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Janine Hansen

From: "Christopher Hansen"
To: "Janine Hansen" <info@nevadafamilies.org>
Sent: Friday, February 14, 2003 4:34 PM
Subject: SUN on Ethics
Today: February 14, 2003 at 11:26:16 PST

Ethics Commission can't agree on fines for IAP candidates

By Cy Ryan
<cy@lasvegassun.com>

SUN CAPITAL BUREAU

CARSON CITY -- The state Ethics Commission deadlocked Thursday on imposing fines of more than \$6,000 on 26 political candidates from the Independent American Party for failure to comply with the state's financial disclosure law.

Instead, the commission voted unanimously to seek a court ruling to interpret whether the candidates followed the law by filing statements on time but refusing to disclose their finances, claiming it was a violation of their constitutional rights.

"It's a great victory for us," Janine Hansen, an IAP officer, said after the commission meeting.

It gives the party a chance to argue that the financial statements interfere with the candidates' free speech rights, she said.

Hansen said the party has been seeking a court test all along.

Political candidates were required by state law to submit financial statements by May 30, 2002. Some of IAP members complied. But the majority filed the statement but failed to include key information on their assets and liabilities. Instead they claimed that requiring them to do so violated their constitutional rights.

The proposed fine was for \$6,175, but IAP officials have been seeking a waiver of the fine.

Commissioner Rick Shu of Reno said he felt that the IAP candidates complied with the law even though they did not submit the required information. The documents were submitted by the deadline, he noted.

There is nothing in the law, Shu said, that requires the state Ethics Commission to determine the accuracy of the financial statement. And the commission doesn't even have the staff to audit the statements, he said.

Shu's motion to waive the fines lost on a 4-3 vote, with Commissioners Tom Sheets and Merle Berman, both of Las Vegas, voting with Shu.

Commissioner Todd Russell suggested that the IAP candidates be given 30 days to file the necessary information to avert the fine.

Russell said that assessing a big fine might discourage people from filing for public office.

"My reluctance is to fine anybody," he said.

But that motion also failed on a 4-3 vote with Berman and Bill Flangas of Las Vegas voting with Russell.

Commissioner Jim Kosinski said he believes the law was constitutional and that the fine should stand. Commissioner Liz Hatcher of Las Vegas sided with Kosinski.

The commission finally accepted Sheets' recommendation to ask a judge to rule on the issue.

The two-hour meeting Thursday was spiced with critical comments of the commissioners by IAP members. Party members suggested the commission was "fascist" and accused it of breaking the "law of God."

"You can rule against us and try to penalize us for refusing to surrender our God-given unalienable rights and constitutional protections," Greg Miller of Reno told the commission, "and prove you are the fascists we have claimed you are by placing this fascist law above the constitutions, the Bill of Rights

and our God-given unalienable rights."

Boyd Ballard, who was a candidate for the Clark County Commission, told the commission: "I call on you to repent in the name of Jesus Christ."

Joshua Hansen, who was a candidate for the Assembly, said: "You cannot justify your actions before God Almighty."

Two Capital Police officers were assigned to the small meeting room Thursday to make sure the estimated 15 IAP members on hand would cause no disruptions.

Janine Hansen

From: "Christopher Hansen"
To: "Janine Hansen" <info@nevadafamilies.org>
Sent: Monday, January 20, 2003 12:38 PM
Subject: Ethics

Stacey M. Jennings, MPA
Executive Director for the Nevada Commission on Ethics
3476 Executive Pointe Way, Suite 16
Carson City, Nevada 89706-7946

Stacey M. Jennings,

The following is a "letter of request" for a wavier only (no reduction is to be requested) of the quasi-criminal civil penalty.

By attending and speaking at your hearing I am not waiving any rights nor am I in anyway granting the Commission jurisdiction over me nor do I acknowledge such jurisdiction. I will be attending not only to speak to try to reasonably work out this problem but to gain evidence against the individuals on the Commission for the a civil rights lawsuit against the Commission members in a personal capacity for acting under, at best, color of law. I am informing the Commission of this so that they can be aware that anything they say or write can be used against them at a later date in a judicial setting. Please have the Commission prepared to show statutory authority to hear this issue since I am not a **"public officer or employee or former public officer or employee."** I can find **NO STATUTORY jurisdiction granted to the Nevada Commission on Ethics concerning a private Citizen. Because of this I do hereby challenge your jurisdiction.**

As the United States Supreme Court has determined that the civil penalty that you claim to have the authority to assess against a private Citizen falls under the classification of "quasi-criminal" and therefore your demands concerning financial disclosure falls under the restriction against the government of :

Article I, Sec. 18. Unreasonable seizure and search; issuance of warrants. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by Oath or Affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

And:

Article I, Sec. 8. Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain.

