

STATE OF NEW MEXICO

Un-Incorporated Catron County

VILLAGE OF RESERVE, INC. New Mexico [87830]

Ordinance Number 0__-2019 of

Catron County Board of County Commissioners



(1) Adopting an Ordinance establishing **jurisdiction** and **venue** for the adjudication of all Catron County Ordinances

(2) Incorporating **all Catron County Ordinances** as if fully reproduced herein

(3) Reaffirming all Constitutional Protections enumerated in Catron County **Ordinance Number 002-91** including Amendment 1 and **expanding those protections to include Redress of Grievance** and pertinent language of **42 U.S.C. §1983 et seqⁱ**, **18 U.S.C. 241 & 242ⁱⁱ** and **18 U.S.C. §1961 et seqⁱⁱⁱ**.

(4) Establishing trial by jury for adjudication of all **criminal prosecutions, suits in equity, actions at Law** and **petitions for Redress of Grievance** filed in Catron County Courts.

Background:

In the early 1990's Catron County residents became painfully aware of vicious and concerted attacks upon their rural Western American LifeStyle by un-elected Federal and State bureaucrats. Because of their staunch and lawful resistance to such tyranny, **Catron County** is now widely known as the "*home of the county independence movement.*"

Cognizant of the **Reconstruction Period** after the **Civil War**, and its continued destruction of the Southern States; in 1990 the Catron County Board of County Commissioners embedded the language of the **Civil Rights Act of 1871** into **Catron County's Ordinance at 002-91, as Amended** and **003-91** in order that the People of the County could find remedy for the plethora of crimes perpetrated upon them by un-elected State and Federal Agents who were deliberately destroying the Great Western American Traditions and LifeStyle by rules, policies and regulations under **color of law** as the appointed politicians and Carpetbaggers had ravaged the Southern States and their economy, heritage and lifestyle over a century before.

Today, We, The People of Catron County acknowledge that the concerted conspiracy to destroy the Great Western American Tradition is on-going and ubiquitous and must be curtailed at any cost or our beloved Nation and the State of New Mexico, as well as Catron County, will be forever destroyed and our children will live under the anti-human tyranny of despotism of a One World Luciferian Dictatorship. So we appeal to the **Creator** for Divine intervention ²and propose this Catron County Ordinance as a method for providing justice for Catron County's People.

After almost three decades of legal battles in various State and Federal Courts by local citizens, it is inescapably obvious that no lawful remedy for the bureaucratic tyranny imposed upon the People of Catron County exists in foreign jurisdictions.

The fact that the Catron County Board of Commissioners intended to provide lawful relief from unconstitutional intrusion by government actors is enshrined in Ordinance 002-91. ³

As the direct result of the palpable hostility of both the New Mexico and the United States legislatures and courts toward the Rural American LifeStyle and their providing sanctuary, aid and comfort to America's foreign enemies with tax-payer resources, new guards for the Peace, Prosperity and Dignity of the People must be implemented within our County for the protection of our People; and for that purpose the following Ordinance is proposed to the **People of Catron County** and the Board of Catron County Commissioners.

² II Chronicles. 7: 14 "When My People, upon whom **My Name** is invoked, kneel and pray, and seek My Presence, and turn from their wicked courses, then I will listen and forgive their sins, and will restore health to their land." Ferrar Fenton Bible

³ THE COMMISSION ADDITIONALLY DECLARES: 7. "That in addition to any criminal actions that may occur through the enforcement of this statute, that every person, who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an **action at law, suit in equity, or other proper proceeding for redress.**"

United States Declaration of Independence

“WHEN in the course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect of the Opinions of Mankind requires that they should declare the cause which impel them to the Separation.”

