

TESTIMONY OF RANDY IWASE
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII
TO THE
HOUSE COMMITTEES ON
CONSUMER PROTECTION AND COMMERCE
AND
JUDICIARY

March 2, 2015
2:15 p.m.

MEASURE: H.B. No. 1468, H.D. 1

TITLE: Relating to the Interisland High-Voltage Transmission Cable System

Chair McKelvey, Chair Rhodes, and Members of the Committees:

DESCRIPTION:

This measure removes the statutory regulatory structure for the installation and implementation of an interisland high-voltage electric transmission cable system.

POSITION:

The Commission offers the following comments for the Committee's consideration.

COMMENTS:

The Commission currently has an open regulatory proceeding on this issue (Docket No. 2013-0169). The Commission opened this proceeding to solicit information and evaluate whether an Oahu-Maui Island grid interconnection may be in the public interest. The proceeding has been investigating this issue through the following actions:

- Seeking input from potential cable developers, renewable energy project developers, HECO Companies, and other stakeholders on potential costs and benefits of an Oahu-Maui Island grid interconnection to determine under what circumstances and conditions such a potential system would be in the public interest;
- Seeking input on appropriate regulatory policies and practices governing development and on-going regulation of a certified cable company in Hawaii;

- Seeking input from potential cable companies, HECO, and other stakeholders on the best way to proceed with developing a high-voltage electric transmission cable system interconnecting Oahu and Maui Island if the commission were to determine such a system is in the public interest; and
- Facilitating public input and dissemination of information on an Oahu-Maui Island grid interconnection.

In reviewing this issue, the Commission has received considerable feedback from the parties and public, which are available in the public docket record. The Commission has also held public meetings on Maui and Oahu.

The Commission would also note that evaluation of an Oahu-Maui Island grid interconnection is an important consideration in the Hawaiian Electric Companies' Power Supply Improvement Plans for the Oahu and Maui Island electrical systems. These plans are under evaluation in Docket No. 2014-0183.

Finally, the Commission notes that other measures have been introduced to extend the Renewable Portfolio Standards. To achieve that goal the Commission believes that all options and alternatives should remain available for policymakers and decision makers to consider.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEES ON CONSUMER PROTECTION & COMMERCE
AND JUDICIARY

THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

MONDAY, MARCH 2, 2015
2:15 p.m.

TESTIMONY OF JEFFREY T. ONO, EXECUTIVE DIRECTOR, DIVISION OF
CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER
AFFAIRS, TO THE HONORABLE ANGUS L.K. McKELVEY AND KARL RHOADS,
CHAIRS, AND MEMBERS OF THE COMMITTEE

HOUSE BILL NO. 1468, H.D. 1 - RELATING TO THE INTERISLAND HIGH-VOLTAGE
ELECTRIC TRANSMISSION CABLE SYSTEM

DESCRIPTION:

This measure proposes to remove the authorization granted to the Public Utilities Commission ("PUC") to establish a regulatory structure for the installation and implementation of an interisland high-voltage electric transmission cable system.

POSITION:

The Division of Consumer Advocacy has serious concerns with the potential impacts of this bill.

COMMENTS:

The Consumer Advocacy is concerned that this bill would repeal all of the legislation passed in 2012 that provided the regulatory framework by which an undersea electricity transmission cable would be developed, if a decision were to be made to move forward with the development of an undersea cable. Hawaii Revised Statutes ("HRS") sections 269-131 to 269-135, entitled the "Interisland Transmission System," provide a clear regulatory path by which the cable could be developed. These provisions set forth the Request for Proposal process, the certification process,

and the cost recovery mechanism for a certified cable company. Each of these elements is intended to remove regulatory uncertainty from the process of developing, installing, and operating an undersea cable, but discussion on Act 165, Session Laws of Hawaii 2012 (“Act 165”), made it clear that these provisions were only part of a larger, ongoing discussion on the benefits and costs of undersea cable – not the end of it. The electric utilities, PUC, Department of Business Economic Development & Tourism and interested stakeholders continue to debate the costs and benefits of an undersea transmission cable. As long as there is the potential to develop geothermal energy on Hawaii Island, there will be a discussion on an undersea cable to bring that energy to Oahu. Once the State is ready and cost-effective technology is ready, Act 165 provides the regulatory framework by which the installation and development of an undersea cable can be prudently regulated.

One of the principal concerns over an undersea transmission cable is the cost. The undersea cable legislation provided a competitive bidding process by which actual proposals with firm bids could be obtained. If costs are too high, then the project could be abandoned. Without a clear mechanism that will tell us the actual cost to design and construct an interisland cable, it will be difficult to do a cost/benefit analysis when one of the key components, i.e., the cost of the cable itself, is based on estimates, not actual bids.

Again, the provisions of Act 165 were meant to provide a degree of certainty to any cable developer in knowing how the selection process would occur and how the developer would be compensated. It was not an instruction to the PUC to move forward with the development of an undersea cable. It simply established the regulatory framework for an undersea cable, if it was decided that a cable will be in the public interest with the net benefits of the cable exceeding the costs. Thus, since the framework in Act 165 is only called upon when the State is ready to move forward with the installation of an undersea cable system – and not before the State is ready – it is not clear what benefit repeal of this highly-vetted legislation does to serve Hawaii in reaching its long-term clean energy goals.

Thank you for this opportunity to testify.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEES ON CONSUMER PROTECTION & COMMERCE
AND
HOUSE COMMITTEES ON JUDICIARY**

Monday, March 2, 2015
2:15 p.m.
State Capitol, Conference Room 325

in consideration of
HB 1468, HD1
**RELATING TO THE INTERISLAND HIGH-VOLTAGE ELECTRIC TRANSMISSION
CABLE SYSTEM.**

Chair McKelvey and Rhoads, Vice Chair Woodson and San Buenaventura, and Members of the Committees.

The Department of Business, Economic Development & Tourism (DBEDT) has serious concerns pertaining to HB 1468, HD1, which would repeal the authority of the Public Utilities Commission to establish a regulatory structure for the installation and implementation of an interisland high-voltage electric transmission cable and for the construction of on-island transmission infrastructure.

DBEDT respectfully offers the following comments on this measure:

At this juncture, related PUC proceedings¹ are still open. Until that process (in which public intervention and comments are being taken into account) concludes, it is premature for the Legislature to eliminate Act 165 (2012), a tool that may result in cheaper financing for an undersea cable, should the PUC find that an undersea cable is needed.