1. No person . . . shall he be compelled, in any criminal case, to be a witness against himself.

And of course the 4th and half of the 5th amendment to the Constitution of the United State as made applicable to the States (not the Citizens of the States).

"As, therefore, suits for penalties and forfeitures incurred by the commission of offences against the law, are of this quasi-criminal nature, we think that they are within the reason of criminal proceedings for all the purposes of the Fourth Amendment of the Constitution, and of that portion of the Fifth Amendment which declares that no person shall be compelled in any criminal case to be a witness against himself. . . ." UNITED STATES v. WARD, 448 U.S. 242 (1980)

I claim all my rights and waive none of them at any time so if you want any of my paperwork you had best get a warrant issued on probable cause supported by Oath or Affirmation and then come and seize them AS REQUIRED BY LAW as I will not, nor am I required to, give you such information.

Concerning the Commissions alleged jurisdiction

It is an interesting note that NRS chapter 281 is found in TITLE 23--**PUBLIC OFFICERS AND EMPLOYEES**

NRS Chapter 281 has a definition of their jurisdiction. It is found at NRS 281.465 and titled Jurisdiction.

Here is what it says:

1. The commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of:
 - (a) This chapter by a **public officer or employee or former public officer or employee** in any proceeding commenced by:
 - (1) The filing of a request for an opinion with the commission; or
 - (2) The commission on its own motion.
 - (b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.
2. The provisions of paragraph (a) of **subsection 1 apply to a public officer or employee who:**
 - (a) Currently holds public office or is publicly employed at the commencement of proceedings against him.
 - (b) Resigns or otherwise leaves his public office or employment:
 - (1) After the commencement of proceedings against him; or
 - (2) Within 1 year after the alleged violation or reasonable discovery of the alleged violation.

Please note that nowhere in this section concerning **jurisdiction** am I, a private Sovereign Citizen of Nevada, listed.

I am not a **public officer or employee or former public officer or employee** so how do you have jurisdiction concerning me.

You know me. I am just trying to follow the law and the Constitutions and make sure the government does not trample on the little guy.

Your letter dated January 14, 2003. It states Nevada Commission on Ethics is trying to determine if a potential civil penalty of \$6,175.00 has been set. How was this amount determined? It appears to be arbitrary and capricious since:

NRS 281.581 Civil penalty for failure to disclose: Amount; waiver or reduction; procedure.

1. A candidate for public office or public officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney's fees. Except as otherwise provided in subsection 3, the amount of the civil penalty is:

(a) If the statement is filed not more than 7 days late, \$25 for each day the statement is late.

(b) If the statement is filed more than 7 days late but not more than 15 days late, \$175 for the first 7 days, plus \$50 for

each additional day the statement is late.

(c) If the statement is filed more than 15 days late, \$575 for the first 15 days, plus \$100 for each additional day the statement is late.

2. The commission may, for good cause shown, waive or reduce the civil penalty.

3. The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited by the commission in the account for credit to the state general fund in the bank designated by the state treasurer.

5. If the commission waives a civil penalty pursuant to subsection 2, the commission shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

I ran for Nevada Secretary of State. NRS 225.050 Salary. Until the first Monday in January 1999, the secretary of state is entitled to receive an annual salary of \$62,500. From and after the first Monday in January 1999, the secretary of state is entitled to receive an annual salary of \$80,000.

So how was the \$6,175.00 potential fine established?

By what authority have you already reduced the fine?

I will be demanding answers to these questions and if I do not get reasonable, legally correct and substantiated answers to all the questions I have asked now and in the past remember this: Before you can collect a cent from me you will be required to answer my questions when you are forced to sue me. So tell me now or tell me later. I look forward to suing the individuals on the Commission if they violate my rights in any way. I look forward to you suing me so that I can get you before a jury so that your attempted enforcement of this Fascist law can be exposed to Citizens of Nevada.