*“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 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. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. . . .“*

I. **Whereas**, the New Mexico State Constitution proclaims: **“We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution.”**

II. **Whereas**, the Bill of Rights of the New Mexico State Constitution proclaims in *Article Two Section One*: “The state of New Mexico is an inseparable part of the federal union, and the constitution of the United States is the **supreme law of the land.**” And,

III. **Whereas**, *Article Two Section Two* states: “All political power is vested in and derived from the people: **all government of right originates with the people**, is founded upon their will and is instituted solely for their good.” And,

IV. **Whereas**, *Article Two Section Three* states: **The people of the state have the sole and exclusive right to govern themselves as a free, sovereign and independent state.**” And

V. **Whereas**, *Article Two Section Eighteen* states: “**No person shall be deprived of life, liberty or property without due process of law**; neither shall any person be denied equal protection of the laws.” And,

VI. **Whereas**, *Article Two Section Twenty Three* states: “**The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.**” And,

VII. **Whereas**, *Article Two Section Sixteen* states: “**Treason** against the state shall consist only in levying war against it, **adhering to its enemies, or giving them aid and comfort.**” And,

VIII. **Whereas**, a large volume of unconstitutional legislation is currently on the docket in both the Democrat-controlled New Mexico Congress and the U.S. Congress that is directed to providing **sanctuary** as well as **aid and comfort** to vast hordes of **criminal gangs** and **anti-American military-aged men** pouring across our un-protected Southern Border. And,

IX. **Whereas**, the current congress and governor of New Mexico has increased **adherence to, as well as aid and comfort to, the invading armies of foreign enemies** while concurrently passing legislative statutes in order to publicly fund the murder of our un-born Children, disarm the People and impoverish the Citizens of New Mexico by excessive taxation without representation. *“He has combined with others to subject us to a*

*jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended (quasi) legislation.”*⁴ {Declaration of Independence}. And,

X. **Whereas, Article Ten in Amendment** to the United States Constitution states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively, or to the People.” And,

XI. **Whereas, Article Ten in Amendment** to the United States Constitution makes perfectly clear that the Federal corporate municipal government, *created by the District of Columbia Organic Act of 1871*, does NOT have constitutional authority to create sub-corporations of un-elected bureaucrats operating outside of Washington D.C. “*He has erected a multitude of new offices, and sent hither swarms of officers to harass our People, and to eat out their substance.*” {Declaration of Independence}, And

XII. **Whereas**, swarms of unconstitutional officers and agents from the **Bureau of Land Management, U.S. Forest Service, Environmental Protection Agency**, and other foreign agents conspire with New Mexico State corporate government actors, NGO corporations and eco-terrorist corporations to unlawfully claim and destroy the land, steal water and obliterate the economy of Catron County **under color of law**.⁵And,

XIII. **Whereas**, The constitution of New Mexico is silent on the subject of redress of grievance, **Article One in Amendment of the United States Constitution** states in part “*and to petition the government for a redress of grievances.*” And,

XIV. **Whereas**, all manner of remedy, to-wit: **actions at Law, suits in Equity and petitions for redress of grievance** are either unavailable or cost prohibitive in Federal and State admiralty courts. And,

XV. **Whereas**, “*when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them [Catron County Citizens] under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security.*” {Declaration of Independence}

XVI. **Whereas**, the **People** are **not** statutory “persons” to whom codes, statutes, policies, usages, customs and corporate rules and regulations nor color of law apply. The language of **no** codes or statutes include people, *but only persons*. We, the People choose not to be ruled over, nor governed, by legal fictions and corporate entities nor admiralty/maritime courts sitting in legal fiction.

XVII. **Whereas**, All government of right governs by the consent of the governed ~ be it hereby known to all that the People of Catron County have openly rescinded and are absolved of their consent to be governed by any incorporated quasi-governmental entities including but not limited to THE UNITED STATES and any and all departments, branches, bureaus or agencies and the STATE OF NEW MEXICO and any and all departments, branches, bureaus or agencies thereof.

XVIII. **Whereas, President Donald John Trump** in his **Inaugural Address to the People** on January 20, 2018 passed the power of government from Washington D.C. back to **We, the People** who gratefully accept the sovereign power and responsibility of self-rule and determine to provide new guards for our future security and the security and prosperity of our Progeny, in perpetuity, beginning today.