¹ Reference Docket No. 2013-0169 (Opening a Proceeding to Investigate whether an Oahu-Maui Interisland Transmission System May Be in the Public Interest) and Docket No. 2013-1068 (Opening a Proceeding to Review the Progress of Castle & Cooke Resorts, LLC's Proposed Lanai Wind Project).

DBEDT has previously testified that the Oahu-Maui “grid tie”² is fundamentally different from the originally proposed “gen-tie”³ undersea cable project that faced considerable community opposition and is in the public interest by helping our State exceed existing statutory clean energy objectives under the State’s Renewable Portfolio Standard at a savings to ratepayers.⁴

Act 165 (2012)⁵ allows for the creation of a "Certified Cable Company (CCC)" (separate from the incumbent electric utility), essentially a “cable utility” that would own or control the cable. The CCC would obtain reimbursement for the development and construction of the cable under a PUC mandated surcharge and appropriate regulatory process. The surcharge would reduce risk and overall project costs by ensuring that the CCC would obtain appropriate reimbursement for the development and construction of the project. Lower project costs ultimately translate to lower electric rates for consumers.

Even if Act 165 (2012) is repealed, the incumbent utility would still have the authority to propose and develop an undersea transmission cable should the PUC find that an undersea cable is warranted. However, without HRS 269, Part VIII and related HRS sections⁶ in place, there would be greater uncertainty with regards to the regulation and cost recovery of the cable. This would likely lead to greater cable project development and construction risk and cost, ultimately resulting in suboptimal pricing of the cable and inferior ratepayer outcomes.

Thank you for the opportunity to offer these comments regarding HB 1468, HD1.

² The current investigation under Docket No. 2013-0169 is looking at a grid tie, a two-way connection between two previously distinct, separate electrical grids to create one unified system between Oahu and Maui Island. By unifying the grid and sharing resources, the utility will be able to operate more efficiently with less system redundancies, allowing more renewable energy penetration and the shutting-down of old, inefficient petroleum-based power plants.

³ Past Gen Tie – Previous interisland transmission cable projects proposed a one-way cable, or a generation (“gen”) tie, which would have taken energy generated from one or more islands to feed into Oahu.

⁴ Benefits to Ratepayers on Oahu and Maui Island include: (1) Reduced electricity rates of up to 0.6-cents per kilowatt hour; (2) Overall net savings on both islands of up to \$423 million over a 30-year period (2020-2050); (3) More stable electricity rates due to reduced exposure to oil pricing volatility. Benefits to the environment include: (1) Reduced pollution from less oil being burned by conventional fuel electric generating units; (2) Allows the retirement of old, inefficient petroleum-based power plants; (3) Lowers cost of environmental compliance and carbon pollution. Benefits to Renewable Energy Goals: (1) Increased utilization of high-efficiency renewable energy development that can be operated with less or even no curtailment; (2) Helps the state meet and exceed its mandated renewable energy goals; (3) A key, long-term component to achieving a modernized grid.

See <http://energy.hawaii.gov/renewable-energy/oahu-maui-gridtie> or Docket No. 2013-0169 for DBEDT’s full submissions to PUC.

⁵ HB 1468 would repeal Act 165 (2012) and related Hawaii Revised Statutes.

⁶ Reference proposed amendments to Sections 2-5 under HB 1468.



**TESTIMONY OF ERIC S. GLEASON, NEXTERA ENERGY HAWAII
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE AND HOUSE
COMMITTEE ON JUDICIARY
MARCH 2, 2015, 2:15 PM**

**HOUSE BILL NO. 1468 H.D. 1 - RELATING TO THE INTERISLAND HIGH-VOLTAGE
ELECTRIC TRANSMISSION CABLE SYSTEM**

DESCRIPTION:

This measure proposes to remove the authorization granted to the Hawaii Public Utilities Commission (PUC or Commission) to establish a regulatory structure for the installation and implementation of an interisland high-voltage electric transmission cable system.

POSITION:

NextEra Energy Hawaii respectfully opposes H.B. No. 1468 H.D. 1 and offers the following comments.

COMMENTS:

NextEra Energy Hawaii believes that the State of Hawaii desires cleaner, more affordable energy. Hawaii's energy aspirations are bold and the energy industry is evolving rapidly.

With this in mind, NextEra Energy Hawaii suggests that all viable options to secure a cleaner, more affordable energy future merit serious consideration. The legislature wisely gave the Commission authority to certificate an interisland cable utility system if the Commission determines that such utility service meets certain criteria and is required by the present or future public convenience and necessity. Chapter 269, Part VIII, Section 269-132(c)(3).

For example, the legislature required that the Commission determine whether the proposed cable system would be a cost-effective means of interconnecting two or more electric utility systems; helping one or more electric utility companies meet the applicable renewable portfolio standard; or achieving other considerations the Commission may deem appropriate. *Id.*

The Commission initiated separate investigations in dockets 2013-0168 and 2013-0169 in order to determine whether two specific cable configurations may be in the public interest. More than one and a half years later, the Commission is still considering these, so it cannot be said to be acting precipitously. This is just the start of the process for any prospective interisland cable, and the Commission should be allowed to complete its work.

Furthermore, before any cable system could possibly be installed, the proponent would need to receive a certificate of public convenience and necessity from the Commission, as well as dozens of federal and state permits associated with a comprehensive Environmental Impact Statement pursuant to Hawaii and federal law. Throughout the process of securing these approvals, a cable proponent would have ample opportunity to address community concerns in the context of its specific proposed project.

In short, it is very early in the process, and any final conclusions regarding the public interest case for an interisland cable, including the degree of public support, are premature. Therefore, it would not be in the public interest to effectively preclude further consideration of an interisland cable by eliminating the existing statutes enacted by the state legislature just two years ago.

RECOMMENDATION:

For the reasons listed above, NextEra Energy Hawaii respectfully requests that this measure be held. We believe it is unnecessary, and if implemented, could have a detrimental impact on Hawaii's clean energy transformation.

Thank you for the opportunity to testify.

woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 10:51 AM
To: CPCtestimony
Cc: leeydao@gmail.com
Subject: *Submitted testimony for HB1468 on Mar 2, 2015 14:15PM*

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
E Yadao	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 26, 2015 9:41 PM
To: CPCtestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB1468 on Mar 2, 2015 14:15PM*

HB1468

Submitted on: 2/26/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 11:29 AM
To: CPCtestimony
Cc: rfreitasjr@hotmail.com
Subject: Submitted testimony for HB1468 on Mar 2, 2015 14:15PM

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Freitas Jr.	Individual	Support	No

Comments: I support this bill!!!