Christopher Hansen's Testimony before the Ethics Commission Feb. 13, 2003

First of all we thank our Heavenly Father for the liberty we have left in this State and nation and ask our Father in Heaven to send His spirit to be with us all this day and we do so in the Name of the God of this nation according to the United States Supreme Court in Church of the Holy Trinity vs The United States, Jesus Christ. We do also call Jesus Christ as a witness to our testimony this day so that this Commission shall be judged by God as they judge this day. As the maxims of law clearly state, It is punishment enough for a judge that he is responsible to God. We Independent Americans herein plead and testify before God and this committee the following.

In America Communicators Association vs Douds, 339 U. S. 382, 442 JUSTICE JACKSON said, *"It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."*

This is why we Independent Americans are here today.

In an appropriate case concerning this hearing and its Commissioners known as ANTI-FASCIST COMMITTEE v. McGRATH, 341 U.S. 123 (1951) JUSTICE DOUGLAS said, "It is not without significance that most of the provisions of the Bill of Rights are procedural. It is procedure that spells much of the difference between rule by law and rule by whim or caprice."

In the minutes of the State of Nevada Commission on Ethics Thursday, August 8, 2002 is the following, "Commissioner Kosinski clarified for the record that without a specific set of standards or criteria for waiver or reduction of fees, then all actions taken by the Commission to reduce the fines are arbitrary and this is why he voted no on the motions."

In CAREY v. BROWN, 447 U.S. 455 (1980) the Court wrote, "When government regulation discriminates among speech-related activities in a public forum, the Equal Protection Clause mandates that the legislation be finely tailored to serve substantial state interests, and the justifications offered for any distinctions it draws must be carefully scrutinized."

Now let's take a look at what Vice Chairman Flangas said as recorded in the Minutes of the meeting of the State of Nevada Commission on Ethics Wednesday, October 16, in the year of our Lord 2002, "This situation has been a difficult situation for two or three years, and I think that with our new Director we're on the road to putting together an understandable and clear cut directive to all public officers. And there is plenty I think there is plenty of blame to go around, plenty of confusion. I believe that we have considered a lot of waivers in the past couple of months. Today we're concerned with being consistent with our past actions, but I would hope that starting next year that we adopt a zero-tolerance for these omissions and failures to report."

Does this sound like legislation finely tailored to serve state interests that draws careful scrutiny?

On February 10 Stacey Jennings admitted that the Ethics Commission was asking the legislature to change the law because they felt it could scare off potential candidates.

In N. A. A. C. P. v. BUTTON, 371 U.S. 415 (1963) the court said,

"It is enough that a vague and broad statute lends itself to selective enforcement against unpopular causes. We cannot close our eyes to the fact that the militant Negro civil rights movement has engendered the intense resentment and opposition of the politically dominant white community of Virginia; litigation assisted by the NAACP has been bitterly fought. In such circumstances, a statute broadly curtailing group activity leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such activity on behalf of the civil rights of Negro citizens."

There is little difference in this Commissions actions against us than those of the politically dominant white community of Virginia and I do hope history views your bigotry and deprivation of our Civil rights to date as most Americans today view the South's actions against the Blacks and pray your actions do not freeze out of existence all such activity on behalf of the civil rights of Independent American Party Candidates.

U.S. Supreme Court Justice Brandeis in Olmstead v. United States, 277 US 433, 485, 48 S.Ct. 575 (1928) made the Commission's actions clear when he wrote:

"Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law, scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy."

We are here today so that the commission can "investigate and take appropriate action regarding an alleged violation" by the "commission on its own motion." And they claim jurisdiction under NRS 281.561 and NRS 281.581 yet nowhere in either of these statutes is the power to investigate us granted. The jurisdiction to "investigate" is only granted in NRS 281.465 titled Jurisdiction and is only applicable to public officers and employees. I repeat Justice Brandeis, "If the government becomes a lawbreaker, it breeds contempt for the law.

In NRS 281.581 it states. If the commission waives a civil penalty pursuant to subsection 2, the commission shall Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown and Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Let me repeat, the commission shall Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown

Now let us read from the MINUTES of the meeting of the State of Nevada Commission on Ethics Thursday, August 8, in the year of our Lord 2002

Agenda Item 2 Requests for Waivers or Reductions of Civil Penalties Imposed Pursuant to NRS 281.581 for Untimely Filings of Calendar Year 2001 Financial Disclosure Statements. In open session, the Commission heard, deliberated and decided written requests for waivers or reductions of civil penalties imposed pursuant to NRS 281.581 for untimely filings of calendar year 2001 financial disclosure statements as follows:

A motion was made by Vice Chairman Flangas and seconded by Commissioner Hsu to reduce the penalty assessed to David Clark, Member, State Contractors Board, from \$50 to \$25. The motion was put to a vote and passed 5-1; Commissioner Kosinski opposed.