Therefore, the **Catron County Board of County Commissioners** agree with the **People of Catron County** and the Founders of our Great Nation to “*provide new guards for their future security*” by implementing the following necessary actions within the borders of Catron County New Mexico:

⁴ The Marbury vs. Madison decision of 1803 concluded that “*All laws which are repugnant to the Constitution (the Constitution of the United States of America) are null and void.*”

⁵ {In United States law, the term **color of law** denotes the “*mere semblance of legal right*”, the “*pretense or appearance of*” right; hence, an action done under color of law adjusts (colors) the law to the circumstance, yet said apparently legal action contravenes the law. Under color of authority is a legal phrase used in the US indicating that a person is claiming or implying the acts he or she is committing are related to and legitimized by his or her role as an agent of governmental power, especially if the acts are unlawful.}

- 1.) **Catron County Court** is hereby empowered with **original jurisdiction** and venue of all Catron County Ordinances to be tried exclusively within Catron County by lawful, fully-informed juries composed of Catron County Electors with rules and procedures conceived and enacted by popular vote in open public meetings.
- 2.) **Catron County Attorney** is hereby authorized to call grand and petite juries to investigate all criminal trespass of Catron County Ordinances and subsequently to prosecute all True Bills returned by Catron County Citizen juries.
- 3.) **Catron County Sheriff** is hereby authorized to organize, train and call up a Citizen Posse and County Militia to aid in the investigation and/or arrest of all criminal perpetrators of Catron County Ordinances.
- 4.) The **Common Law**, *rather than statutory regulations*, shall henceforth and hereinafter be the official law form of Catron County Court, *although the New Mexico District Court remains in a statutory jurisdiction*.
- 5.) Use of language of various U.S. Codes. Constitution, Declaration of Independence and New Mexico State Constitution is solely for reference to the principles of law and equity and does NOT convey jurisdiction of Catron County Ordinances to any State or Federal Admiralty Courts. {*See Table of Authorities below*^{iv}}
- 6.) The clear language of the 10th Amendment to the United States Constitution forbids the United States Supreme Court from assuming the power of “judicial review.” Therefore the People of Catron County hereby claim and retain the ultimate right to determine the constitutional validity of any and all laws, statutes, codes, regulations, policies, customs, usages and decrees in Catron County by the verdict of a fully-informed jury.
- 7.) No statutes of limitations shall be imposed upon prosecuting attorneys in criminal actions or plaintiffs claiming damages perpetrated by state, federal and corporate actors in actions at Law, suits in Equity and Petitions for Redress of Grievance when actual damages can be verified by timely documentation and/or first person witness.
- 8.) No claim of immunity to prosecution shall be recognized from any State, Federal or Corporate actor who has acted in excess, or in a void, of delegated constitutional authority. The Writ of Quo Warranto is hereby established as a lawful test of any such claim by defendants in any criminal prosecution, action at Law, suit in Equity or Petition for Redress of Grievance conducted in Catron County Courts. The Writs of Mandamus ⁶ and Prohibition ⁷ provide tools for compelling lawful performance and enforcement of judicial decisions. Should other extraordinary writs be necessary or useful, the New Mexico District Court for Catron County may also be consulted. ⁸ The Catron County Sheriff is hereby empowered to serve and enforce all judicial process and decisions.

⁶ A (writ of) mandamus is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion.

⁷ A **writ of prohibition** is a writ directing a subordinate to stop doing something the law prohibits. In practice, the court directs the clerk to issue the writ, and directs the sheriff to serve it on the subordinate, and the clerk prepares the writ and gives it to the sheriff, who serves it. This writ is often issued by a superior court to the lower court asking it not to proceed with a case which does not fall under its jurisdiction. These writs are issued as "alternative" or "peremptory". An alternative writ directs the recipient to immediately act, or desist, and "show cause" why the directive should not be made permanent.

⁸ The district courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition and all other writs, remedial or otherwise in the exercise of their jurisdiction; provided, that no such writs shall issue directed to judges or courts of equal or superior jurisdiction. {NM Constitution Section 13}

- 9.) **Notice and Opportunity to Correct** shall be provided to all State, Federal and Corporate actors at the highest office of all known perpetrators of crimes against the Peace, Dignity and Prosperity of the People of Catron County. **Notice to the Superior** is notice to all subjects and actors in their employ. Do not trespass upon the rights of the People of Catron County and make immediate voluntary reparations for past crimes perpetrated upon Catron County’s People, their local economy, land, water, livelihood and future.
- 10.) **Severability:** Any part of this document taken in good faith today that proves later to be unconstitutional, *or otherwise void*, does in no way effect the validity of any other part of this document.

