief shall have power to remit any military taxes or fines.

Sec. 63. In the absence of any appropriate commander, the absence next in rank in the command of troops, where not otherwise provided in this Act, shall succeed to his authority.

Sec. 64. Every senior, in his appropriate command, shall have authority to control the actions of his junior, in accordance with the principles of military subordination, under the laws and usages that govern the United States Army.

Chukied officers. SEC. 65. Any officer cashiered by sentence of a Court-martial, shall be precluded thereby from holding any commission in the military service of the State, except the sentence be remitted by the Commander-in-Chief.

Dismissal from service. SEC. 66. No non-commissioned officer, artificer, musician, or private, expelled from his company, or dismissed from service, for any disgraceful cause, shall be permitted to again enter any volunteer company, except the offence be pardoned by the Commander-in-Chief.

Granting of discharges. SEC. 67. No officer, inferior in grade to a regimental or battalion Commander, shall have power to grant discharges to non-commissioned officers, artificers, musicians, or privates, in active service; but Commanders of companies of the organized militia, when not in active service, may issue certificates of service and discharges. All discharges shall be in writing, and shall set forth fully the cause of the discharge, and shall be signed by the officer granting the same.

Resignations. SEC. 68. Any officer resigning his commission shall do so in writing, and transmit the same, through his immediate commanding officer, who will make his endorsements thereon, and the resignation shall go into effect when accepted by the Commander-in-Chief, and not before. Vacancies of commissioned officers of organized companies and battalions, (not in active service,) caused by resignation, death, dismissal, or removals, or by the expiration of the term fixed by the rules and regulations of such company, or battalion, or by any other cause, shall be filled by election. Such elections of company and field officers shall be presided over by an officer appointed for that purpose by the Brigadier-General; and such presiding officer shall report the result of such election to the officer appointing him, which report shall be transmitted to the Commander-in-Chief, who shall issue commissions in accordance therewith; provided, however, that when the same officer shall be re-elected, no new commission shall be issued, but the officer so re-elected shall continue to hold under his original commission.

Election of officers. SEC. 69. The commission of any staff officer, whose term of office depends upon the pleasure of the officer by whom he is appointed, shall, when such officer is not on active service, be considered as vacated, upon the qualification of his successor, and shall be so noted upon the proper books, or rolls, kept in the office of the Adjutant-General of the State.

Commission vacated. SEC. 70. The Commander-in-Chief is authorized, at any time, by issuing his orders to that effect, to disband any portion of the organized volunteer forces, or of the enrolled militia, mustered into service, which may evince a mutinous, disorderly, or disobedient spirit, and to deprive them of arms; a copy of which order shall be transmitted to the Clerk of the County Court or Courts of the county or counties in which such force was raised; after which, it shall be a misdemeanor in any person so disbanded, to appear with State arms in his possession, or as any portion of the organized volunteer militia, or of the enrolled militia, in active service, until again drafted or regularly mustered into service, under the penalty of not less than ten nor more than one hundred dollars for each offence; and such person shall be proceeded against by the District Attorney, in the name of The

People of the State, before any competent Court of the county where such person may happen to be; and all fines so recovered and collected shall be paid into the Treasury, as a part of the General Fund.

SEC. 71. Every company, battalion, or regiment, of organized militia of this State, may adopt a uniform for itself, which shall be subject, however, to the approval of the Commander-in-Chief, on report of the inspection officers, made through the proper channels of communication; and no uniform which is not thus approved shall be worn when on duty.

SEC. 72. The uniform of all general officers, and members of same, their staff, and all other officers not required to wear the distinctive uniform of their regiment or corps, shall be similar to that of the corresponding grades and corps in the United States Army, with such modifications as may be directed by the Commander-in-Chief for adapting it to State troops.

SEC. 73. The systems of instruction in tactics, prescribed for the different arms and corps in the United States Army, shall be followed in the military instruction and practice of the militia of this State, and the use of any other system is forbidden.

SEC. 74. The commanding officer of every organized company shall, during the months of June and December of each year, furnish the County Clerk of his county with a list of the names of the bona fide members of his company who attend regularly to appropriate duty. He shall also, at the end of each year's service of any member of his company who has performed duty, in accordance with the regulations and by-laws of such company, during the year, issue to such member a certificate to that effect. And if such commander of a company shall make a false list of the members of his company who have done duty as aforesaid, or a false certificate of service, he shall, on conviction by a Court-martial, be cashiered from service, and shall, moreover, be subject to a fine of not less than fifty nor over five hundred dollars, to be sued for and recovered, in the name of The People of the State, by the District Attorney of the county of his residence, in any Court of competent jurisdiction, and be paid into the Treasury, as a part of the General Fund of the State.

SEC. 75. The President of any general Court-martial, assembled in pursuance of the provisions of this Act, may make a requisition upon the Sheriff of the county in which the session is held, for a Deputy Sheriff to attend upon such Court as Provost-Marshal, and such Deputy Sheriff shall receive for his attendance the same pay and fees, and be subject to the same responsibility, as when attending upon the sessions of the District Court. And the President of any regimental, battalion, or company Court-martial, may make a requisition upon any Constable of the county, to act as Provost-Marshal of such Court; and such Constable shall receive the same pay and fees as in a Justice's Court; and the pay and fees of such Deputy Sheriff, or Constable, shall be paid, on the certificate of the Judge-Advocate and warrant of the Controller of State, by the State Treasurer, from the General Fund, such account being first audited by the Board of Military Auditors.