A motion was made by Vice Chairman Flangas and seconded by Commissioner Adler to reduce the penalty assessed to Ronald Cobb, Member, Reno and Regional Planning Commissions from \$225 to \$50. The motion was put to a vote and failed 1-5. A second motion was made by Commissioner Sheets and seconded by Vice Chairman Flangas to reduce the penalty from \$225 to \$100. The second motion was put to a vote and passed 5-1; Commissioner Kosinski opposed.

A motion was made by Chairman Russell and seconded by Commissioner Sheets to reduce the penalty assessed to Mark Droege, Member, State Apprenticeship Council from \$160 to \$100. The motion was put to a vote and passed unanimously.

A motion was made by Commissioner Adler and seconded by Commissioner Kosinski to reduce the penalty assessed to Irene Hobson, Member, State Apprenticeship Council from \$320 to \$100. The motion was put to a vote and passed unanimously.

By motion made by Chairman Russell and seconded by Commissioner Kosinski, the Commission unanimously declined to reduce the \$25 penalty assessed to Nadia Jurani, Member, Nevada Equal Rights Commission.

A motion was made by Chairman Russell and seconded by Commissioner Sheets to reduce the penalty assessed to Franz Niegemann, Member, Reno Civil Service Commission from \$750 to \$100. The motion was put to a vote and passed 5-1; Commissioner Kosinski opposed.

By motion made by Chairman Russell and seconded by Commissioner Adler, the Commission unanimously declined to reduce the \$25 penalty assessed to Dennis Shipley, Member, Nevada Equal Rights Commission. A motion was made by Commissioner Sheets and seconded by Chairman Russell to reduce the penalty assessed to Lawrence Wong, Trustee, Las Vegas-Clark County Library District from \$560 to \$100. The motion was put to a vote and passed 5-1; Commissioner Kosinski opposed.

Where was good cause shown and more importantly where are the circumstances described that constitute the good cause shown?

The minutes of that meeting answer that very question and I quote, "Commissioner Kosinski clarified for the record that without a specific set of standards or criteria for waiver or reduction of fees, then all actions taken by the Commission to reduce the fines are arbitrary and this is why he voted no on the motions."

Commissioner Kosinski is the ONLY member of this Commission that even attempted to follow the law. The only one. I repeat Justice Brandeis, In a government of laws, existence of the government will be imperiled if it fails to observe the law, scrupulously. If the government becomes a lawbreaker, it breeds contempt for the law."

This Commission has informed us, Independent Americans, that we cannot refuse to testify against ourselves and that we must submit or this Committee will impose substantial penalties.

On October 31, Nevada Day in the year of our Lord 2002 in the Supreme Court of the State of Nevada concerning the Dzul v. State the OPINION by the Court, was written by Justice BECKER, and states:

"The Fifth Amendment has long been interpreted to mean that a defendant may refuse "to answer official questions put to him in any . . . proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings." A defendant therefore retains his Fifth Amendment rights ...

"A state may not impose substantial penalties on a person who decides to invoke his right against self-incrimination."

The Nevada Court was only repeating the United States Supreme Court so both High courts agree on this issue concerning testimony.

Is this Commission claiming that the questions asked are not official questions? Are you claiming you do not demand that they must be made under oath or affirmation and penalties of perjury? Are you claiming it is not a proceeding? Are you claiming it is not civil or criminal? Are you claiming they were neither formal nor informal? Are you claiming you are not attempting to impose substantial penalties on us because we have invoked our right against self-incrimination? Are you claiming the information we will give cannot be used against us in a criminal or quasi-criminal proceeding? I repeat Justice Brandeis, "In a government of laws, existence of the government will be imperiled if it fails to observe the law, scrupulously."

The record is clear that this Commission does not follow the law scrupulously and almost ignores the Constitutional protections of our God given rights.

Justice Cliff Young writing for the Nevada Supreme Court in Hiibel v. Dist. Ct. December 20, 2002 wrote, "Fundamental to a democratic society is the ability to wander freely and anonymously, if we so choose, without being compelled to divulge information to the government about who we are or what we are doing.

