

# Jefferson Mining District

May, 3, 2013

## **Notice and Demand to Cease and Desist.**

For the Public Record, as Preparatory to and Requisite of Remedies, and for other purposes.

To all members of the Oregon State Legislature:

Senator President Peter Courtney, on behalf of the members of the Oregon Senate, 900 Court St. NE, Salem, Oregon 97301.

Delivered Certified Mail # 7011 1570 0000 5796 5112, return receipt requested.

Speaker of the House Tina Kotek, on behalf of the members of the Oregon House of Representatives, 900 Court St. NE, Salem, Oregon 97301. 503-986-1200.

Delivered Certified Mail # 7011 1570 0000 5796 5129, return receipt requested.

The Oregon Republican Party, on behalf of its members, 25375 SW Parkway Ave, Suite 200, Wilsonville, OR 97070. <http://www.oregonrepublicanparty.org/>

Delivered Certified Mail # 7011 1570 0000 5796 5136, return receipt requested.

To The Democratic Party of Oregon, on behalf of its members, 232 NE 9th Ave., Portland, OR 97232-2915. <http://www.dpo.org/>

Delivered Certified Mail # 7011 1570 0000 5796 5143, return receipt requested.

To The State of Oregon Office of the Legislative Counsel, on behalf of its members, 900 Court St. NE, S-101, Salem, Oregon 97301 - Phone: 503-986-1243.

Delivered Certified Mail # 7011 1570 0000 5796 5150, return receipt requested.

To The Oregon Bar Association, on behalf of its members, P.O. Box 231935 Tigard, OR, 16037 SW Upper Boones Ferry Rd, Tigard, OR. <http://www.osbar.org/>

Delivered Certified Mail # 7011 1570 0000 5796 5167, return receipt requested.

Greetings:

Jefferson Mining District is a mining district having governmental power and authority and special expertise privy to the unique subject matter of the mineral estate and related matters, such as minerals, water, land, and ingress and egress acknowledged by Congress, 30 U.S.C. § 22 and U.S.C. § 28, through prevailing federal legislative enactment, 30 U.S.C. § 22 to 54.

Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving appropriators of the mineral estate and other Land and water disposal

grantees directly covering 4 states including, entirely, the state of Oregon. Jefferson Mining District authority, jurisdiction, and cognizance extends to any issue adversely affecting miners or mining law related grantees, including but not limited to timber or agriculture, and to any interference in these such as is being attempted in any of the current legislation, even in its proposal, adversely affecting the mineral estate or granted water rights, ingress and egress or the peaceful possession of the same. Being the Mining Law, potentially, affects every citizen, Jefferson Mining District serves and responds on behalf of untold millions of Americans now and into the future.

This Notice and Demand to **CEASE AND DESIST** limits in no way the extent to the scope of the subject matter covered or by the causes and harms which are more fully discussed and of public record. This Notice and Demand does not limit any summary and plenary remedies available to any one but serves as the beginning of the lawful process necessary by the acts and omission to act of the various principles or those accessory, in an effort to arrest the irreparable and immeasurable harm to people in their property committed by the State of Oregon and other third party interest.

Based on the following and more completely the entire public record created in Comment Testimony and evidence, incorporated herein by this reference, available through the State of Oregon Legislative website, the Assembly of Jefferson Mining District demands the State and others directly or in accomplice **CEASE AND DESIST** any and all action towards bringing the Bills, not limited to HB 2248, HB 2259, HB 2269, HB 3251, HB 3303, HB 3337, HB 5014, HJR 32, or SB 12, SB 115, SB 370, SB 401, SB 425, SB 838, SB 839, SJM6, and if it is still under consideration SB 217, and any others that may have slipped though undetected, or those just recently found after committee hearing such as SB 425, HB 3337, or HB 5014 appropriations for the DOGAMI, bills adversely affecting the public and people in their Property, rights, and remedies with regard to such subject matter as Minerals, water, private property, or ingress and egress, into enactment. These sorts of Bills may be identified, though not singularly so, by the earmarks referenced in the Comment of JMD for SB 839 or those others which will interfere for the extensive list of reasons summarized throughout the Comment Testimony notices of Jefferson Mining District. These Comments have proven the State has no lawful power to interfere with congressional granted minerals, or water, or ingress and egress and may not regulate or tax the same. These Comment Testimony Notices have further proven or explained that an amenity such as Fish, that “investment in natural resources”, including fish habitat, or the funding for such, or any number of other amenity does not rise to a police power exigence sufficient to destroy granted property rights or provide authority or jurisdiction to the State to regulate, put into reservation, to tax, to interpose services, or impose on the taxpayers generally though creative accounting principles of private entities offering economic “best practices” which essentially are double booking scheme and artifice to defraud the public or the people of Oregon. The Comment Testimony have shown the State and those aiding and abetting its member legislators, is fabricating authorities to lawlessly insinuate the existence of authority or jurisdiction to regulate, tax, or impose fees but not the substance of the same. The Attorney General of the State of Oregon, a Bar member, has seen fit to commit fraud in covering up the lack of authority, jurisdiction, or lawful power as evidenced in the Comment-driven special proceedings meetings with the agencies ordered by the committee members regarding HB 2251 and HB 2248. On the Senate side, for instance, a complicit legislative committee chaired by

