

State of Jefferson summary

Since 1965, northern California has not had adequate representation in the state legislature. The most expeditious way to restore representation to the counties of northern California is to create a new state with those counties that want representation restored. The only viable plan to restore representation is the "Jefferson" state movement which is using the only legal method of engineering a state split through the formula required by Article IV Section 3 of the US Constitution.ⁱ This formula necessitates a simple majority of both houses of the state legislature and Congress approves the split in order to create a state out of an existing state or states. This process has created 4 new states in our nation's history.

In order for "Jefferson" to be successful, two tenets must be completed or verified. First, counties that want to be part of the new state must give the Jefferson Committee some indication of support. Typically this is done by the Board of Supervisors affirming a Declaration and Petition to Withdraw from the State of California. This is not the only avenue open to a County. Second, the state and national legislative actions outlined above must achieve a simple majority result. Third, although not required by Article 4, Section 3, the Committees will illustrate the financial viability of our new State to its citizens.

As of April 1, 2015 eight counties have Declared and Petitioned to Separate from California and join the new state of "Jefferson". Both the California Legislative Analyst's Office (LAO) and an internally generated financial model have shown that "Jefferson" is a viable entity. By the end of March 2015, eight counties will have had their Declarations filed with the Secretary of State of California which could initiate the legislative phase of state separation. The legislative action will be delayed long enough to determine if additional counties would like to join the new state. There are 12 additional counties that have active committees trying to educate the public and reach their supervisors with the message of republican based representation which is guaranteed in Article IV Section 4 of the US Constitution.ⁱⁱ

Issue

A basket of Supreme Court opinions, finalized by Reynolds v. Sims, an Alabama Case, diluted the representation in rural counties in thirty states in 1964.ⁱⁱⁱ Up until that opinion, California, and many other states, had roughly one state senator for each county. This was consistent with the Connecticut Compromise as implemented in Article I Sections 2 and 3 of the US Constitution where the House of Representatives is determined by population and the Senate is comprised of two individuals from each state ensuring small or less populous states have an equal footing in Congress.^{iv} The Warren Court in 1964 invalidated this form of government for thirty states by manufacturing the doctrine of "one man, one vote" from the 14th Amendment which used population as the sole arbiter of representation in both houses of the state legislature.

The California state senate became a mirrored representation structure of the assembly. Roughly six senators and assemblymen come from the twenty northern most counties of California while 35 of 120 come from Los Angeles County alone. The southern two thirds of California have 114 state representatives. As go the large population centers, so goes the entire state. For nearly fifty years, adequate representation has not existed for the counties of northern California. Many rural counties are taxed but have no representation to determine how tax monies are spent.

Solution

Creating the new state requires a number of defined steps to be achieved. Declarations and Petitions to withdraw from the State of California and join the new state of "Jefferson" must be made by the counties who want to be involved and these must then be filed with the Secretary of State of California.

Once filed, legislation must be crafted that acknowledges the Declarations, the participants and the legal description which defines the new state. It is not required for the Counties Board of Supervisors to affirm the Declaration. Jefferson was approved by voters in Tehama County. Declarations are being pursued in several counties by signature drive. Standing is created for the County in the important Federal Challenge to the Reynolds cases if they affirm the Declaration. In other words, to have a seat at the table which will decide the direction our challenge takes, the County must participate.

Declarations

The Declaration component is a critical step in the formation of a new state. The key to the language contained within the Declaration defines grievances borne by each county, the desire to dissolve its relationship with California and join the new state and the legal description of the physical boundary of the county. The combination of these elements creates ***standing*** for each county. Standing is the first component required for any judicial action. An example of a Declaration is attached as Exhibit 1.

Legislation

Scenario #1

If the State of California, ignores our Petition, by either, refusing to increase representation, or draft legislation, or failing to pass legislation authorizing the separation of the counties that have Declarations, creates the condition referred to as ***harm*** and triggers the second element for judicial action. Using the basis that the counties have standing and now have been harmed, the courts can adjudicate the issue and provide a ***remedy*** for the lack of representation for the counties.

