

Jefferson Mining District



The Date of April 13, 2013.

COMMENT FOR THE PUBLIC RECORD

SB 839

Because of surprise and lack of adequate time for response to each:
Please add this token Comment Testimony to the Bill Folder for SB 839 and make this notice a part of the Public Record.

Resolved: Those of the Assembly of Jefferson Mining District vigorously OPPOSE the Bill for the following substantial Law-based reasons, time prejudicially obstructing a more informed response.

Senator Courtney, Senator Dingfelder, and the Environment & Resources Committee Members:

The Bill Is A Fraud Upon The People Of Oregon.

The Bill constitutes a plunderous Black Hole funding for a Corruption identified by its focus on “environmental benefits” which on its face appears benign enough, but in best practices are inimical to the public good and by unlawful exaction from granted property, without lawful state control or title. This Fund may or may not be disclosed to the public in the Comprehensive Annual Financial Report, CAFR, of the State as seen in this part, “(e) enhanced ability to leverage other funds”. What is for sure is the CAFR will not be required to contain disclosure of the Fund or accounting or its “enhancements”. As with many similar “Fund” the Bill will defraud the taxpayers and place them into indefinite fiscal detention for no good, sound reason.

The Bill fraudulently omits to disclose as the Attorney General did fail to show that there are no in-stream uses which the State may appropriate. And the Bill speaks to restoration without referencing sufficient scientific proof of the need for restoration for which the Bill purports to mitigate. In fact, available scientific evidence suggests the streams are fine, nothing to restore.

The answer seems to be, remove the regulations frustrating production or those based upon fraudulent hypothetical harm, or those assertions not actually based in science, but hysteria, and contrary to actual science, such as those incorporated by this reference, see the bullet-point testimony of former EPA Biologist, Joe Greene, in the [HB 3251 Followup to Rep Whitsett after testimony on HB3251.pdf](#), attached, showing scientific evidence and findings of no significant harm due to mining. Also, go find the Oregon Parks study for SB 606 required by the 73rd legislative assembly fraudulently withheld from the legislature by the Governor, showing no harm is caused by placer mining in existing, though fraudulent so called, “Oregon Scenic Waters”. The Office of Governor of Oregon withholds material evidence, now, contrary to available science, which material fraud ought to invoke the self-executing safeguard duty in the Legislature checking the Executive in its trespasses against us. The Bill is facially fraudulent.

The Bill purports to use a State authority to grant water not granted to the state by Congress; And see below, the misrepresentation and frauds of omission proven in the record committed by the Attorney General of Oregon. The Bill, therefore, defrauds and interferes with legitimate appropriators and acquires or affects property unlawfully.

The Bill also appears to be, at least, the funding mechanism for another fraud upon the people in the form of HB 3337, interjecting the tenets of environment, culture and social “values”, otherwise known as the “three legged stool” of Sustainable Development.

Please, incorporated by this reference, See:

<http://sustainabledevelopment.un.org/index.php?page=view&nr=23&type=400&menu=35>

On the subject matter of Sustainable Development, intrinsically linked, the Bill makes mention of climate change. Climate changes regularly, so the use of this term is either a dragnet or superfluous unless it is tied to something more, such as Climate Change as a tenet of an undisclosed belief system. Climate change has been shown to be a fraud. Climate Change is an invention of a dogma fabricated whole cloth and sponsored and promoted by the United Nations through its “Programme of Action” holding the belief that people are, essentially, a cancer, a scourge on the face of the earth needing removal. Please, incorporated by this reference, see: The United Nations Programme of Action from Rio; <https://www.un.org/Pubs/textbook/e93020.htm>

Even so a fraud as scientific fact, Climate Change as a religious tenet, masquerading as a science, has been declared by a British Court to be a religion, not a science-based fact; Reference the matter of a British court in 2009, the report entitled, “Judge rules activist's beliefs on climate change akin to religion”. The effect of that decision would be to give Al Gore the same status as Abraham, Jesus, or Mohamed. And such is the insanity which this Bill would enact into law at the expense of necessitous and granted private development of the land and in favor of mere uses, not possession conducive to production, through proselytizing the Al Gore fear-based Green evangelism. This has the effect of wrongly prejudicing lawful production as harmful where no science has shown such an extreme canon to be reasonable or the fact. Further, grandiose are the adherents to this colorable faith, the GangGreen, that they may identify themselves as “environmental managers”, as if they are omnipotentates.

Another result of the British court determination finding Climate Change as a religion and not a science is that in its essence the judge determined that political corruption is equivalent to religion. Political corruption as religion brings us full circle to this Legislature in not arresting the violations by, and the evangelism in, the misrepresentations of the law and frauds of omission made by the Attorney General. Political Corruption and The Green Religion are peas of the same pod it seems.