Senator Dingfelder chose in willful and wanton even callous disregard of the State's lawful duties, obligations, and law to ignore the same to press an agenda in favor of third party special interests inimical to people and harming their property which having been done under Color of Authority is a felony crime in Oregon and federal law. But the abandonment of lawful purpose and reason didn't stop there. The agenda-driven members of the committee completely ignored Testimony as to the existing science showing the proposed legislation and the costs of its funding were not needed, replacing their opinion of hypothetical and imagined harms for that of competent science and real world experience.

The government principles being also members of organizations the affiliation of which without censure ratifies the harm done by its members aiding and abetting their illicit activity, whether or not felonious, this notice is to bring you into the knowledge that your members to your liability need to be arrested or your culpability attaches for contributing to the organized syndicate working in concert to put into affect the various violative acts against the people of Oregon and the public in general through the legislation whether or not fully identified due to the Bum's Rush nature of the mass of legislation this Session, apparently part of a premeditated strategy to overwhelm any one who would be adversely affected. Jefferson Mining District reminds you that any scheme or artifice used to adversely harm any one in their property, in particular under the color of authority, is felony under federal and state laws. Being no legislator, whether of Republican Party, Democratic Party, or Bar Association membership, or those assisting the Legislature acting as the Office of state imputes to the holder, by oath, or by usurpation under color without, may, reference ORS 164.075, [1],"(b) Cause damage to property" [2] adversely affecting private property rights and under color of authority, (h) "related to official duties, or by failing or refusing to perform an official duty", such as the self-executing duty to safeguard "against the encroachment or aggrandizement of one branch at the expense of the other" Buckley v. Valeo, 424 U.S. 1, 122 (1976), or, be found, [3], (i) inflicting "any other harm that would not benefit the actor", we advise that you bring your performance or refusal to perform into respect of the law and the property you are inflicting harm. Additionally we do not think it unsupported to reasonably believe the failure of each Branch to check the other to maintain a republican form representative government raises these offenses to a constitutional crisis; a republican form government Congress is duty-bound to guarantee.

Culpability will be either as a principal in direct action contributing to the harm, or as an accessory aiding and abetting the various ongoing violations of law, whether constitutional, such as to the Supremacy Clause, civil, or criminal, by the subject matter causes such as grants, contracts, or law and of the relative duties, obligations, and responsibilities, or otherwise not protecting producer class activities or property.

Despite these violations, the lack of fair hearing or the blatant disregard of due process notwithstanding, these bills sailed through committee for fast track treatment and approval with no check or balance evident and no apparent will do to so; The reason causing the necessity for this Notice and Demand to **CEASE AND DESIST** to immediately begin the process of remedy, whether for constitutional, such as the Supremacy Clause, civil, criminal, or other harm, not limited to, resort to the federal courts for right violations under color of authority and criminal arrest under the "Private Attorney General" provision therein or by 18 USC Chapter 96, and Title 42 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS, R.I.C.O., or others

such as for the cause of unlawful takings.

Additionally, late breaking to our awareness is HB 5014, an appropriations bill for the DOGAMI. Being the Attorney General could not show any authority or jurisdiction in the Department to do what it has been doing in regards to valuable locatable mineral deposits, water, or control of land without State of Oregon possession, neither by its promoting of the Green Religion of Sustainable Development, as explained the SB 839 Testimony notice of Jefferson Mining District, or of public record, as can be seen from the Department websites, any funds appropriated to or created to be used by any department would be a misappropriation of public funds and a violation of the Oregon constitution, such as Article I, "Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sic], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly.—". That until such time as those offending parts are cleaved from the department no funds shall be appropriated to DOGAMI. This would extend to any provisions the effort of any department or agency of state government sign and promote the praises the Sustainable Development, by any term it may be identified.

Furthermore, DOGAMI fraudulently promoted no opposition, rightfully questioned by Representative Whitsett in Committee, to HB 2259, when nothing could be further from the truth. A substantial part of the mining industry, and independent miners we know of each having an independent consent to be given, do oppose and do not consent the any of the legislation affecting in any way their congressional granted property, rights, or remedies. The prejudicially chaired committee ignored the opposition and the law passing the measure as if no prevailing opposition or prohibitory or preemptive condition in law existed, the fraud and criminal commission of the Attorney General notwithstanding.