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 10:57 AM
To: CPCtestimony
Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for HB1468 on Mar 2, 2015 14:15PM

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual	Support	No

Comments: NO cable needed - we have enough sun and wind and FREE energy for ALL! Someone is just GREEDY! Protect Our Oceans and Sea life. Mahalo

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woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 9:53 AM
To: CPCtestimony
Cc: seanhills53@gmail.com
Subject: *Submitted testimony for HB1468 on Mar 2, 2015 14:15PM*

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Sean Payne Hills	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 2:58 PM
To: CPCtestimony
Cc: paulakomarajr@yahoo.com
Subject: Submitted testimony for HB1468 on Mar 2, 2015 14:15PM
Attachments: write_quo_warranto.pdf

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Support	No

Comments: Upon further view and consultation with my peers, I change my position to SUPPORT of THIS BILL, HB 1468. Delete my first testimony of opposition. You remain accountable to "We the People." Aloha, Paul

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Unified United States Common Law Grand Jury:

P.O. Box 59; Valhalla, New York, 10595; Fax - (888) 891-8977

WRIT OF QUO WARRANTO

5 SERVED VIA UNITED STATES POSTAL SERVICE TO: United States Supreme Court
Judges and all Federal District Judges:

10 FILED VIA UNITED STATES POSTAL SERVICE IN: US Supreme Court & All United
States District Courts

*“Silence can only be equated with fraud where there is a legal or moral duty to speak,
or where an inquiry left unanswered would be intentionally misleading...”¹”*

15

- Official proceeding 18 USC §1512 • Clerk is to file. 18 USC §2076 • Felony to conceal or remove 18 USC §2071

20 Bar controlled federal and state court judges, by their presumed authority, contrary to their oath
and duty fraudulently claim the Constitution for the United States and its cap-stone Bill of Rights
abolished by traitorous bar controlled legislators, acts of conspiracy, treason and war against the
United States.

25 We the People Decree by Quo Warranto all said unconstitutional legislation null and void and
declare all such subversives enemies of the Peoples of the United States of America and order all
United States Marshals, Bailiffs, County Sheriffs and Deputies to arrest all such federal and state
judges for conspiracy, treason and breach of the peace when witnessing the violation of Peoples’
unalienable rights from the bench, in violation of Article III Section 3 for levying war against the
people, adhering to the enemy, giving aid and comfort.²

30 18 U.S. Code §2385 WHOEVER ORGANIZES OR HELPS OR ATTEMPTS TO ORGANIZE ANY SOCIETY, GROUP,
OR ASSEMBLY OF PERSONS WHO TEACH, ADVOCATE, OR ENCOURAGE THE OVERTHROW OR DESTRUCTION
OF ANY SUCH GOVERNMENT³ BY FORCE OR VIOLENCE; OR BECOMES OR IS A MEMBER OF, OR AFFILIATES
WITH, ANY SUCH SOCIETY, GROUP, OR ASSEMBLY OF PERSONS [BAR], KNOWING THE PURPOSES THEREOF -
SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TWENTY YEARS, OR BOTH...

¹ U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932

² Article III Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

³ Preamble We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Article I Section 8 To make rules for the government and regulation of the land and naval forces;

WRIT QUO WARRANTO⁴

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."

5 [Downs v. Bidwell, 182 U.S. 244 (1901)]

COMES NOW THE CONSTITUTED⁵ UNIFIED⁶ COMMON LAW⁷ GRAND JURIES⁸ of the fifty united States of America, this evil day;

10 WE COMMAND all County, State, Federal and US Supreme Court judges and clerks to perform their duty guaranteeing to every state in this union a republican form of government⁹ and protect each of them against invasion¹⁰, or vacate your office now.

15 WHEREAS; We the People in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, did ordain and establish the Constitution for the United States of America that all Judges and all members of the Government both state and Federal are lawfully bound to obey¹¹, DECREE THAT:

20 We the People have been providentially provided legal recourse to address the criminal conduct of persons, themselves entrusted to dispense justice. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside thus, the People have the unbridled right by law and in law to empanel their own grand juries and present "True Bills" of information, indictment and presentment

⁴ **QUO WARRANTO.** In old English practice. A writ, in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show by what warrant he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

⁵ **CONSTITUTED** - The People of each county have come together to agreed and declared a return to Common Law Juries.

⁶ **UNIFIED** - Every county in the state has constituted the Common Law Juries.

⁷ **COMMON LAW** - Article VI - This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

⁸ **COMMON LAW GRAND JURY** - Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...; The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS, Jr. 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

⁹ **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

¹⁰ **INVASION.** (Blacks 4th) An encroachment upon the rights of another; the incursion of an army for conquest or plunder. Webster. See /Etna Ins. Co. v. Boon, 95 U.S. 129, 24 L.Ed. 395. CONSTITUTIONAL LIBERTY OR FREEDOM. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. People v. Hurlbut, 24 Mich. 106, 9 Am.Rep. 103.

¹¹ **Article VI.** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

to a court of record, which is then required to commence a criminal proceeding. Our Founding Fathers with foresight grafted into the common law Fifth Amendment a "buffer" the People may rely upon for justice, when public officials, including judges go rogue, act in bad behavior and criminally violate the law.¹²

5

THE PRIME DIRECTIVE

The prime directive¹³ ordained by the American People purposed their government to (1) form a more perfect union,¹⁴ (2) establish justice, (3) insure domestic tranquility, (4) provide for the common defense, (5) promote the general welfare, and (6) secure the blessings of liberty to ourselves and our posterity.

10 The subsequent violent felony acts of war by our servants against the aforesaid prime directive (1) debilitates the union of the American People, (2) establishes injustice, (3) undermines domestic tranquility, (4) renders the People vulnerable to foreign and domestic enemies, (5) destabilizes the general welfare, and (6) annihilates the blessings of liberty to ourselves and our posterity.¹⁵

15 Common-sense can only conclude that there are forces within our servant government conspiring war and subterfuge against the American People by denying the very republican form of government¹⁶ that they took an oath¹⁷ to protect and defend against all enemies foreign and domestic. Thereby it is the duty of all oath-takers to take a stand now, obey and defend the Constitution, and assist the People in arresting and terminating the following unconstitutional acts, by simply obeying the law of the land and acknowledging the unalienable right of the People to self-govern. Therefore judges everywhere are commanded "AGAIN" to obey the law of the land and sign the attached mandamus. The excuse "we are only following orders" did not stand in Nuremberg and it most certainly "will not stand here." To prove our conclusion, let facts be
20 submitted to a candid world:

- ❖ Our servants have refused Assent to Laws, the most wholesome and necessary for the public good;
- ❖ Our servants have trodden upon the rights of the People;
- ❖ Our servants have passed legislation destructive to the Constitution, forbidden by the same;
- 25 ❖ Our servants have exposed We the People to all the dangers of invasion from without, and subversion from within;
- ❖ Our servants have obstructed the laws for illegal-alien who are flooding our nation with foreign insurgents some hostile destroying our economy and putting at risk the security of our States;

¹² **UNITED STATES v. WILLIAMS**, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352; No. 90-1972. Argued Jan. 22, 1992. Decided May 4, 1992.