The remedy could be additional representation in proportions that would make the California legislative houses unwieldy (over 1200), or bring back one senator for each county. Using the formula proposed by George Washington in 1787 where one for 30,000 was democracy and one for 40,000 was tyranny; there would be 1,266 members of the California Assembly.^v Knowing the potential judicial outcomes may stimulate a constructive response in the California legislative houses.

Scenario #2

The California legislature drafts a bill that acknowledges the Declarations filed by the counties and determines the boundaries of the new state. After drafting the legislation, both the California Senate and Assembly must pass the measure with a majority in each house. If the measure fails in one or both houses, then Scenario 1 above would be the next course of action.

Assuming the California state legislature does pass the measure in both houses, similar legislation must be drafted and passed in both houses of Congress. Once this occurs, the new state would legally exist and a state constitution would need to be drafted. Again, failure to pass legislation in Congress would trigger judicial action outline in Scenario 1 above.

Financial Viability

The financial viability has been demonstrated by two separate studies. The first was the result of the failed Six State Initiative that produced the LAO report on financial viability of the new six states.^{vi} Although not the wealthiest of the six states, Jefferson had a projected financial outlook similar to the State of New Mexico. The second study conducted resulted in a Variable Jefferson Viability Model that uses the population, tax rates, tax collections, county budget expenditures and K-12 education expenses for the proposed 20 counties and includes a payment plan to reimburse California for its portion of the debt owed by the population of “Jefferson”.^{vii} The model allows the user to include/remove counties, adjust tax rates and tax splits between the new state and its counties. The base model uses the current California tax structure and demonstrates that the new state is viable on day one.

Conclusion

The formula to create a new state as outlined in Article IV Section 3 of the US Constitution is fairly simple but achieving the end result requires dedication and a thorough understanding of all parties involved.

“Jefferson” must be shown to be a win-win for both the new state and California. For “Jefferson”, representation would be restored and how it chooses to govern itself will be determined within its borders. What remains of California will be two-thirds of its original land mass but greater than 95% of its population. This should enable the California legislature and governor’s office to be more efficient and effective in creating and executing laws that directly relate to the population they govern. The concentrated urban centers would benefit from a government that is familiar with the issues and solutions required of an increased population density. Those within “Jefferson” face completely different challenges that would best be met by those who share similar circumstances.

The steps to achieving a legal separation are currently underway. As of April 1, 2015, eight counties have Declarations and 12 additional counties are in various stages of completing that goal. Two separate studies have found “Jefferson” to be a financial viable entity. A recent Sacramento Bee poll has shown that 87 percent of the respondents favor state split. After compiling all the Declarations from all the counties that seek to become part of “Jefferson”, legislation will be authored and a majority in the California Senate and Assembly must pass the measure. If successful, Congress must perform the same steps as the state legislature.

In the absence of successful legislation at the state or national level, the issue would be adjudicated in the courts where the remedy defined in the cases related to *Reynolds v Sims* will require review and constitutionally valid solutions enacted. If a republican form of government as guaranteed in Article IV Section 4 of the US Constitution and applied in Article I Sections 2 and 3 of the US Constitution are sufficient for the federal government, then they should be successfully applied at the state level as well.

It is the preference of those seeking the new state of “Jefferson” to work with our local, state and federal representatives to achieve an amicable state split as defined by the US Constitution and required by Article 2 Section 1 of the California Constitution.^{viii} It would be regrettable to all parties to have this issue decided in our court system where it would most likely affect the legislative operations in thirty or more states.