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This "right to be let alone" to simply live in privacy is a right protected by the Fourth Amendment and undoubtedly sacred to us all.

Sacred to us all I guess except this Commission. We accused do find the Constitutional protections Sacred. Please note that the word sacred is a religious term.

On February 11, in the year of our Lord 2003 Beverly Amundson Administrative Assistant to the Commission wrote, "Each Independent American Party candidate who failed to file a financial disclosure pursuant to the requirements of NRS 281.561 and 281.571 received a letter from the Executive Director of the Nevada Commission on Ethics advising them of the amount of the penalty which had accrued as of the date each candidate was initially notified that they had failed to comply with the statute requiring them to timely file a financial disclosure statement."

Yet NRS 281.581 say A candidate for public office or public officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 is subject to a civil penalty and payment of court costs and attorney's fees. Except as otherwise provided in subsection 3, the amount of the civil penalty is:

- (a) If the statement is filed not more than 7 days late, \$25 for each day the statement is late.
- (b) If the statement is filed more than 7 days late but not more than 15 days late, \$175 for the first 7 days, plus \$50 for each additional day the statement is late.
- (c) If the statement is filed more than 15 days late, \$575 for the first 15 days, plus \$100 for each additional day the statement is late.

2. The commission may, for good cause shown, waive or reduce the civil penalty.

Nothing is written in the law saying the penalty would accrue, and I quote, "as of the date each candidate was initially notified that they had failed to comply with the statute." It says it will start for each day the statement is late. And yet the Civil penalty was reduced by thousands of dollars for many if not all of us when no good cause was ever shown nor was there ever any real attempt to show good cause for a reduction. So how could this Commission have authority to reduce the penalty required by the Statute? And where is the Created record which sets forth that the civil penalty has been waived or reduced and describes the circumstances that constitute the good cause shown? I repeat Justice Brandeis, "In a government of laws, existence of the government will be imperiled if it fails to observe the law, scrupulously." How did your action scrupulously follow the law?

On February 11, in the year of our Lord 2003 Beverly Amundson Administrative Assistant to the Commission wrote, "Only reasons to show good cause for failing to file a financial disclosure statement pursuant to statute. The Commission has no jurisdiction or authority to determine the constitutionality of a statute that power rests solely in the courts." And yet Commissioner Adler as recorded in the Minutes of the meeting of the State of Nevada Commission on Ethics Thursday, September 27, in the year of our Lord 2002 said, "[I] really don't think we can do that under the Constitution. I really do believe that violates the First Amendment to the Constitution of the United States. Even though I really find these offensive, I just don't see how we can do that. Because that's the most rigid standard under the U.S. Constitution is content, and that's exactly what we're addressing here is content and content in terms of can a group put this out. And it would have a chilling effect on future free speech if you are to find somebody in this context. So maybe somebody else can address that. But I don't know how we don't suppress free speech if we were to find this in violation."

So which is it? Can this Commission decide you can, and I quote, "[D]o that under the Constitution?" or not? Does the Constitution restrict your enforcement or not? Does the restriction in the Nevada Constitution restrict you in the same manner as the First Amendment or does this Commission only recognize the National Constitution? Have any of the Commission members actually read the Nevada Constitution? If you had you may have noticed that your attempted enforcement violates Article I, Sections 1, 4, 6, 8, 9, 10, 17, 18, 20 of the Nevada Constitution, Article 15, Section 3 of the Nevada Constitution, Article 17, Section 2 of the Nevada Constitution. And not to be left out completely it also violates Amendments I, IV, V, XIII, and XIV of the United States of America Constitution, and Article IV Section 4 of the United States of America Constitution as well as

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the Declaration of Independence.

Chairman Russell at the same meeting said, "However, the problem we get into again is this political hyperbole where politically you go along this particular path and people come forward and say things at the last minute and you try and justify them. We are governed by NRS 281.477, and that's one of our guiding lights. The other guiding light obviously is the First Amendment and the protection of freedom of speech."

So, Commissioners, are the Nevada Constitution and the Fourth and Fifth Amendments to the National Constitution also considered guiding lights to this Commission or can only the Court decide if the Constitutional protections will be guiding lights in your decisions concerning waiving penalties? Can you consider the Constitutions or only the Statue? Which one is it Commissioners? Maybe this will help. Supposedly you all swore an oath that states that you will support, protect and defend the National Constitution and the constitution of the State of Nevada, against all enemies, whether domestic or foreign, and will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding?