¹³ **Preamble to the Constitution for the United States of America** - We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

¹⁴ A perfect union of states but a "more perfect union" among the People, anti-federalist papers, Bruno.

¹⁵ **Declaration of Independence** - We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

¹⁶ **Article IV Section 4**. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

¹⁷ **Article VI** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution;

- ❖ Our servants have obstructed the Administration of Justice, by refusing acquiescence to laws established for Judiciary powers;
- ❖ Our servants have transformed judges into chancellors dependent upon the will of the BAR Guild alone, a society of mercenary economic corporate hit men-Esquires¹⁸, resolute on destroying common law, the foundation of America;
- 5 ❖ Our servants have erected a multitude of 4th Branch administrative agencies unaccountable to the Constitution, and sent hither swarms of corporate administrative, disobedient to the Constitution, revenue and code enforcement officers to harass our people, and eat out their substance;
- ❖ Our servants have kept among us, in times of peace, Standing Armies and excessively militarized local police forces without the Consent of the People;
- 10 ❖ Our servants have joined with foreign bankers to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving assent to their acts of pretended legislation;
- ❖ Our servants are secretly accommodating large bodies of armed foreign troops among us;
- ❖ Our servants have imposed a multiple of property-robbing taxes, direct taxes, fees and fines on us without our Consent;
- 15 ❖ Our servants have deprived us of the benefits of honest Trial by Jury;
- ❖ Our servants have deprived us of the benefits of unrigged Grand Juries;
- ❖ Our servants have transported us into chancery courts to be tried for pretended offences;
- ❖ Our servants have enlarged its boundaries under the guise of District of Columbia (10 mile square federal city) so as to render it at once an example and fit instrument for introducing absolute rule into these States;
- 20 ❖ Our servants have arrogantly disregarded our Bill of Rights, abolishing our most valuable laws, altering fundamentally the Peoples form of government, without consent;
- ❖ Our servants have declared power to legislate through executive order, without consent;
- 25 ❖ Our servants have waged War against us;
- ❖ Our servants have plundered our manufacturing base, ravaged our small businesses and destroyed the lives of our people;
- ❖ Our servants have excited domestic insurrections amongst us;
- ❖ Our servants have engaged in human trafficking of our children and elderly through courts;
- 30 ❖ Our servants have engaged in Racketeering and extortion through our courts;
- ❖ Our servants have held mock trials in courts not of record and thereby unlawfully incarcerating and financially fleecing millions of People, denying due process;
- ❖ Our servants have empanelled bogus puppet grand and petit juries in order to perform BAR will and profiteering;
- 35 ❖ Our servants have stolen our homes in rem and fraud assisting bankers in double-dipping;
- ❖ Our servants have kidnaped our children and destroyed our families in family courts;
- ❖ Our servants have robbed our parents, turned their twilight years into nightmares and destroyed our families in probate court;
- ❖ Our servants have turned our common law courts into chancery courts of injustice;
- 40 ❖ Our servants have put People in debtors prison;

¹⁸ **ESQUIRE.** In English law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see *Christian v. Ashley County*, 24 Ark. 151; *Corn. v. Vance*, 15 Serg. & R., Pa., 37.

❖ Our servants have transformed our unalienable rights into crimes violating at every stage our Bill of Prohibitions, serving the BAR and not the People:

- Against Amendment I our servants have prohibited the free exercise of Judeo-Christian religion, our servants have denied free speech, our servants have commandeered the press, our servants have denied our right to petition the government for a redress of grievances;
- Against Amendment II our servants have dismantled the Militia and closed our armories, our servants have denied the right of the people to keep and bear arms;
- Against Amendment IV our servants have violated our privacy using bogus warrants, spying on the people, eavesdropping on our conversations and unlawfully maintaining files on the People to be used during the planned unlawful martial law to target dissenters and enslave the People;
- Against Amendment V our servants have accused People in courts not of law incarcerating millions with corrupt Grand Juries and forcing People to witness against themselves, our servants have deprived millions of life, liberty, or property, without due process of law, our servants have seized private property under rem and caprice;
- Against Amendment VI our servants have denied millions of People trials by an impartial jury, our servants have denied assistance of counsel unless they were BAR co-conspirators of the court to stealthily deprive People of their unalienable rights;
- Against Amendment VII our servants have denied suits at common law, our servants have denied trial by jury, our servants have denied the Peoples heritage, common law;
- Against Amendment VIII our servants have imposed excessive bails, fines, cruel and unusual punishments for behaviors that are not crimes;
- Against Amendment IX our servants have denied scores of other unalienable rights retained by the people;
- Against Amendment X our servants have corrupted government at every level and have turned sovereignty of the People into a crime.

At every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. Servants whose character is thus marked by every act which may define a Tyrant, is unfit to be the stewards of a free People; we therefore command you to repent and obey the law of the land or face the wrath of We the People.

WAR AGAINST THE CONSTITUTION/PEOPLE BY CONGRESS

Secret construction of a statutory prison

The following is by no means an exhaustive list of usurpations by congress and acts of treason against We the People of the united States of America and our decree of 1789 [Constitution for the United States of America]. To list all would take volumes but the foregoing is an accurate representation of a government that has become destructive.