ⁱUS Constitution, Madison, Morris, Sherman, et al. 1787,
http://www.archives.gov/exhibits/charters/constitution_transcript.html

ⁱⁱUS Constitution, Madison, Morris, Sherman, et al. 1787,
http://www.archives.gov/exhibits/charters/constitution_transcript.html

ⁱⁱⁱReynolds v Sims, 377 U.S. 533 (1964), <https://supreme.justia.com/cases/federal/us/377/533/case.html>

^{iv}US Constitution, Madison, Morris, Sherman, et al. 1787,
http://www.archives.gov/exhibits/charters/constitution_transcript.html

^vA Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875,
http://lcweb2.loc.gov/cgi-bin/ampage?collId=llfr&fileName=002/llfr002.db&recNum=649&itemLink=D?hlaw:1:/temp/~ammem_EbLL::%230020650&linkText=1

^{vi}California Legislative Analyst’s Office, Report on Six State Viability, January 2014,
<http://www.lao.ca.gov/ballot/2013/130771.aspx>

^{vii}Jefferson Viability Model, www.soj51.net/finances

^{viii}California Constitution, http://www.leginfo.ca.gov/.const/.article_2

Brown v Thompson

Held: Wyoming has not violated the Equal Protection Clause of the Fourteenth Amendment by permitting Niobrara County to have its own representative. Pp. 462 U. S. 842-848.

(a) Some deviations from population equality may be necessary to permit the States to pursue other legitimate objectives such as "maintain[ing] the integrity of various political subdivisions" and "provid[ing] for compact districts of contiguous territory." *Reynolds v. Sims*, 377 U. S. 533, 377 U. S. 578. But an apportionment plan with population disparities larger

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than 10% creates a *prima facie* case of discrimination, and therefore must be justified by the State, the ultimate inquiry being whether the plan may reasonably be said to advance a rational state policy and, if so whether the population disparities resulting from the plan exceed constitutional limits. Pp. 462 U. S. 842-843.

(b) This case presents an unusually strong example of an apportionment plan the population variations of which are entirely the result of the consistent and nondiscriminatory application of a legitimate state policy. Wyoming, since statehood, has followed a constitutional policy of using counties as representative districts and ensuring that each county has one representative. Moreover, Wyoming has applied the factor of preserving political subdivisions free from any taint of arbitrariness or discrimination. Pp. 462 U. S. 843-846.

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placed Wyoming's population at 469,557. The statute provided for 64 representatives, meaning that the ideal apportionment would be 7,337 persons per representative. Each county was given one representative, including the six counties the population of which fell below 7,337. The deviations from population equality were similar to those in prior decades, with an average deviation of 16% and a maximum deviation of 89%. *See* 1 App. Exhibits 19-20.

The issue in this case concerns only Niobrara County, the State's least populous county. Its population of 2,924 is less than half of the ideal district of 7,337. Accordingly, the general statutory formula would have dictated that its population for purposes of representation be rounded down to zero. *See* 28-2-109(a)(ii). This would have deprived Niobrara County of its own representative for the first time since it became a county in 1913. The state legislature found, however, that

"the opportunity for oppression of the people of this state or any of them is greater if any county is deprived a representative in the legislature than if each is guaranteed at least one (1) representative. [Footnote 4]"

It therefore followed the

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State Constitution's requirement and expressly provided that a county would receive a representative even if the statutory formula rounded the county's population to zero. § 28-2-109(a)(iii). Niobrara County thus was given one seat in a 64-seat House.

II

A

In *Reynolds v. Sims*, 377 U. S. 533, 377 U. S. 568 (1964), the Court held that "the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis." This holding requires only "that a State make an honest and good faith effort to construct districts . . . as nearly of equal population as is practicable," for "it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters." *Id.* at 377 U. S. 577. See *Gaffney v. Cummings*, 412 U. S. 735, 412 U. S. 745-748 (1973) (describing various difficulties in measurement of population).

