

*HOW THE WEST WAS .....LOST*

A BOOK BY ... WILLIAM C. HAYWARD

*HOW COUNTIES AND  
STATES CAN AND SHOULD  
TAKE IT BACK..*

*PRESENTED BY: OTERO COUNTY*

*NEW MEXICO.*



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*A SPECIAL THANKS TO*

*DAN MARTINEZ, A MAN WHO  
HAS DECICATED HIS LIFE TO  
THIS CAUSE... OUR HUMBLE  
AND SINCERE THANKS...*

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*ATTENTION: TO ALL*

*COUNTY SHERIFFS,  
COMMISSIONERS, SUPERVISIORS*

*STATE REPS. STATE SENATORS,  
GOVERNORS....*

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*THE ELECTED BY THE  
PEOPLE ...OF THE STATE*

*"YOUR JOB , YOUR VERY  
REASON FOR EXISTING" ....*

*TO PROTECT THE :  
HEALTH,SAFETY AND  
WELFARE OF THE CITIZENS  
OF THE STATES AND COUNTIES.*

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**COUNTY GOVERNEMENT IS  
THE CLOSEST  
GOVERNMENT TO THE  
PEOPLE:**

THEREFORE COUNTY  
GOVERNMENT HAS TO BE  
THE MOST VOCAL, THE  
MOST POWERFUL. BECAUSE  
IT IS OF THE "PEOPLE"  
BY THE "PEOPLE"

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*COUNTY AND STATE  
ELECTED OFFICIALS ARE*

*THE VOICE OF THE  
"PEOPLE"*

*WE THE PEOPLE*  
REMEMBER THIS

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*OUR "LAW" OUR  
CONSTITUTION!*



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*WHEN YOU TOOK OFFICE,  
YOU SWORE TO UPHOLD  
AND PROTECT THEM,  
AND OUR CONSTITUTION,*



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*WHAT HAS CHANGED???*  
*WHAT HAS HAPPEN???*  
*HOW DID WE GET IN THIS*  
*POSTION????*



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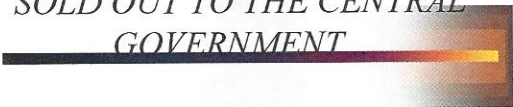
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*THE STATES, THE COUNTIES  
SOLD OUT TO THE CENTRAL  
GOVERNMENT*



*WE HAVE TAKEN THEIR  
MONEIES ...WE HAVE  
ALLOWED THEM TO HAVE  
LEGISLATIVE POWERS OVER  
THE PEOPLE, BY WAY OF  
CONTRACT..*

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*"BUREAUCRACY"  
GOVERNING THE PEOPLE*



*THE PEOPLE YOU WERE  
ELECTED TO REPRESENT.*

*WE EVEN HAVE A PRESIDENT  
WHO BELIEVES HE RULES THE  
COUNTRY, LIKE THE KING WE  
LEFT IN ENGLAND JULY 4th 1776*

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*SO HOW DO WE FIX IT, HOW  
DO WE REGAIN THE ABILITY  
TO GOVERN THE PEOPLE  
...AS IT WAS MEANT TO BE..?*

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*EDUCATE OURSELVES...*

*WE SIMPLY FOLLOW AND  
ENFORCE THE LAW. WE  
ENFORCE THE  
CONSTITUTION OF THE  
UNITED STATES AND THE  
LAWS OF YOUR STATE.*

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*FIRST: LET'S RECAP JUST  
EXACTLY HOW WE GOT INTO  
THIS MESS*

*(HANDOUT NORTHWEST ORDINANCE)*

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*IN 1787, BEFORE THE CONSTITUTION WAS CREATED,  
THE ORIGINAL COLONIES HAD A SMALL PROBLEM.  
THEY ALL WANTED TO EXPAND, BUT DIDN'T HAVE A  
FAIR AND JUST WAY TO DO THAT. SO THEY MADE A*

*PACT WITH EACH OTHER, BEFORE THEY WOULD  
CREATE CONGRESS, AND THE CONSTITUTION, THEY  
CAME UP WITH THIS NEAT IDEA TO PUT ALL THE  
UNAPPROPRIATED LANDS INTO A TRUST WITH THE  
SOON TO BE FEDERAL GOVERNMENT.*