- 1) Suspension of habeas corpus (Reconstruction Act, 1871) **in violation of Article I Section 9 (paragraph 2)**¹⁹;

¹⁹ **Article I Section 9 paragraph 2** The privilege of the writ of habeas corpus shall not be suspended,

- 2) Reconstituted the United States as a corporate controlled democracy (Reconstruction Act, 1871) **in violation of Article IV Section 4**²⁰;
- 3) Creation of the Federal Reserve which provides for foreign bankers to unlawfully control the United States monetary system (Federal Reserve Act, 1913) and eventually unlawfully disbanded the United States Treasury **in violation of Article I Section 8**;
- 4) Granted the President broad sweeping investigative and prosecutorial powers against anyone, including the American people, found by the President to be an enemy thereby giving the President essentially dictatorial powers. (Trading with the Enemy Act, 1917); **in violation of Article IV Section 4**²¹;
- 5) Disbandment of the United States Treasury (1920) **in violation of Article I Section 8**;
- 6) Registration requirements of the People in order to use the People as chattel (collateral) for the federal notes (Townshend Act, 1925) **in violation of Article III Section 3**²²;
- 7) War against the People of the United States (Trading With the Enemy Act amended, 1933 and Alien Registration Act of 1940) **in violation of Article III Section 3**²³;
- 8) Numerical Identification System to track and control the Peoples' financial business and to apply an unlawful direct tax (Social Security Act, 1935) **in violation of Article I Section 9**²⁴;
- 9) Common law was abrogated (Erie Railroad v Tompkins, 1938) **in violation of Article III Section 2, Article VI, Amendment VII and Amendment V**²⁵;
- 10) Immunity to Judges for their crimes (International Organizations Immunities Act, 1945) **in violation of Article II Section 4**²⁶;
- 11) Corrupted our Grand Juries through government controls (1946) **in violation of Amendment V**;
- 12) Government spying on the People, empowers the government to deploy unwarranted "dragnets" for massive amounts of information on private citizens; (Patriot Act, 2001) **in violation of Amendment IV**²⁷;
- 13) Authorization for government to indefinitely detain American citizens/nationals without probable cause, without warrant, without charges and without due process in law, (National Defense Authorization Act, 2014) **in violation of Amendment V**²⁸;

²⁰ Article IV Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

²¹ **Article IV Section 4** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

²² **Article III Section 3** Treason against the United States shall consist in adhering to their enemies, giving them aid and comfort.

²³ **Article III Section 3** Treason against the United States shall consist in levying war against them.

²⁴ **Article 1 Section 9** No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

²⁵ **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States..., Article III Section 2 The trial of all crimes shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; **Article VI** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law. **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

²⁶ **Article II Section 4** The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

²⁷ **Amendment IV** 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.

²⁸ **Amendment V** No person shall be deprived of life, liberty, or property, without due process of law;

- 14) Socialism/communist indoctrination taught in our schools (Common Core) **in violation of the will of the People and Article IV Section 4.**²⁹
- 15) 100% control of Peoples movements, food, water, energy and control over the minds of our children (Agenda 21, United Nations passed in 1992 and supported by President George Bush) **in violation of the Constitution for the United States of America, Bill of Rights, Magna Carta and the Holy Bible;**

• ~~WE THE PEOPLE~~ HEREIN ~~DE~~CEREE ALL UNCONSTITUTIONAL LEGISLATION NULL AND VOID •

~~WAR~~ AGAINST THE ~~PEOPLE~~ BY ~~ADMINISTRATIONS~~

Preparation for war by executive legislation

“Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves”. - William Pitt

- 15 Most executive orders end with the phrase “these executive orders don’t define what specifically constitutes a national emergency.” The following executive orders are just a few of 1000’s of executive orders, without authority, that are preparing to take full control over the lives of every man, woman and child in America, under the guise of necessity, these provide for:
- 1) Martial law (executive order #100, aka Lieber Code,1863);
 - 20 2) Formation of the FBI (executive order, 1908);
 - 3) Presidential closing of all the banks in the country (executive order, 1933);
 - 4) Presidential confiscation of gold (executive order, 1933);
 - 5) Presidential removed property rights (executive order, 1933);
 - 6) federal seizure of all communications media in the US (executive order #10995);
 - 25 7) federal seizure of all electric power, fuels and minerals both public & private (executive order #10997);
 - 8) federal seizure of all food supplies and resources, both public and private and all farms and equipment, including what people are storing for emergencies in their homes (executive order #10998);
 - 30 9) federal seizure of all means of transportation, including cars, trucks, or vehicles of any kind and total control over all highways, seaports and water ways (executive order #10999);
 - 10) federal seizure of American people for work forces under federal supervision, including the splitting up of families if the government so desires (this happened before in Europe during the Nazi regime) (executive order #11000);
 - 35 11) federal seizure of all health, education and welfare facilities, both public and private (executive order #11001);

²⁹ **Preamble** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government

- 12) the powers the Postmaster General to register every single person in the US (executive order #11002);
- 13) federal seizure of all airports and aircraft (executive order #11003);
- 14) federal seizure of all housing and finances and authority to establish forced relocation, authority to designate areas to be abandoned as "unsafe," establish new locations for populations, relocate communities, build new housing with public funds (executive order #11004);
- 15) federal seizure of all railroads, inland waterways and storage facilities, both public and private (executive order #11005);
- 16) FEMA's complete authorization to put above said orders into effect in times of increased international tension of economic or financial crisis in case of any declared "National Emergency" (executive order #11051);

• WE THE PEOPLE HEREIN DECREE ALL EXECUTIVE ORDERS NULL AND VOID •

WAR AGAINST THE PEOPLE BY JUDICIARY

RICO. 18 USC § 1962 - Prohibited activities (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in **the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.**

The Judiciary denies constitutionally constrained courts of Law and operates under the name of equity when in fact People are hijacked unawares into chancery courts,³⁰ to settle unlawful corporate monetary issues, ruled by Chancellors³¹ a/k/a Judges that have been banned in the United States since 1789.³² The People ordained Law and Equity both of which must adhere to the Law of the Land (common Law) Article VI.³³ The 7th Amendment provides for suits at common law.³⁴ The Fifth Amendment provides for all criminal charges to be by indictment or presentment by a common law grand jury.³⁵ See United States v Williams.

• WE THE PEOPLE HEREIN DECREE CHANCERY COURTS NULL AND VOID •

³⁰ **COURT OF CHANCERY.** A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to a court possessing general equity powers, distinct from the courts of common law. *Parmeter v. Bourne*, 8 Wash. 45, 35 P. 586; *Bull v. International Power Co.*, 84 N.J.Eq. 209, 93 A. 86, 88. The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. *Wagner v. Armstrong*, 93 Ohio St. 443, 113 N.E. 397, 401.

³¹ **CHANCELLOR.** (Blacks 4th) In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery; The Lord high In England, the highest judicial functionary in the kingdom; He exercises many functions and powers over and above the jurisdiction which he exercises in his judicial capacity in the supreme court of judicature, of which he is the head. *Wharton*.

³² **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States ...

³³ **Article VI** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

³⁴ **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

³⁵ **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury

TAKE JUDICIAL COGNIZANCE³⁶ OF THE ONLY CONSTITUTIONAL POWERS

The “ONLY” lawful powers (21) We the People gave to our legislators are found in Article 1 Section 8.