We have recognized that some deviations from population equality may be necessary to permit the States to pursue other legitimate objectives, such as "maintain[ing] the integrity of various political subdivisions" and "providing for compact districts of contiguous territory." *Reynolds, supra*, at 377 U. S. 578. As the Court stated in *Gaffney*,

"[a]n unrealistic overemphasis on raw population figures, a mere nose count in the districts, may submerge these other considerations and itself furnish a ready tool for ignoring factors that in day-to-day operation are important to an acceptable representation and apportionment arrangement."

B

In this case, there is no question that Niobrara County's deviation from population equality -- 60% below the mean -- is more than minor. There also can be no question that Wyoming's constitutional policy -- followed since statehood -- of using counties as representative districts and ensuring that each county has one representative is supported by substantial and legitimate state concerns. In *Abate v. Mundt*, 403 U. S. 182, 403 U. S. 185 (1971), the Court held that "a desire to preserve the integrity of political subdivisions may justify an apportionment plan which departs from numerical equality." See *Mahan v. Howell, supra*, at 410 U. S. 329. Indeed, the Court in *Reynolds v. Sims, supra*, singled out preservation of political subdivisions as a clearly legitimate policy. See 377 U.S. at 377 U. S. 580-581.

Moreover, it is undisputed that Wyoming has applied this factor in a manner "free from any taint of arbitrariness or discrimination." *Roman v. Sincock*, 377 U. S. 695, 377 U. S. 710 (1964). The State's policy of preserving county boundaries is based on the State Constitution, has been followed for decades, and has been applied consistently throughout the State.

Jurisdiction Jefferson Declaration

Discussion of Jurisdiction to affirm the Jefferson Declaration:

Original;

People are born with what John Locke describes as natural rights. The Roman Senator, Marcus Cicero said, "Some laws are not written on paper, they are natural rights written in the hearts of men." Natural, inalienable rights, as the Founders called them, were placed within us upon our creation. They are the rights all human beings are born with. The concept of Liberty is over one thousand years old. People create governments to defend the rights we hold most dear. It is the only legitimate function of government. Our Founding fathers found that Property was linked to Liberty. Property and Liberty are inseparable. Benjamin Franklin said, "**Property must be secure or Liberty cannot exist.**"

Can we remain with a state which is taxing the water you drink, (Well Meters)? Tax you for the very air you breathe, (carbon tax, cap and trade). Tax you for every mile you drive? Tax the fuel necessary for the survival of your family until you must severely curtail its use?

Lawful Jurisdiction:

People came to the New World to escape tyranny. People came to the New World for religious freedom. In essence they came to America for Liberty and the security which comes with Private Property. When the government of Britain taxed us without representation, degraded private property rights, insinuated itself in the religious beliefs of the people, we abolished that form of government and substituted one more in keeping with our beliefs, and needs. **In the United States of America, the people created the government. The creation is NOT more important than the needs of the people who created it.**

Declaration of Independence; We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable 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 principals and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Constitution of the United States of America

Preamble:

We The People In Order To Form A More Perfect Union.

We should read this Clause literally! We the People, had Union prior to the Constitution. In fact we had at least 10 Presidents of the United States prior to George Washington. The Articles of Confederation, as history shows, failed to serve the people. The Declaration of Independence tells us that we can abolish an unjust or inadequate form of government. The Constitutional Convention was the first peaceful revolution in the history of the world. We The People, abolished the Articles of Confederation to ordain a new government. **Our Constitution changed the world forever because it declares that The People ordained the government.** That the People created government to "Secure the Blessings of Liberty to Ourselves and Our Posterity. We the People Ordained and Established this Constitution for the United States of America.

Constitution of the State of California:

CALIFORNIA CONSTITUTION

ARTICLE 1 DECLARATION OF RIGHTS

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

SECTION 1. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Final Jurisdiction: United States Constitution Article 4, Section 3

New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; **nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.**

California is ungovernable and fails to represent the people of the North State.