*THIS CENTRAL GOV. WAS TO ONLY "HOLD" THESE  
LANDS IN TRUST UNTIL THE DAY A NEW STATE COULD  
BE FORMED AND THEN THEY WERE TO GIVE BACK  
THE LANDS AND POWER TO THE STATES AND THE  
PEOPLE OF THAT STATE. "TEMPORARY GOV."*

*THEY HAVE NEVER OWNED THE LANDS,  
THEY SIMPLY HELD THEM IN TRUST..*

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*Ohio was the 14th colony to become a State and the only reason they could was they met the minimum requirements that were set forth*

*in the Northwest Ordinance of 1787.. And now the Constitution...*

*Had the Northwest Ordinance NOT set the Standards, we most likely would not have joined as a Union and there wouldn't be a Constitution or a Congress.*

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*You see, the Ordinance made a way for Lands to fill, people to*

*move in and when 60,000 people gathered as a State, then a new State could be formed, coming in on an "equal footing" with the original 13 colonies.... Remember, Equal Footing.*

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*But as the States began to grow out West, the Federal Gov. decided that it would be in the best interest of the Older States to hold on to some of that*

*prime land and keep the resources that come off it. The problem was, once the land went from being a Territory to a State, the Feds really have no "LEGAL" right to keep the land. Even though they made Enabling acts for the States, it all goes against the Constitution and what this Great Country was built on... The Federal Gov. has absolutely no right under any law to Legislate powers over a State...*

*Yet today they invoke rules and regs that are destroying our States and Counties.*

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*States may generally legislate on all matters within their Territorial Jurisdiction.*

*This "POLICE POWER" does not come for the*

*Constitution, but it is an inherent attribute of the States Territorial Sovereignty, "ALL STATES".*

The 11th and 14th amendment spell out those limits to the States.

The 10th amendment and Art. 1. Sec. 8 of the Constitution spell out those limits to the Feds.

Yet today they invoke rules and regs that are destroying our States and Counties.

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*There are 8 enumerated Powers given to the Congress by the*

*Constitution and those 8 haven't changed since SEPT. 17th 1787 when the Constitution was signed into Law...*

*Article 1 Sec. 8 spells those out*

*(handout)*

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Otero County Presentation  
ARTICLE 1, SEC. 8 CLAUSE 17

**Clause 17.** To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as

may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

10<sup>th</sup> Amendment

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

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*Today I truly believe that MOST Congressmen understand this, the problem is there is no oversight power between the elected Congress and the Bureaucracy engine that runs the federal system...*

*Again, totally going against what the Northwest Ordinance and Constitution intended .*

*Now you must know that there are some lands that are set aside for the Federal Gov. They are there to protect our Country, our forts and bases, arsenal and Commerce. Under the Constitution, these are fully protected and they do have full authority to Legislate within those areas.*

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*The problem lies with people not being educated on the powers. Most of us grew up thinking that the*

*Federal Government was the highest form of government and we have accepted all laws that they hand down to us...*

*The truth is, they are a very "LIMITED" type of government and unless the "STATES" sign away their rights, the Feds. Have no "LEGAL" authority to do what they have been doing for the past 200 plus years...*

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*We the States and Counties have allowed them to encroach on our Jurisdiction, which*

*was granted to us by the "PEOPLE" and the result is like a huge traffic Jam....*




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*Let me quote James Madison,*

*James Madison was so afraid that one day the Federal Government would take over this way that he wrote this letter and gave a speech on this issue way back when the Colonies were trying to form the US.*

*...He called it...*

*"The Gathering Storm Prophecy"*

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*I have to credit this to: Timothy Baldwin, J.D.*

*While the States were considering ratifying the Constitution, James Madison describes a prophetic 'gathering storm', doomsday scenario for the United States. However, his description was hypothetical and purportedly unlikely. Madison paints a picture of what the union would look like under healthy conditions and then contrasts that with terminal conditions that would destroy the union. His portrayal is fascinating and worth applying today.*

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In Federalist Paper 46, Madison discusses the happy and healthy situation where the Federal and State governments respect their

constitutional boundaries. Madison says, "[the federal government will] be disinclined to invade the rights of the individual States, or the prerogatives of their governments". Congress would be the "guardians of a common interest" and would not make "improper sacrifices...of local considerations, to the aggrandizement of the federal government".