This Notice and Demand to **CEASE AND DESIST** is to provide you notice and one last opportunity to stop and reverse the harm you as a principle violator, or as imputed to you by your members, or you as an accessory entity or private party, are causing, whether or not under color of authority, or where dealing in the mineral estate and adversely affecting a property holder of the same. In other words, under the rigors of the Mining Law grants, where adversely affecting the possessor of the mineral estate the violator is treated as a mere proprietor, private liability attaches notwithstanding any costume of authority, or otherwise. This private liability provides the firm foundation for future remedy by individual members of the Assembly or property owners at large adversely affected by your direct or indirect actions or no action where this too causes divestment, infringement, or interference of any kind in the property, title or things appurtenant. More succinctly, what you are doing or allowing to be done makes you privately liable.

You are hereby put on further notice and reminded that you represent or aid the representation of the constituents in your district or statewide, as well as the people of Oregon as a whole or by extension through the federal Mining Law individually, and those foreign to the state of Oregon though owning private property in the state, and to protect the same, and not any current agenda of perceived consensus legislation originating from special interest and non-representative "stakeholders" or "public/private partnerships", not limited to those, involved in the Oregon Consensus programs centered in the Portland based School of law, Hatfield school of

law, or of these bills promoted by the Governor, or the Attorney General, or the Treasurer, and any and all related concerns and agenda based programs or projects, such as those embracing Sustainable Development. Contrary to the Constitution of the United States and the Constitution of the State of Oregon which require at least protection and security in and the peaceful possession of property, these Bills harm land owners and producers and their right to protect the same upon hypothetical and unproven even baseless causes. These Bills attempt to evade constitutional takings provisions as well, and being inimical to good order, fiscal responsibility, the expense of raiding the public trust and treasury through fund deception, as evidenced in SB 839 or HB 5014, and public peace. Oregon law provides no immunity to any one acting under Color of Authority to use that authority to commit crimes. Federal law provides other and similar notice. The nature of the mineral estate and the state trustee obligations to, attaching, in part, pursuant to the Oregon Admission Acts, or the private appropriation therefrom, strips any entity or person of all immunity where adversely affecting that title, 30 U.S.C. § 53. It is and will be a direct fiduciary breach and violation of your oath of office, where one is applicable, and, whether or not one is applicable, a criminal act personally, under Oregon law, ORS 164.075, to proceed with or allow the passage of legislation adversely affecting the property owners and producers whom are purposely left out of the “stakeholder” classification included on through artifice and deceptive method as was evidenced by the HB 217 testimony of the farmers stating they were not actually involved nor actually gave consent to the consensus claimed by the “Stakeholder” third party beneficiaries without right or title to the property infringed. This capacity to infringe also extends also to the Oregon Water Resources Department, the State of Oregon Attorney General committing no lesser frauds and felony in the Proceedings of HB 2259 and the misappropriation of any funds to that department not shown to have any lawful authority over what the Attorney General or the Department in false reliance promotes or claims. These failures of lawful authority and jurisdiction appear to extend across the breadth of the State of Oregon and to every Department not showing title to the property infringed. By the various Duty, fiduciary obligations, and responsibilities owed whether of office or member, you are authorized to use any and all means at your disposal to stop these proposed/pending or enacted legislative actions from proceeding. The various proposed legislation or any having already passed without notice or full disclosure, are truly immeasurable as to the scope of their harm. Being many of those adversely affected by these Bills, and apparently without any due process input otherwise than the color of authority property plunder, Jefferson Mining District is further giving notice that any failure to stop them will result in serious, costly, legal and political ramifications.

Moreover, and because the voice for such is beginning to be heard from them, given the guidance expressed in *Kansas v. Colorado*, 1907, though advocating a peaceful resolution, Jefferson Mining District can not determine for any particular grantee or condemn miners or other property owners resorting to self-defense and property protecting force, as is their inherent and grant acknowledging right, where faced with the State's dishonor of its responsibilities, obligations, and duties, or disregard of long-since settled law on the subject matter. We should not have to remind any body what miners have historically done when left without a remedy where their property and livelihood are threatened. This never resolves to a win-win situation.

Trying to render the whole of the mining law into a cogent response to a facial and unlawful takings in the form of the proposed bills, hobbled by the inadequate time provided to

respond, a deprivation of substantial due process on matters of vested property and government trust relationships and obligations, being prejudiced further by the various legislative time constraints and political maneuverings imposed obstructing sufficient notice and opportunity to adequately respond on the important and myriad subject matters involved, We present this compilation of precedent law and application due diligence which prior committees or Legislative Council were duty-bound to perform prior to advancing ill-advised legislations which we require be extinguished for being inconsistent with existing federal and state laws and to avoid future litigation for committing unlawful takings.

By this Notice and Demand to **Cease and Desist** you are of knowledge of the wrongs and wrongs continuing which you have a responsibility to arrest, whether as a part or organ of the State, or as organizations the affiliation of which without censure of the wrong acting members ratifies the harm done in aiding and abetting their illicit activity, whether or not felonious and imputing liability.

Jefferson Mining District, on behalf of the Assembly, and any other recipients of the damage of your wrongs, demands you **CEASE AND DESIST** immediately advancing the bills or cease and desist aiding and abetting the enactment of the same or where enacted avoidance or face sure accountability.

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