The Time Has Come For 51

BOARD OF SUPERVISORS EL DORADO COUNTY

DECLARATION AND PETITION TO THE CALIFORNIA STATE LEGISLATURE FOR THE WITHDRAWAL OF EL DORADO COUNTY FROM THE STATE OF CALIFORNIA AND TO FORM THE STATE OF JEFFERSON AND ALTERNATIVELY TO AUTHORIZE JOINING A LEGAL CHALLENGE TO REYNOLDS VS. SIMS

WHEREAS, when California was admitted to the union on September 9, 1850, counties played an integral part of California history as we note that each of the original 27 Counties had a representative in both Chambers of the legislature; that each of the 52 counties at that time had a representative in the 1878/1879 Convention; that the 1849 Constitution established a State Assembly with 80 members and a State Senate with 40 members, which has remained unchanged to this date; that the 80 members of the Assembly has always been apportioned based on population from its origins; that the 40 members of the State Senate was apportioned based on population except for the period of 1930 to 1965 when the Federal Model of government was put in place by the voters; and

WHEREAS, since 1964, and the landmark United States Supreme Court decision of Reynolds v Sims (1964) 377 U.S. 533, California has been obligated to apportion both houses of it's state legislature based on population; the result of this decision, eliminating the use of the "Federal Model" in the California State Senate, has left many of California's counties without a voice; and

WHEREAS, the California Constitution has fixed the number of representatives in both chambers at 40 Senators and 80 Assembly members; such a number is arbitrary, and has the undesirable result that, as the population grows, it dilutes the share of each County in its governing role, whereby forcing Counties to share its Senators and Assembly members with more Counties as the decades go by, diluting and abridging the votes of the citizens of the Counties themselves in this process; and

WHEREAS, dilution of the individual voter's representation in California, to a ratio of almost 500,00 citizens to one representative in the Assembly and almost 1,000,000 citizens to one State Senator, has denied the voice of rural California, and particularly the voters of El Dorado County; and

WHEREAS, the El Dorado County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature, and the Board recognizes an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in many forms including, but not limited to, the listing of the Fray Wolf on the endangered species list by the California Fish and Game Commission, implementation of the Irrigated Lands Management Program, implementation of the Grazing Regulatory Action Plan (G.R.A.P.) , California, new groundwater sustainability legislation, an illegal fire tax, the State of California's disregard for payment in lieu of taxes owed to many rural counties, in the excesses of the California EPA and CARB regulation more suited for urban standards, in property rights violations, in assaults upon Second Amendment rights, as well as disregard for other inalienable rights of the residents of El Dorado County; and

WHEREAS, State and Federal Agencies, through aggressive regulation and by reinterpretation of long-established laws, have denied the County of El Dorado, its businesses, and its residents, access to our most abundant natural resources and fishing grounds, causing untold harm to our economy, as well as to our health and public safety; and

WHEREAS, State and Federal Agencies have, through a process commonly known as “sue and settle”, compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public process and open government; and

WHEREAS, many residents of the County of El Dorado have expressed their frustration to the Board of Supervisor's regarding the excesses of state government; and the El Dorado County Board of Supervisors joins in that frustration; and

WHEREAS, the Board of Supervisors also recognizes that there are times in our history when it is apparent that the political separation of one people from another has become necessary, both for the survival of the one, as well as the continued well-being of the other; and

WHEREAS, the Board of Supervisors recognizes that soon after California statehood, credible efforts were made to split the state, with 220 proposals by 1998, including the strong Jefferson State Movement of 1941 and the election results of June 2, 1992, when citizens of 27 counties by county advisory votes, voted in favor of splitting the State of California; and

WHEREAS, the El Dorado County Board of Supervisors may place the state split on the ballot of the next regular election or special election, if the State of Jefferson becomes imminent through passage of either the Federal or State Legislature.