PASSED, ADOPTED, AND SIGNED by the **Catron County Board of County Commissioners** as **Catron County Ordinance Number ___2019** and recorded with the **Catron County Clerk** this ___th day of August, 2019.

Board of County Commissioners, Catron County, New Mexico

ATTEST:

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Keith Riddle, Clerk _____

Table of Authorities { *edited for use by People in Catron County, New Mexico* }

42 U.S. Code § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other people within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress of grievance.

From <<https://www.law.cornell.edu/uscode/text/42/1983>>

42 U.S. Code § 1985. Conspiracy to interfere with civil rights

(1) Preventing officer from performing duties

If two or more persons in Catron County conspire to prevent, by force, intimidation, or threat, any people from accepting or holding any office, trust, or place of confidence, or from discharging any duties thereof; or to induce by like means to leave the County, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in Catron County conspire to deter, by force, intimidation, or threat, any People or witness in Catron County court from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such People or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in Catron County court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in Catron County, with intent to deny to any People the equal protection of the laws, or to injure them or their property for lawfully enforcing, or attempting to enforce, the right of any People to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in Catron County conspire or go in disguise on the highway or on the premises of the People, for the purpose of depriving, either directly or indirectly, any People of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of Catron County from giving or securing to all People within Catron County the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any People who are lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified People as an elector for any County, State or Federal office; or to injure any People or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby People are injured in their person or property, or deprived of having and exercising any right or privilege of The People of Catron County, the State of New Mexico or the United States, the People so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

From <<https://www.law.cornell.edu/uscode/text/42/1985>>

42 U.S. Code § 1986. Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the People injured, or their legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$100,000 (*adjusted for inflation*) damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. From <<https://www.law.cornell.edu/uscode/text/42/1986>>

ii 18 U.S. Code § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any People in Catron County in the free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of New Mexico or the United States, or because of their having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of any People, with intent to prevent or hinder their free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. From <<https://www.law.cornell.edu/uscode/text/18/241>>

18 U.S. Code § 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any People in Catron County to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of New Mexico or the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

From <<https://www.law.cornell.edu/uscode/text/18/242>>

iii 18 U.S.C. Code § 1961 Definitions as used in this chapter— {in pertinent part}

(1) “racketeering activity” means (A) any act or threat involving murder, kidnapping, arson, robbery, bribery, extortion, extortionate credit transactions, wire fraud, financial institution fraud, obstruction of justice, obstruction of criminal investigations, tampering with a witness, victim, or an informant, retaliating against a witness, victim, or an informant, peonage, slavery, and trafficking in persons, interference with commerce, engaging in monetary transactions in property derived from specified unlawful activity, sexual exploitation of children, bringing in and harboring certain aliens, assisting certain aliens to enter the United States, importation of alien for immoral purpose;

(2) “State” means New Mexico and any political subdivision, or any department, agency, or instrumentality thereof;

(3) “person” includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) “enterprise” includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

(5) “pattern of racketeering activity” requires at least two acts of racketeering activity, one of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

(6) “unlawful debt” means a debt incurred or contracted in the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

(7) “racketeering investigator” means any attorney or investigator so designated by the Catron County Attorney and charged with the duty of enforcing or carrying into effect this chapter;

(8) “racketeering investigation” means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

(9) “documentary material” includes any book, paper, document, record, recording, or other material; and

(10) “Attorney General” includes the Catron County Attorney and any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law. From <<https://www.law.cornell.edu/uscode/text/18/1961>>

18 U.S.C. Code § 1962 {in pertinent part} Prohibited activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, Catron County commerce.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect Catron County commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, Catron County 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.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section. From <https://www.law.cornell.edu/uscode/text/18/1962>

18 U.S. Code § 1964. Civil remedies {in pertinent part}

(a) The Catron County Court shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Catron County Attorney may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any People injured in their business or property by reason of a violation of section 1962 of this chapter may sue therefor in Catron County court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by Catron County. From <https://www.law.cornell.edu/uscode/text/18/1964>

Note: "People" are not found in United States Codes nor New Mexico State Statutes, but only in both Constitutions and Bills of Rights. Therefore **persons** have been replaced with **people** above, *where appropriate*, to insure complete understanding of the fundamental distinction between "persons," which are artificial legal fictions encompassing municipal governments, corporations, trusts, partnerships, organizations and any legal entity to which **color of law** may be applicable; and the living **People who inhabit the Land in Catron County** to whom the color of law does not apply except by consensual contract or legal trickery.