Whereas Congress shall have power to:

- 1) Tax; *[as defined]*
- 5 2) borrow money;
- 3) regulate *[to make regular]* commerce with foreign nations, and among the several states;
- 4) establish a uniform rule of naturalization;
- 5) uniform bankruptcies laws;
- 6) coin money and fix the standard of weights and measures;
- 10 7) provide for the punishment of counterfeiting;
- 8) establish post offices;
- 9) post roads;
- 10) promote sciences and useful arts;
- 11) constitute tribunals inferior to the Supreme Court;
- 15 12) punish piracies and felonies committed on the high seas;
- 13) declare war;
- 14) grant letters of marque *(A license to a private citizen to seize property of another nation)* and reprisal;
- 15) make rules concerning captures on land and water;
- 16) raise and support armies, and fund no longer term than two years;
- 20 17) provide and maintain a navy;
- 18) make rules for the government and regulation of the land and naval forces;
- 19) provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
- 20) provide for organizing, arming, and disciplining, the militia;
- 25 21) exercise exclusive legislation in all cases whatsoever, over such District **(not exceeding ten miles square)** the seat of the government of the United States and like authority over forts, magazines, arsenals, dockyards, and other needful buildings;
- 22) make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any
- 30 department or officer thereof.

President(s) was given no powers to legislate by executive order, the “ONLY” lawful powers (9) We the People gave to the President are found in Article II Section 2, whereas the President shall have power to:

- 1) be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States;
- 35 2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;

³⁶ **JUDICIAL COGNIZANCE.** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.] Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. [Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526;]

- 3) by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;
- 4) nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;
- 5) fill all vacancies that may happen during the recess of the Senate;
- 6) shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient;
- 7) on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them;
- 8) shall receive ambassadors and other public ministers;
- 9) shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The only lawful jurisdiction given to the courts are under law and equity and both jurisdictions are governed by **Article VI** which decrees:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The “ONLY” lawful powers we the People gave to the Judiciary are found in **Article III Section 1&2** whereas the Court’s powers are as follows:

- 1) The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish [*federal district courts*];
- 2) The judges, both of the supreme and inferior courts, shall hold their offices during good behavior;
- 3) The judicial power shall extend to all cases, in law and equity arising under:
 - a. this Constitution;
 - b. the laws of the United States;
 - c. treaties made, or which shall be made, under their authority;
 - d. all cases affecting ambassadors, other public ministers and consuls;
 - e. all cases of admiralty and maritime jurisdiction;
 - f. controversies to which the United States shall be a party;
 - g. controversies between two or more states;
 - h. between a state and citizens of another state;
 - i. between citizens of different states;
 - j. between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens there of, and foreign states, citizens or subjects;
 - k. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party.
- 4) The Supreme Court shall have original jurisdiction in all the other cases before mentioned;
- 5) The Supreme Court shall have appellate jurisdiction, both as to law and fact;

Government servants have been entrusted with the Peoples business and some have abused their power to enslave or sell the American People as cattle. The BAR has beguiled you with power, compartmentalized many, others have turned a blind eye for filthy lucre and some are just useful idiots.

5 Therefore it is conclusive that there are 21 powers given to our legislatures, 9 powers given to the President, 21+ prohibitions and all courts are to act only under common law. Among these powers nowhere can it be found authority from the People to perform any of the aforementioned unconstitutional acts or to create statutes controlling the behavior of the People, private corporation administrative acts and rules, a/k/a corporate charters are ~~HEREIN~~ **DECREED NULL AND VOID**.

10 Judges rest upon fraudulent appellate court rulings and statutes that are repugnant to the Constitution while they convince themselves that by following such statutes they are immune from penalties should the People become aware of their fraud. Take notice we are aware of the fraud and your feeble response is misguided and subject to serious legal consequences should you choose to remain silent and fail to act.

15 Because rights are unalienable, legislators cannot legislate (abolish) them away no matter what the BAR has instructed you. Rights come from God and not man; therefore not even the People can give them up for themselves or others. Once we the People ordained common law the law of the land no man can abrogate it; to claim to do so is an act of war against the People and their God.

20 Unconstitutional acts are not law³⁸ and no one is bound to obey them.³⁹ Judges are expected to maintain a high standard of judicial performance⁴⁰ and when they violate the Constitution they cease to represent the government,⁴¹ become liable for damages⁴² and lose any immunity they may think they have.⁴³ *"State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights."*⁴⁴ *"Decency, security and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen;"*⁴⁵ *"Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."*⁴⁶ *"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."*⁴⁷

³⁸ "An unconstitutional act is not law; it confers no right; 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**

³⁹ "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16th American Jurisprudence 2d, Section 177 late 2nd, Section 256**

⁴⁰ "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." **28 USCA 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).**

⁴¹ "...an...officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)**

⁴² "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..." **70 AmJur2nd Sec. 50, VII Civil Liability.**

⁴³ "Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." **Firemens Ins. Co. of Newark, N.J. v. Washburn County, 2 Wisc 2d 214 (1957)**

⁴⁴ Gross v. State of Illinois, 312 F 2d 257; (1963)

⁴⁵ "Decency, security, and liberty alike demand that government officials 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. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law...it invites every man to become a law unto himself...and against that pernicious doctrine, this court should resolutely set its face." **Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.**

⁴⁶ Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

⁴⁷ Ableman v. Booth, 21 Howard 506 (1859)

Therefore all servants acting in concert under color of law, statute, regulations, and custom that are willfully or ignorantly depriving the People of our unalienable rights and immunities secured and protected by the Constitution for the United States of America are hereby ordered to stand down, correct this matter by signing the attached Mandamus and by such actions we will accept that you are attempting to take responsibility for past abuses and making a good faith effort to amend bad behaviors beginning now and we the People will move forward without looking behind.

Let us remind you that governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right [and duty] of the People to alter it.

10

WHEREFORE, WE THE PEOPLE BY OUR OWN PREROGATIVE UNDER SEAL COMMAND the accounting of your Stewardship by Obeying and Answering the following under penalty of perjury:

Answers through counsel are insulting, placing salt upon open wounds and will be determined as non-answers and thereby have been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon all conspirators, clerks, lawyers and judiciary alike.

Answers by the sending of repugnant forms or the returning of quo warranto have also been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon both clerk and conspiring judiciary.

All federal judges are COMMANDED to comply and obey the common law as defined under the Article VI paragraph 2 of the common law United States Constitution and its common law capstone Bill of Prohibition [Rights]. You have a duty to speak and act; therefore silence can only be interpreted as complicity with the conspiracy to over throw the Peoples' government of the United States of America.