WHEREAS, alternatively, if an effort in forming a new state is defeated, the Board of Supervisors of the County of El dorado would consider joining a credible legal challenge to the Reynolds case; that the majority in Reynolds disregarded, ignored, and otherwise by an act of judicial activism, refused to recognize the premise on which the 14th amendment was ratified by the several states, including California; that Associate Justice Harlan is correct in his dissent by concluding that, essentially, the majority is reading into the equal protection clause an interpretation which was specifically rejected during ratification debate; that the only way to reclaim the balance of power in the state house, if separation is denied, is to overturn the Reynolds Opinion or to change the remedy to expand representation in the State of California so that each county has at least one state representative; and

NOW, THEREFORE IT IS HEREBY DECLARED that the El Dorado County Board of Supervisors hereby approves the withdrawal of El Dorado County from the State of California and starting over by forming a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; and

BE IT FURTHER RESOLVED, that pursuant to the requirements of Article 4, Section 3, of the United States Constitution, the El Dorado County Board of Supervisors requests that the California Legislature redress the above grievances and or approve the withdrawal from the State of California of the lands described below.

The boundaries of El Dorado County are as follows:

Beginning at the junction of the north and south forks of the American River, which is the extreme west corner; thence up the north fork of the American River to the point of confluence of the middle fork of the American River; thence up the middle fork of the American River to the point of confluence of the south fork of middle fork of the American River at Junction Bar; thence up said last-named fork, known as the Rubicon River, to a point where said river is intersected by the section line between Secs. 29 and 32, T. 14 N., R. 14 E., M. D. B. & M.; thence east on the section line through T. 14. N., R. 14 and 15 E. to the northeast corner of Sec. 35, T. 14 N., R. 15 E.; thence north on the range line to the southwest corner of Sec. 30, T. 14 N., R. 16 E.; thence east on the section line to the southeast corner of Sec. 30, T. 14 N., R. 16 E.; thence north to the one-quarter section corner between Secs. 29 and 30, T. 14 N. , R. 16 E.; thence through the centers of Secs. 29, 28 and 27, to the one-quarter section corner between Secs. 26 and 27, T. 14 N., R. 16 E.; thence north on the section line to the northwest corner of Sec. 26; thence east on the section line to the northeast corner of Sec. 26; thence north on the section line to the one-quarter section corner between Secs. 23 and 24; thence east through the center of Sec. 24 to the one-quarter corner between Secs. 19 and 24, T. 14 N., R. 16 E. and T. 14 N., R. 17 E.; thence north on the range line to the one-quarter section corner between Secs. 13 and 18;

Thence east to the legal center of Sec. 18, T. 14 N., R. 17 E.; thence north to the one-quarter section corner between Secs. 7 and 18, said township and range; thence east on the section line to the western shore line of Lake Tahoe; thence east in said lake to the state line; thence south and southeasterly on the state line to the northern corner of Alpine, being a point where the state line crosses the eastern summit line of the Sierra Nevada Mountains; thence southwesterly along the west line of Alpine to the common corner of Alpine, Amador, and El Dorado; thence westerly on the northern line of Amador and down the Cosumnes River and south fork thereof, to the eastern line of Sacramento; thence northerly by the eastern line of Sacramento to the south fork of the American River; thence down the latter to the place of beginning.

(Added by Stats. 1947, Ch. 424.)

BE IT FURTHER DECLARED, that the El Dorado County Board of Supervisors, desires, assuming an effort to separate from California pursuant to Article 4, Section 3 of the United States Constitution is unsuccessful, to join a challenge to the current form of apportionment of our state legislature through legal action challenging the Reynolds opinion; that the Reynolds court interpretation of the 14th amendment is inconsistent with the premise upon which that amendment was ratified by the several states; that the residents of El Dorado have been harmed and disenfranchised as a direct result of this activist courts' unconstitutional decision.

PASSED AND ADOPTED by the El Dorado Board of Supervisors at a regular meeting of said Board held on the _____ day of _____, 2015 by the following vote.

AYES:

NOES:

ABSENT

Chair of the Board of El Dorado County Supervisors

Attested to by the Clerk of the Board, _____