STATE OF NEW MEXICO
CATRON COUNTY
RESERVE, NEW MEXICO 87830
ORDINANCE NO. 002-91

ORDINANCE OF THE CATRON COUNTY COMMISSION, STATE OF NEW MEXICO, (1) ADOPTING AN **EMERGENCY ORDINANCE TO PROTECT THE PUBLIC PEACE, GENERAL WELFARE, HEALTH, AND SAFETY OF THE CITIZENS OF CATRON COUNTY FROM VIOLATIONS OF THE CONSTITUTIONAL AND CIVIL RIGHTS OF THE CITIZENS, (2) PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE, AND (3) REQUESTING THAT THE LEGISLATURE OF THE STATE OF NEW MEXICO ENACT SIMILAR LEGISLATION TO CODIFY WITH STATE LAW SUCH STATUTES AS ENACTED BY COUNTY ORDINANCE AND BY THE UNITED STATES CONGRESS.**

THE COMMISSION FINDS:

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1. That the purpose of the Civil Rights Act, 18 U.S.C. §§241 *et seq.* is to protect the citizens of the United States from acts which “injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.”
 2. That as part of the Civil Rights Act, 18 U.S.C. §§245(a)(1) allows state and local law enforcement authorities the authority and responsibility for prosecuting acts that may be in violation of the Civil Rights Act and that violate state or local law.
 3. That the Commissioners of Catron County endorse the protections, rights or privileges afforded by the U.S. Constitution and the Civil Rights Act and desire to ensure that those protections, rights or privileges are afforded to the citizens of Catron County.

**BE IT DECREED BY THE CATRON COUNTY COMMISSION,
STATE OF NEW MEXICO
THE COMMISSION DECLARES:**

1. That to provide for the general welfare, public peace, health and safety of the citizens of Catron County, emergency passage of this Ordinance is required to protect the citizens of Catron County from current or potential violations of their rights or privilege as guaranteed by the U.S. Constitution, federal statutes and local Ordinances.
2. That the Civil Rights Act, 18 U.S.C. §§241 *et seq.* shall be adopted as a county Ordinance by the County Commission of Catron County.
3. That all violations of this Ordinance and the rights or privileges that this Ordinance protects, shall be filed with the county, district or prosecuting attorney or with the district court judge for submission to a grand jury. Once a petition regarding such violations of a right or privilege protected by this Ordinance is filed with the county, district or prosecuting attorney or the grand jury, an investigation of such violation must occur, including a determination of the identification of the person(s), including but not limited to any employee of the federal, state or county government responsible for such violation.
4. That nothing in this Ordinance shall be construed to prohibit the county officers or the grand jury from investigating any potential violation of this Ordinance.
5. That all violations of this Ordinance shall be considered a criminal matter, therefore the punishment imposed upon the determination of guilty verdict shall be the maximum punishment allowed by the state law of New Mexico.
6. That if any provision of this Ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of this Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this Ordinance are severable.

THE COMMISSION DIRECTS that a copy of this Ordinance be forwarded to the Legislature for the State of New Mexico and respectfully requests that similar legislation be passed by the state.

PASSED, ADOPTED, AND SIGNED by the Catron County Board of County Commissioners as Catron County Ordinance No. 002-91 and recorded with the Catron County Clerk this 21st day of August, 1990.

BOARD OF COUNTY COMMISSIONERS CATRON COUNTY, NEW MEXICO

ATTEST: /s/

G. V. Allred, Jr.

/s/

J. V. Blancq, Clerk

/s/

S. Rufus Choate

/s/

Phillip W. Swapp

CATRON COUNTY

RESERVE, NEW MEXICO 87830

ORDINANCE NO. 003-91

ORDINANCE OF THE CATRON COUNTY COMMISSION, STATE OF NEW MEXICO, (1) ADOPTING AN **EMERGENCY ORDINANCE TO PROTECT THE PUBLIC PEASE, GENERAL WELFARE, HEALTH, AND SAFETY OF THE CITIZENS OF CATRON COUNTY FROM VIOLATIONS OF THE CONSTITUTIONAL RIGHTS OF THE CITIZENS, (2) REAFFIRMING THE PROTECTIONS FOR PRIVATE PROPERTY AS PROVIDED IN THE FIFTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION AND**