What do you think "any ordinance, resolution or law of any state notwithstanding means?" What it means is exactly what Commissioner Adler said, "I just don't see how we can do that. I really do believe that violates the First Amendment to the Constitution of the United States. "

You see that is not ruling on the Constitutionality of the Statute. It is making the Constitutions, both national and State, in the words of Chairman Russel, one of the guiding lights in making your decisions just as you are required to do by your oath of office.

If a violation of the legal protection of the Constitutions are not "good cause" for waiving the penalty then what will your "guiding lights" be?

After all "All laws which are repugnant to the *Constitution* are null and void." Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." Norton vs. Shelby County, 118 US 425 p.442

"Where rights secured by the *Constitution* are involved, there can be no rule making or legislation which would abrogate them." Miranda vs. Arizona, 384 US 436 p. 491

Is the United States Supreme Court also a guiding light?

Have any of you asked yourselves why enforcement of these statutes is attempted under civil instead of criminal statutes? If it was criminal the law would really have teeth. Right? Well the reason is because if it was criminal there would be no doubt that the fourth, fifth and sixth amendments and their clones in the Nevada Constitution would apply and then it would be impossible to even try to enforce the statutes. But the United States Supreme Court saw such attempts at an end run around these protections and clarified what these strictly punitive Civil penalties are and what protections Citizens have against such actions in UNITED STATES v. WARD, in (1980)) they said,

"We are . . . clearly of opinion that proceedings instituted for the purpose of declaring the forfeiture of a man's property by reason of offences committed by him, though they may be civil in form, are in their nature criminal.

"As, therefore, suits for penalties and forfeitures incurred by the commission of offences against the law, are of this **quasi-criminal** nature, we think that they are within the reason of criminal proceedings **for all the purposes of the Fourth Amendment of the Constitution**, and of that portion of the Fifth Amendment which declares that no person shall be compelled in any criminal case to be a witness against himself. . . ."

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So the Fourth Amendment applies to this form you have demanded because the penalty is without question only punitive and is therefore quasi-criminal. What does the 4th say?

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

We never received a warrant. There is no probable cause. We have the right to be secure in our papers. Is this a guiding light? If so why do you violate these protection without any restraint or concern?

You have an opportunity here today to tell the legislature to clarify your jurisdiction before you act against us you previously promised you would do before you privately changed your decision.

You have the opportunity to support the unalienable right of liberty and uphold the constitutional restriction on the government and follow the clear statements by the courts on what restrictions apply to your requests for information from private Citizens.

You have the opportunity to support and protect freedom of religion, speech, press, and assembly and to assist us in petitioning our legislature for redress of grievances. Even members of this Committee have pointed out the possible problems and Constitutional violations of this law. Stacey Jennings said if we Independent Americans have a problem with the law we should take it up with the legislature. We have. We will. We are. But this committee has found such problems with this law that they too have gone to the legislature to change the law because it may intimidate candidates into not running for office. They have also consistently refused to fully enforce the statute concerning the penalties and constantly waived or reduced penalties without ANY good cause shown except your obvious belief that the penalties violated the 8th Amendment against unusual punishments. To enforce such a law when you believe it is harming the election process and is unfair and vague is to fail to bear true faith, allegiance and loyalty to the Constitutions of Nevada and the USA and to place an ordinance, resolution or law above the supreme law of the land.

It also give you the opportunity to avoid violating our civil rights and protects you from being sued in federal courts for obvious deprivations of our rights.

You have an opportunity today to bear true faith an allegiance to the Constitutions and let the legislature know that they must clarify this law and strictly follow the Constitution because in the words of Brandeis, "existence of the government will be imperiled if it fails to observe the law, scrupulously."

Or you can rule against us and try to penalize us for refusing to surrender our God given Unalienable rights and Constitutional protections and prove you are the Fascists we have claimed you are by placing this Fascist law above the Constitutions, the Bill of Rights and our God given Unalienale rights.

What shall be your guiding light, Fascism or liberty?

If you rule against us we shall be proud to take this issue to a jury and let our peers decide if liberty or Fascism is the guiding light in Nevada.

And remember that we Independent Americans still challenge your jurisdiction in this matter and are here only to give this testimony in a non due process public hearing in hopes you will support liberty and honor your oath of office.

This we pray in the name of our and this Nations Lord, Jesus Christ, Amen.