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Madison continues, "the motives on the part of the States governments, to augment their prerogatives...will be overruled by no reciprocal predispositions in the members [of Congress]." In other words, the States will not want to intrude into federal authority because the Federal government will not intrude in State territory. In this "constitutional ideal", Madison sees everyone respecting the authority of the other.

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Madison then shifts his discussion to the hypothetical "what if". He says, "[w]ere it

admitted, however, that the Federal government may feel an equal disposition with the State governments to extend its power beyond the due limits, the [States] would still have the advantage in the means of *defeating such encroachments*"

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Such means of defeating the federal government's encroachments included actions

like, "opposition", "refusal to cooperate",  
"frowns of the [State] executive",  
"obstructions", "signals of general alarm"  
and "plans of resistance".

Keep in mind, Madison's description of "resistance" was made in context of a healthy, working union where the constitution remained and the amiable (friendly) bonds of the union were intact. The result of such conflicts within Federalism would ultimately be resolved through diplomacy where the people's weight determined the outcome.

Madison furthers his "what if" hypothetical by describing a federal government that pursued "ambitious encroachments". Madison predicts such usurpation's would result in the same response "as was produced by the dread of a foreign, yoke"—namely, independence from the usurping government.



However, Madison cannot fathom such an event taking place; he says, “[b]ut what degree of madness could ever drive the federal government to such an extremity.”

Madison feels such actions would be advanced by madmen, not fellow patriots.

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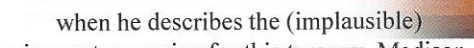
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Still, Madison answers his own question (for the sake of appeasing his audience)



when he describes the (implausible) circumstances ripe for this tyranny. Madison says, the “only refuge left for those who prophesy the downfall of the State governments is the visionary supposition that the federal government may previously *accumulate a military force for the projects of ambition*...[I]t [is not] necessary now to *disprove the reality of this danger*”

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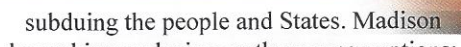
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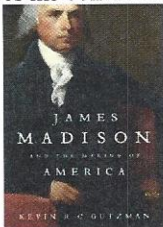
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Madison finds it unimaginable that the federal government could and would accumulate a military force capable and for the purpose of



subduing the people and States. Madison bases his conclusion on these presumptions:




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“(1) the people and the *States [will not] elect...men ready to betray both*; (2) *[there*

*will be no] traitors*...[to] uniformly and systematically pursue some fixed plan for the extension of the military establishment; (3) the governments and the people of the States [will not] silently and patiently *behold the gathering storm*, and continue to supply the materials, until it should be prepared to burst on their own heads

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...(4) [and further] the State governments, with the people on their side, would be able to *repel the danger [through militias]*”

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So here we are in 2012. Our world is not James Madison’s world. Are Madison’s presumptions correct today? Is the U.S. military incapable of subduing the States? Do the people elect only patriots, and not traitors?

Do the States have the capability of successfully protecting themselves against opposing military? Are the people capable of forecasting a gathering storm?

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Reasonable persons would conclude, the U.S. military is more than capable of

subduing the States; the people do elect traitors to office; and the States have no adequate means of defending themselves against opposing military force—from whatever source. (If someone has evidence to the contrary, let us see it.)

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Will the “gathering storm” result in an actual storm?

God knows, and time will tell; but unless “THE PEOPLE” have the discretion and discernment to “behold the gathering storm”, it is unlikely the people will do anything about it until the storm of hail is smashing people’s heads in.

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It is a proven maxim that States have the duty and right to protect and sustain themselves.

It is also a maxim that every government owes to its citizens protection (e.g. 49-1-201, Mont. Code Ann., “Every person while within the jurisdiction of this state is entitled to its protection”; Art. 1, Sec. 10, USC).

In spite of the Second Amendment’s prescription that the States maintain a well-regulated militia to secure a “Free State” and the State constitutions and laws requiring State militias to protect the State’s homeland, there is not one State that is capable of protecting the citizens from domestic or foreign invasion.