THE CIVIL RIGHTS ACT, (3) REESTABLISHING THE DEFINITION OF PRIVATE PROPERTY PROTECTED BY THE CONSTITUTION AND THE CIVIL RIGHTS ACT AS DEFINED IN CURRENT FEDERAL CASE LAW AND REGULATION, (4) REQUESTING THAT THE LEGISLATURE OF THE STATE OF NEW MEXICO ENACT SIMILAR LEGISLATION TO CODIFY WITHIN STATE LAW SUCH STATUTES AND REGULATIONS AS ENACTED BY THIS COUNTY ORDINANCE.

THE COMMISSION FINDS:

1. That the fifth and Fourteenth Amendments to the United States Constitution provides that private property shall not be taken for a public use without payment of just compensation and without due process.
2. That the Supreme Court of the United States has also examined those constitutional protections and affirmed that such taking shall not occur. (See First Evangelical Lutheran Church of Glendale v. County of Las Angeles. 107 S.Ct. 2378 (1987) (Reaffirming the Constitutional right granting compensation to a private property owner for a governmental regulation that deprived that owner of the reasonable economic use of his property, even though the deprivation or taking was only temporary) and Nollan v. California Coastal Commission. 107 S.Ct. 3141 (1987) (Requiring that governmental land use decisions or regulations be narrowly focused on the public benefit as compared to the necessity of taking private property).
3. That on march 18, 1988, Presidential Executive Order 12630 was enacted and requires all federal agencies to analyze the economic effects or takings implications of their proposed policies, decisions, rules, and regulations on the private property, private property rights and investment backed expectations of individual citizens.
4. That pursuant to this Executive Order and Supreme Court cases, the Attorney General for the United States has promulgated guidelines that define private property and property rights and establish a procedure for federal agencies and departments to utilize in analyzing the effects of heir proposed rules, action, and decisions on private property.
5. That the Commissioners of Catron County endorse the private property protections guaranteed by the U.S. Constitution and desire to ensure that those protections and rights are afforded to the citizens of Catron County.

**BE IT DECREED BY THE CATRON COUNTY COMMISSION,
STATE OF NEW MEXICO**

THE COMMISSION DECLARES:

1. That to provide for the general welfare, public peace, health and safety of the citizens of Catron County, emergency passage of this Ordinance is required to protect the citizens of Catron County from current or potential violations of their Constitutionally protected property rights.
2. That the following definition of private property as taken from the Attorney General's Guidelines for the Evaluation of Risk and Avoidance of unanticipated Takings, dated June 30, 1988 (Guidelines adopted pursuant to Executive order 12630) shall be adopted within Catron County:
 - a. Private property includes all property protected by the Fifth and Fourteenth Amendments to the United States Constitution, including but not limited to, real and personal property and tangible and intangible property.
 - b. Private property protections shall also include protection for "investment backed expectations."
3. That all private property and private property rights within Catron County as herein defined shall be fully protected under the Fifth and Fourteenth Amendments of the U.S. Constitution and under the Civil Rights Act.
4. That violations of this Ordinance by the state and federal agencies shall be deemed to be a violation of Catron County Ordinance number 003-91. Liability under this Ordinance shall be placed upon the federal official or officials responsible for making and implementing any decision which fails to comply with this Ordinance.
5. That if any provision of this Ordinance or the application thereof is held invalid, does not affect any other provision of this Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this Ordinance are severable.

THE COMMISSION DIRECTS that a copy of this Ordinance be forwarded to the Legislature for the State of New Mexico and respectfully requests that similar legislation be passed by the state.

PASSED, ADOPTED, AND SIGNED by the Catron County Board of County Commissioners as Catron County Ordinance No. 003-91 and recorded with the Catron County Clerk this 25th day of September, 1990.

BOARD OF COUNTY COMMISSIONERS CATRON COUNTY, NEW MEXICO

Rufus Choate

J. V. Blancq, Clerk

G. V. Allred, Jr.

Phillip W. Swapp