- i. Failure to preserve, protect and defend the Constitution for the United States Article II Section 1 is to war against the People;
- ii. Failure to secure the blessings of liberty Preamble is to war against the People;
- iii. Failure to repel and protect each state against invasions from within to destroy the Peoples' Republican form of government Article IV Section 4 and Article I Section 8 paragraph 15 is to war against the People.

Every day you resist the will of the People, U.S. Constitution, places Liberty in greater jeopardy and in so doing We the People will hold you responsible and will require compliance to the utmost weight of the highest law, for the domestic enemy of our Republic cannot endure without your support because you alone are holding in the balance Peace or War.

YOU ARE HEREBY ORDERED:

- 1) To order all clerks to obey the law by filing and processing all True Bills from common law grand juries as required by law under 18 USC §2076 & §2071;
- 2) All judges are ordered to command all state and federal judges to obey the law of the land as commanded, United States Constitution Article VI paragraph 2;
- 3) All judges are ordered to sign and mail [*to address above*] the attached Mandamus which commands all servants in all courts to cease from obstruction and interference of the Peoples business and access to their courts under 18 USC §1512b;
- 4) All judges are to confirm with the court clerks that this Quo Warranto has been filed as required by 18 USC §2076 & §2071 and a time stamped copy has been mailed to the address above;
- 5) All judges are to produce a certified copy of your constitutional oath of office, as required by Article VI, Paragraph 3 of the Constitution and 5 USC § 3331;
- 6) All judges are to produce affidavits declaring that you did not pay for or otherwise make or promise consideration to secure your office as per 5 USC § 3332;
- 7) All judges are to produce their personal surety bond; and documentation that establishes your complete line of chain of command delegated authority, including all intermediaries, beginning with the President of the United States, or the Governor of the State you claim authority from;
- 8) These documents should all be filed as public records pursuant to 5 USC §2906 for requirements concerning filing oaths. In the event you do not have a personal surety bond, you may provide a copy of your financial statement, which you are required to file annually. Your financial statement will be construed as a private treaty surety bond in the event that you exceed lawful authority.

YOU ARE COMMANDED, UNDER SEAL to obey items 1 and 2 and provide within seven (7) calendar days from receipt of this demand by mail; items 3 through 8 to the address above **OR** resign your office immediately. Failure to comply with all the demands of this Writ of Quo Warranto will be an admission of your intentional and willful engagement in RICO and HIGH-TREASON against the People and will be subject to presentments or indictments for immediate removal from office and criminal prosecution for the committing of illicit and on-going crimes in a wheel and chain of conspiracy.

Signed and so ORDERED by the People under SEAL, November 10, 2014:

Grand Jury Foreman

**IN THE UNITED STATES DISTRICT COURT
FOR _____**

WRIT OF MANDAMUS

The United States District Court for _____ district of _____ State orders all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs to obey the Law of the Land;

Article VI Clause 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The United States Constitution guarantees to every state in this union and the People thereof, a constitutional republican form of government that the judiciary and all oath takers must obey.

Therefore all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs and United States Marshals are so ordered as follows:

- i. All State, County, City, Town, and Village Judges and clerks are to obey the law of the land specifically defined in Article VI Clause 2
- ii. All State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §2071, law of the land, are not to conceal, remove, mutilate or misfile any record, proceeding, paper, document, or other thing filed by the Common Law Grand Juries with the court clerk or county clerk.
- iii. All Federal, State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §1512, law of the land, are not to alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding; or intimidate, threaten, or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding; or obstructs, influences, or impedes any official proceeding.

- iv. All clerks under penalty of 18 USC §2076, law of the land, are to file and are not to refuse or neglect to make or forward any report, certificate, statement, or document from the common law grand jury and all judges are to act upon them as required by law.
- v. Sheriffs took an oath to support and defend the United States Constitution, consequently as per Article VI clause 2 the Laws of the United States are to be obeyed. Therefore upon command under seal of the 5th Amendments Common Law Grand Jury concerning violations, by judges, clerks, prosecutors or any other elected or appointed official of 18 USC § 2071, 18 USC §1512, 18 USC § 2071, 18 USC § 2076 or any other law of the fifty United states of America are to arrest the same for said offences.
- vi. Should the Sheriff fail to perform his duties, upon command under seal of the 5th Amendments Common Law Grand Jury concerning said violations the United States Marshal shall arrest the Sheriff and the Under Sheriff shall perform said duties in the Sheriff's stead.
- vii. Finally, the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, no "supervisory" judicial authority exists. It is a constitutional fixture in its own right belonging to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. The grand jury operates in the courthouse and under judicial auspices, operating at arm's length from the judicial branch". The Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge, unfettered by technical rules. Therefore judges and clerks have no authority to prevent, obstruct or interfere with the peoples' necessary compensation and access into the courts, 18 USC §1512b, in order to operate in the courthouse for the administration of the Common Law Juries.

SO ORDERED AND ADJUDGED

ENTER.

DATED: _____

~ Seal ~

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 3:26 PM
To: CPCtestimony
Cc: merway@hawaii.rr.com
Subject: Submitted testimony for HB1468 on Mar 2, 2015 14:15PM

HB1468

Submitted on: 2/27/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
marjorie erway	Individual	Support	No

Comments: completely unnecessary, so glad it'll be taken off the books! Mahalo for your consideration.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 01, 2015 9:46 AM
To: CPCtestimony
Cc: toolohana@hawaiiantel.net
Subject: Submitted testimony for HB1468 on Mar 2, 2015 14:15PM
Attachments: REPEAL CABLE BILL.docx

HB1468

Submitted on: 3/1/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laurence Tool	Individual	Support	No

Comments: Mahalo for your attention. LT

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Aloha Chairmen McKelvey, Woodson, Rhoads and distinguished committee members,

I heartily endorse this bill to repeal the ill-advised cable bill of 2013. The original bill was a blank check on taxpayer funds, offered up to unknown mainland developers. Unable to defend the bill, one of the original sponsors told me, “well, I just hope it will all work out.” With all due respect, hope is a poor basis for legislation. Since 2013, both the location and the rationale for the cable have shifted many times. HECO has stated categorically to the PUC that they do not need the Oahu/Maui cable to meet renewable energy standards. If built, the cable is almost certain to become a hole in the ocean into which money is poured. No one will insure it, for obvious reasons. No matter how carefully a route is picked, cost considerations will most likely force it into shallow water along Molokai’s reef and the Penguin Banks. Given the need for reliability, redundancy, and affordable repairs, any interisland electric cable is likely to rival Oahu’s rail for cost overruns and unforeseen difficulties. The cable also puts the cart before the horse. We need to upgrade our grids and convert to renewable fuels on an island by island basis first, before we throw billions at big, glamorous boondoggles that promise only to enrich developers who qualify for tax subsidies.