JULY 10, 1850
S. J. COOPER
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GENERAL FUND

May disband
any portion
of the militia
of the militia

Bands of music. Sec. 76. When bands of music shall not have been organized for any regiment, battalion, or isolated company, in the manner provided in the regulations of the Army of the United States, it shall be lawful for such regiment, battalion, or isolated company, through its commanding officer, to hire the services of any band of musicians, at their own expense, and the persons so employed shall, during the term of their engagement, be subject to the same laws and regulations that govern the military body with which they may serve.

Drafting for service. Sec. 77. When any person, drafted for service, shall offer, at or after the time of rendezvous, a suitable substitute, of the age of twenty-one years, and such substitute shall consent, in writing, to subject himself to all the duties, fines, forfeitures, and punishments, to which his principal would have been subject had he personally served, he shall be accepted by the officer making such draft. And the same rule shall apply to substitutes offered by members of organized volunteer companies called into active service, the commanding officer of such company being the judge of the suitableness of the substitute offered. And the person whose substitute shall be so accepted, shall be exempted from draft during the term of service of his substitute.

Courts-martial. Sec. 78. No action shall be maintained against any member of a Court-martial, or officer, or agent, acting under his authority, on account of the imposition of a fine, or the execution of a sentence, on a person not liable to military duty, if such person shall have been duly summoned, and shall have neglected to appear and show his exemption before the Court.

Courts of Inquiry. Sec. 79. Courts of Inquiry may be ordered by the Commander-in-Chief, Major-General, or any Brigadier-General. Such Courts of Inquiry shall be governed by the same rules as similar Courts in the United States Army, and they shall have the same power to preserve order, punish contempts, and compel the attendance of witnesses, as Courts-martial have.

Fees. Sec. 80. For all services under this Act, Sheriffs, Constables, and Jailors, shall receive like fees as for similar services in other cases, and shall be subject to the same penalties for any neglect of duty.

Seal. Sec. 81. The Adjutant-General shall have a seal of office, to be approved by the Commander-in-Chief, and all copies of records, or papers, in his office, duly certified and authenticated under the said seal, shall be evidence in all cases in like manner as if the originals were produced.

Honor of military duty. Sec. 82. On the days of military parade appointed by the Commander-in-Chief, the militia so called out and doing military duty, shall be considered to be under military discipline from the rising to the setting of the sun; and no officer, non-commissioned officer, musician, artificer, or private, belonging to the same, during the time aforesaid, shall be subject to be arrested on any civil process.

Not to obstruct highway. Sec. 83. The commanding officer of any parade, review, or drill, and the officer in charge of any rendezvous, may cause the ground selected for that purpose to be marked, or designated, in such a manner as not to obstruct the passage of travellers on any public highway; and if any person, during the occupation

of such ground for such military purpose, shall encroach upon such bounds, or enter upon such ground, without the permission of such officer commanding, or in charge, he may be put and kept under guard, by the order of such Commander, until the setting of the sun of the same day, and, moreover, shall be subject to arrest and punishment, by any Court of competent jurisdiction, for a breach of the peace.

Sec. 84. If any person shall intercept, molest, or insult, by insulting abusive words, or behavior, any officer, non-commissioned officer, or soldier, while in the performance of his military duty, he shall be immediately put under guard, and kept, at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same day on which the offence shall have been committed; and moreover, shall be subject to arrest and punishment, by any Court of competent jurisdiction, for a breach of the peace.

Sec. 85. Any officer, non-commissioned officer, or soldier, on disobeying military duty, who shall disobey the legal orders of his superior, use any reproachful or abusive language to his superior, or misbehave, or demean himself in an unofficer, or unsoldierlike, manner, shall be immediately arrested, if an officer; and if a non-commissioned officer, or soldier, shall be disarmed and put under guard, and shall be tried and punished by a Court-martial, according to law and military usage.

Sec. 86. In case of parades, reviews, inspections, or musters, to organize temporarily of the troops of any brigade, any companies, not organized into battalions, shall be temporarily organized into a battalion, for the duties of the day, and the battalion so temporarily organized shall be commanded by the officer senior in rank of the companies composing it. It shall be optional with any such unattached companies to attach themselves for the day to any organized battalion, or battalions, or to organize a temporary battalion; but no such temporary battalion shall be organized of less than three companies, if there be any organized battalion, or battalions, present on duty, to which they may attach themselves without exceeding the complement fixed by this Act. If such unattached companies shall not attach, or organize, themselves, in accordance with the provisions of this section, the officer commanding the brigade for the day shall order such assignment or organization.

Sec. 87. Horses, arms, equipments, and uniforms, of all ^{exempt} officers, non-commissioned officers, and privates, used for military purposes in the organized or enrolled militia of the State, shall be exempt from execution.

Sec. 88. The Act, approved May ninth, eighteen hundred and sixty-one, entitled an Act in relation to the Militia of the State, and all other Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

Sec. 89. This Act shall take effect and be in force from and after its passage.

*Fourth
Militia
grouped
repealed
two
times.*