Any continuing question as to the existence of this festering Corruption, The Green Religion attributed to Mikhail Gorbachev, General Secretary of the Communist Party of the Soviet Union, is resolved in the self-absorption and obsessive-compulsive behavior towards the preservation of mere amenities under central control at the expense of the law, property, property rights and people and their livelihoods. Indeed, the Bill trades these substantial possessions for mere employment in superficial service jobs which support the religion and the infrastructure of the Green Church as clearly stated in the Bill, "Enhanced economic value of infrastructure,

farmlands, public resource lands, industrial lands, commercial lands and other land uses” with “(C) increased revenues from tourism, recreational use, commercial fishing and other activities that result from the restoration or protection of water for in-stream use.” The Bill gives lip service to producers and productive lands while bootstrapping any notion of encouraging production to a fundamentalist cult Corruption known as The Green Religion attributed to Mikhail Gorbachev though promoted through the United Nations as Sustainable Development. The only enhancements mentioned in this Bill will be to support and fund the tenets of that Church.

The beliefs of this religion are identified in various aspects of the Bill the tenets of which repeatedly mention the environment without reference to what, *in toto*, that actually means. This resort to occultism is another hallmark of all religious cults. The religious tenets of the Green Religion, or Sustainable Development, require giving lip service to property, property rights, and production. This Bill most certainly provides ample evidence of the heretical character property, property rights, and private possession, reason, and independence are to this “philosophy”.

These Green religious tenets are shown in the Bill as well with the mention of "social and culture" values which definition does not include property ownership, or granted rights, or any livelihood derived thereby contrary to American law. That section of the Bill certainly does not respect the miner's culture and social needs or those of the Farmer, Rancher, or any one else whose livelihood is derived from the land, the products provided to the larger society. Indeed, the use of the term “values” alone identifies a Green Religion tenet, even if it does not actually define by what values and by whose measure of beliefs of value. Being the antithesis of American values in respect of property and rights to the exclusive possession of the same, the Green Religion, or Sustainable Development, the Bill promotes is inimical to the people of Oregon and the public generally.

Apparently, the British judge, the Attorney General of Oregon, and the Governor of Oregon butter the same wafer of bread. Being the Bill promotes numerous amenities, mere window dressing, while destroying the foundation of a prosperous state, but for the religion of political corruption, the Bill ought never have made it this far. This committee must exercise its 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), and not pass this Bill.

The Bill Has No Underlying Authority as Evidenced by Attorney General Misrepresentations and Frauds of Omission.

These comments are Notice, also, for purposes of future litigation, determining official culpability, and for other purposes. Jefferson Mining District has been involved with two legislatively ordered hearings with agencies regarding the substantive law presented in Comment testimony showing the state has no authority to interfere in any way with the lands or water identified in the Bill. These hearings were in conjunction with HB 2248, regarding state or agency authority and jurisdiction over the mineral estate, and HB 2259 regarding the authority and jurisdiction of the state over water and water appropriations. In both hearings the Attorney General made material misrepresentations of law, committed frauds of omission and commission, was derelict in the duties of the Office, and did not produce one shred of lawful basis to show the state has or could have any authority or jurisdiction over the lands, water, or possessions adversely affected by those House bills as proposed. Senate Bill 401 contains the

same infirmities. There is no Authority or Jurisdiction the state may resort to which the bill requires if it is to be considered valid. The Bill represents a collusive deprivation of rights, 18 U.S.C §§ 241, and felonious acts under state law, ORS 164.075, regarding extortion under color of authority. Please find attached, incorporated by this reference, those proceedings in the form of a “JUSTICE” Memorandum from the Attorney General, and the Reply of Jefferson Mining District, of public record, as well as the Response, of public record, the Notice of Proceedings at the Request of the Chairman of the Agriculture and Natural Resources Committee Before the Oregon Water Resources Department with the Attorney General for the meeting of April 4, 2013, showing the crimes and dereliction committed by the agency and the Attorney General. The continuing silence by the Attorney General is another misrepresentation; “Silence alone is rarely a basis for finding equitable estoppel, but “where a party has a legal duty to speak, silence can constitute an affirmative ‘misrepresentation.’”” Kosakow v. New Rochelle Radiology Assocs., P.C., 274 F.3d 706, 725 (2d Cir. 2001); see also Veltri v. Bldg 32B-J Pension Fund, 393 F.3d 318, 326 (2d Cir. 2004); General Elec. Capital Corp. v. Armadora, S.A., 37 F.3d 41, 45 (2d Cir. 1994). Case 1:12-cv-01087-DLC Document 156 Filed 03/21/13 Page 67 of 91 AP v. Meltwater, 2013.