Please pass this bill. Mahalo

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 28, 2015 11:24 AM
To: CPCtestimony
Cc: jgelert@yahoo.com
Subject: *Submitted testimony for HB1468 on Mar 2, 2015 14:15PM*

HB1468

Submitted on: 2/28/2015

Testimony for CPC/JUD on Mar 2, 2015 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
John Gelert	Individual	Support	No

Comments:

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LATE



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COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

DATE: Monday, March 02, 2015
TIME: 2:15pm
PLACE: Conference Room 325

RE: HB 1468 HD 1 Interisland Cable

Support

Aloha Chairs McKelvey and Rhoads, Vice Chairs Woodson San Buenaventura and Members of the Committees

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 45 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Life of the Land's Executive Director was appointed by the Public Utilities Commission to serve on the PUC Reliability Standards Working Group (RSWG) and the RSWG Minimum Load and Curtailment Subgroup.

For over 100 years the transmission grid has been vulnerable. The critical issues in grid reliability are similar to computer security and web security. What can go wrong? How can it be prevented? How much will it cost to add various levels of reliability and redundancy? The issue of reliability is often ignored.

Brittle Power: Energy Strategy for National Security (1982) by Amory Lovins and L. Hunter Lovins. Originally prepared as a Pentagon study. "The domestic energy infrastructure is vulnerable to disruption, by accident or malice."¹

Wall Street Journal Investigation (2014): "Assault on California Power Station Raises Alarm ...Snipers opened fire on a nearby electrical substation. Shooting for 19 minutes, they surgically knocked out 17 giant transformers that funnel power to Silicon Valley. ...It took utility workers 27 days to make repairs and bring the substation back to life. ...Nobody has been arrested or charged. ...Many of the [transmission] system's most important components sit out in the open, often in remote locations, protected by little more than cameras and chain-link fences. Transmission substations are critical links in the grid."²

For 100 years electric customers have had to rely on the transmission and distribution grid for power. Today energy consultants are salivating at the thought of ever more complex smart grids with overlapping telecommunication-electric-computer-security layers which will require ever more technical experts.

Those who want real security are turning to on-site generators: the military, Google, check processing centers, web servers.

¹ http://www.rmi.org/Knowledge-Center/Library/S82-03_BrittlePowerEnergyStrategy

² <http://www.wsj.com/articles/SB10001424052702304851104579359141941621778>

As the prices of solar and batteries continue to fall, and the grid becomes more complex and costly, the transmission infrastructure may not survive. Tesla car batteries may supplement solar to meet residential needs.

Reliability and cost are the weakest arguments in favor of an inter-island cable system.

Cost: Solar on Oahu and geothermal on the Big Island each can be generated at 12 cents per kilowatt-hour. The shipment cost to bring geothermal energy from Puna to Honolulu would be at least 25 cents per kilowatt-hour. Why would anyone do it?

Using current technology an undersea cable could be laid between Maui and the Big Island but it could not be raised for repairs. Therefore it could not be fully insured. Certain types of accidents would require replacing the billion dollar cable.

Reliability: Simply put, the larger the cable the cheaper the cost of sending electricity through the cable AND the greater likelihood that a temporary loss of power on the cable will knock out the Oahu grid.

No entity has published any study or report that has evaluated this trade-off.

DBEDT evaded the reliability issue by stating that unlike every other man-made structure in the world, an undersea cable would never fail.

A loss of 300 MW – 400 MW can result in anything from rolling blackouts to cascading grid-wise failures. What happens is dependent upon how much of a warning period precedes the outage, the time of day and specific grid conditions at the time of the disturbance.

Earthquake (October 15-16, 2006): “There has been a public outcry by state officials and customers to find out why it took nearly 19 hours for power to be restored for all but 2,200 of Hawaiian Electric's 291,000 customers on Oahu. Half of the island's customers were without power for more than 14 hours. When the initial 6.7-magnitude earthquake struck off the coast of the Big Island at 7:07 a.m. Sunday, it took just 34 seconds for the shock waves to reach Oahu. Buildings -- and the power units -- shook for 15 seconds, and within 19 minutes the island was in a blackout.”³

Initial Disturbance “Approximate system loads on October 15, 2006, just prior to the earthquake were HECO at 837 MW, HELCO at 126 MW, and MECO at 137 MW. Energy demand was increasing on all three systems. ...The loss of power from Kahe 5 and Kahe 6 trips resulted in loss of 280 MW of generation capacity.”⁴

Secondary Disturbance “In response to the shaking and alarms, HECO operators tripped Kahe Unit 3 and Honolulu Unit 8, suspecting that they had turbine vibration problems. In each case, the unit tripped was the only unit operating in the pair of units normally operated by the control room (108 MW).”⁵

Rolling Blackouts (January 2015): “The outage earlier on Monday happened after a 180-megawatt power plant run by AES in West Oahu unexpectedly went down. Additionally, the Kalaeloa Power Plant in West Oahu, another independent power producer, has been generating less than half of its maximum output of 208 megawatts as it goes through repairs. Hawaiian Electric's generating units at the Kahe Power Plant in West Oahu, which normally produces 135 megawatts, also was offline after it unexpectedly experienced problems Monday morning.”⁶

³ Power outage necessary to save system, utility says By Dave Segal. Honolulu Star Bulletin.
<http://archives.starbulletin.com/2006/10/20/news/story01.html>

⁴ “HAWAIIAN ELECTRIC COMPANY HECO, HELCO, and MECO Outage and Restoration Comparison” by Power Engineers. Investigation of 2006 Oahu Island-Wide Power Outage. PUC Docket Number 2006-0431. Initial Report: http://www.heco.com/vcmcontent/StaticFiles/pdf/FINAL_PowerEngineers_12-28-06_ExecSummary.pdf. Final Report:

http://www.heco.com/vcmcontent/StaticFiles/pdf/009-129_Final_HECO_Comparison_Rpt_03-28-07a.pdf

⁵ Ibid.

⁶ Pacific Business News

<http://www.bizjournals.com/pacific/news/2015/01/12/hawaiian-electric-conducting-rolling-blackouts-on.html>

Hawai`i has the highest utility rates in the nation and a strong renewable energy industry. Hawai`i has commercial wind and solar systems which can be strengthened with energy storage. Distributed Generation can replace a sizeable amount of the load. Hawai`i can lead the way into the future with out-of-the-box thinking that is focused on resilience, economics and environmental and cultural considerations.

Mahalo

Henry Curtis
Executive Director