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IN FRONT OF YOU YOU WILL  
FIND A FOLDER WHICH HAS  
INSIDE A FEW PAPERS WHICH  
START WITH

“JURISDICTIONAL STATUS OF  
FEDERAL LAND AREAS”

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*WHAT THIS IS ...  
IT IS A DOCUMENT FROM THE  
G.O.A IN WASHINGTON D.C.*

*THEIR JOB IS TO KEEP TRACK  
OF ALL THE LANDS THAT HAVE  
BEEN CEDED TO THE U.S.  
WITHIN A STATE.  
WHY, BECAUSE THEY HAVE  
FOLLOWED THE LAW TOO.*

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*IF LAND HAS BEEN CEDED..  
THEN IT WOULD HAVE BEEN*

*RECORDED... THAT'S AN ACT OF  
CONGRESS. AND ANY LAND  
CEDED TO THE FEDERAL  
GOVERNMENT.  
WOULD GIVE THEM 100%  
EXCLUSIVE LEGISLATIVE POWERS  
OVER THAT LAND, LIKE A POST  
OFFICE*

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HERE IS WHAT WE HAVE  
DISCOVERED... LOOK AT YOUR  
CHART AND FIND YOUR COUNTY...

NOW SOME OF YOUR COUNTIES  
WON'T BE IN HERE, BECAUSE  
THERE HAS NEVER BEEN AN ACT OF  
CONGRESS THAT ASKED THE STATE  
FOR SOME LAND WITHIN YOUR  
COUNTY.. THAT'S GREAT NEWS FOR  
YOU...

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FOR THOSE WHO ARE IN HERE,  
SIMPLY LOOK AT THE 7TH COLUMN

IF YOU SEE A # 1 THEN THE  
FEDERAL GOVERNMENT HAS  
EXCLUSIVE LEGISLATIVE  
JURISDICTION , AND YOU HAVE NO  
POWER TO LEGISLATE WITHIN  
THOSE AREAS. ANOTHER EXAMPLE  
IS A MILITARY BASE THAT HAS BEEN  
CEEDED TO THE FEDS.

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NOW THE GOOD STUFF... IF YOU  
SEE A #4, THEN THE FEDERAL

GOVERNMENT ONLY HAS  
PROPRIETORAL INTEREST ONLY..

WHAT DOES THAT MEAN, IT MEANS  
THE FEDS ARE JUST LIKE A  
NEIGHBOR, WHO HAS TO FOLLOW  
THE RULES SET BY THE GOVERNING  
BODY.... REALLY...

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LOOK AT THE NEXT DOCUMENT I  
GAVE YOU, IT IS KNOWN AS THE

EISENHOWER REPORT. IN 1956 THE  
PRESIDENT ASKED THAT A STUDY  
BE DONE TO SHOW JUST WHO DOES  
OWN THESE LANDS... WHO HAS  
AUTHORITY TO LEGISLATE THE  
LANDS..... THE REPORT CAME OUT  
AND WHAT YOU HAVE IN YOUR  
HAND IS A RESULT OF THAT.

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IF THE FED. GOVERNMENT NEEDS  
A PIECE OF LAND WITHIN A STATE,

THEN THERE ARE 2 THINGS THAT  
MUST HAPPEN. (1) THEY MUST  
SHOW THE STATE "CAUSE" AND  
THE STATE HAS TO ACCEPT THAT.  
(2) THEY MUST HAVE CONGRESS  
ACCEPT THE LAND CEDED, SO IT  
WILL COME UNDER THEIR  
MANAGEMENT AND CONTROL.

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EVERY NATIONAL FOREST I HAVE

FOUND SO FAR, HAS NEVER EVER  
BEEN GIVEN TO THEM IN THIS  
MANNER. YES THE ORGANIC ACT  
OF 1897 CREATED THE RESERVES,  
BUT THEY ONLY WERE ALLOWED  
TO MANAGE THE TIMBER,  
ACCORDING TO STATE AND LOCAL  
LAW AND ORDINANCES

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*I WAS RAISED TO BELIEVE THAT  
THE FEDERAL GOVERNMENT WAS*

*THE ABSOLUTE POWERS AND WE  
JUST HAD TO FOLLOW THEM.*

*I HAVE BEEN EDUCATED TO NOW  
UNDERSTAND THAT IT WAS NEVER  
THE INTENT OR THE MAKE UP OF  
OUR NATION.*

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*WHAT I AM HERE TO DO TODAY IS  
EDUCATE YOU, AND ENERGIZE YOU  
AS ELECTED OFFICIALS TO STAND  
UP AND TAKE BACK YOUR STATE  
RIGHTS AND YOUR ELECTED  
POWERS.*

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