The U.S. Supreme Court has also stated that, "No state legislator, or executive or judicial officer can war against the constitution without violating his undertaking to support it." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).

The Attorney General provides no evidence of any power that the state or agency maintains or can invent an authority to manage or charge a fee for a water right and steal it for non-compliance of the payment of any extorted sum. Congress disposed of the water by grant.

The State shall faithfully tend to its obligations and not interfere.

Fiduciary Breach Criminal Culpability.

The representative proposing these style Bills, the Legislative Council advancing the Bills, and this committee if passing these style Bills will have failed their fiduciary obligations and duties under state and federal law and the acts establishing the state itself, whether or not in violation of their oath of office to respect law and the valuable property of others and to protect the same. Be of notice, it is unlawful for a trustee to attack the beneficiary as the current proposed legislation commits. It is also a violation of law for the state, a water trustee whose duty it is to receive the lawful appropriations under the grant of water to the public, to interfere or to claim for itself the property under its fiduciary.

The proposed legislation will unlawfully regulate or control a subject matter occupied and regulated exclusively by Congress and to a lesser extent, mining districts, such as Jefferson Mining District. Under color of authority the Bill constitutes a felony in progress, ORS 164.075.

Time Prejudice.

Trying to render the whole of the mining law into a cogent response to a facial takings in the form of the proposed bill, 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 have presented the compilation of precedent law and application and due diligence which the prior committee or Legislative Council were duty-bound to perform prior to advancing the proposed ill-advised legislation. At minimum, We require the Bill be returned to the Legislative Council for confirmation of lack of conflict with existing federal and state laws and to avoid future litigation for committing unlawful takings.

And though the threat to private property owners and their livelihood requires we first address those matters, it does not mean we do not present a salutary introduction:

My name is Ron Gibson. I am duly elected by the Assembly of Jefferson Mining District, to the Office of interim chairman, commenting here in this official capacity. I have 43 years experience in the mineral industry, including engineering, mineral estate possession, mineral extraction, mineral product invention, and research and application of the mining law, including Water Law, more specifically the Water Appropriation Water Doctrine, and of ingress and egress, including highways. Mining districts have governmental power and authority and special expertise privy to the unique subject matter of the mineral estate acknowledged by Congress through prevailing federal legislative enactment. Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving thousands of mineral estate and other Mining Law grantees and directly covering 4 states, including all of the state of Oregon.

Jefferson Mining District authority extends to any issue adversely affecting miners or mining law related grantees in the cognizance of Jefferson Mining District, such as is being attempted in any of the current proposed legislation adversely affecting the mineral estate or granted water rights. 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.

Thank you for this opportunity to respond to the proposed legislation SB 839. Being a compilation of foundational legal precedence law principles and notice for purposes of execution of lawful remedies in the very near future should this committee pass any bill purporting to amend the Mining Law, We ask you to give this comment Testimony the special consideration it deserves to avoid a disaster were these sorts of bills to become law.

It is evident that the fund being created is not fully disclosed to the people to be the black hole of fiscal manipulation that it is for the benefit of a religion based upon fraudulent even fabricated premises, whether or not of Michael MANN-made global warming or popularized as Climate Change, the government is not authorized to fund religious organizations whether or not at the expense of other religions or those who believe in none.

Rather than force the good people of Oregon to worship an high priest in the Oregon Water Resources Department, the legislature should heed the misrepresentations of the Oregon Attorney General and failure to affirmatively show the Oregon Water Resources Department has any authority to demand a tithe for its unholy services. The misrepresentations and frauds of omission of the Attorney General prove the Oregon Water Resources Department has no regulatory authority or granted rights of appropriation.

The Bill is a facial fraud the enactment of which will be inimical to the public good, making the Emergency Clause purporting to “being necessary for the immediate preservation of the public peace, health, and safety” fraudulent also.

Oppose the proposed legislation. Do not advance the religion of Political Corruption.

I and the Assembly of Jefferson Mining District are available to answer your questions. Thank you for your considered lawful action to the found threat this Bill is.

Ron Gibson.
Interim Chairman, Jefferson Mining District.
dritecrg@hotmail.com 541 621-5548.

From Thomas Jefferson, “With all these economic blessings, what more is necessary to make us a happy and prosperous people? Still one more thing, a wise and frugal government which shall restrain men, from injuring one another, which shall leave them otherwise free to regulate their own pursuit of industry and improvement, and shall not take from the mouth of labor the bread it has earned.”

Four Documents in Evidence Attached

To: President of the Senate:
Senator Peter Courtney, Email: sen.petercourtney@state.or.us

cc: Committee Members:

Senator Jackie Dingfelder, Email: Sen.JackieDingfelder@state.or.us
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