

1 Mr. Larry Saccato, *Sui Juris*  
2 c/o 1224 N.E. Walnut #257  
3 Roseburg 97470  
4 Oregon, USA

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6 *In Propria Persona*

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16 IN THE COURT OF APPEALS OF THE  
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18 STATE OF OREGON  
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22 State *ex rel.* NORM SMITH *et al.*, ) Appeal No. A161069  
23 Relators-Respondents, )  
24 v. )  
25 ) Douglas County Circuit Court  
26 PATRICIA HITT, in her official ) No. 15CV24992  
27 capacity as Douglas County Clerk,) )  
28 Defendant-Respondent, )  
29 and )  
30 )  
31 JOHN PARKER, )  
32 Intervenor- and )  
33 Defendant-Appellant. )  
34 )  
35 -----) )  
36 )  
37 People of Douglas County ) **APPLICATION FOR LEAVE**  
38 *ex rel.* ) **TO INTERVENE:**  
39 Larry Saccato, )  
40 Applicants. ) Article IV, Section 4;  
41 ) Article VI, Clause 2; and,  
42 ) Tenth Amendment:  
43 ) U.S. Constitution.  
44

45 Come now the People of Douglas County *ex relatione* Larry Saccato  
46 (hereinafter "Applicants") to petition this honorable Court of Appeals  
47 for leave to intervene in the instant case, for all of the meritorious  
48 reasons itemized as follows:  
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1 1. The Supremacy Clause at Article VI, Clause 2, in the U.S.  
2 Constitution elevates the Constitution, Laws and Treaties of the  
3 United States (federal government) to the status of supreme Law of the  
4 Land throughout Oregon State, notwithstanding anything to the contrary  
5 in the Constitution or laws of Oregon State.

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7 2. The Guarantee Clause at Article IV, Section 4, in the U.S.  
8 Constitution requires the United States (federal government) to  
9 guarantee a Republican Form of Government to Oregon State. This  
10 obligation requires the United States to determine if the Oregon State  
11 Constitution is Republican in Form. The Guarantee Clause must be  
12 enforced upon all subsequent amendments to the Oregon State  
13 Constitution, regardless of their origins. Cf. Amendment proposed by  
14 S.J.R. 6, 1913, and adopted by the people Nov. 3, 1914.

15  
16 3. The Tenth Amendment in the U.S. Constitution also reserves to the  
17 State of Oregon and to the People of Oregon State all powers that are  
18 not expressly delegated to the United States (federal government) by  
19 the U.S. Constitution. The Tenth Amendment also reserves to the State  
20 of Oregon and to the People of Oregon State all powers that are not  
21 expressly prohibited by the U.S. Constitution to the State of Oregon.  
22 Strictly speaking, the population of federal citizens who presently  
23 inhabit the 50 States of the Union are an absolute legislative  
24 democracy, not a constitutional Republic.

25  
26 4. Article VI, Section 8, in the current Oregon Constitution requires  
27 that every county officer shall be an elector of the county. The  
28 correct legal meaning of "elector" in the Oregon Constitution is one  
29 of the major issues being raised by the instant APPLICATION.

1       5. Article II, Section 2, of the current Oregon State Constitution  
2       requires each "elector" be a "citizen of the United States" [sic]:  
3       this requirement is contrary to at least three (3) Clauses in the U.S.  
4       Constitution. Oregon State Citizens who are qualified to make law in  
5       Congress and to serve in the White House, are not eligible to vote in  
6       any Douglas County elections. As such, Article II, Section 2 *supra*  
7       violates equal protection of the Law -- a Fundamental Right of all  
8       Oregon State Citizens who are not also federal citizens by "Right of  
9       Election".

10       6. Extensive legal research and the experience of American history  
11       now prove that the term "citizen of the United States" is synonymous  
12       and legally equivalent with "federal citizen". Confer at the  
13       definition of "federal citizenship" in Black's Law Dictionary, Sixth  
14       Edition. **Federal citizens are citizens of the federal government.**  
15       Kitchens v. Steele, 112 F.Supp. 383 (USDC/WDMO 1953); Jones v.  
16       Temmer, 829 F.Supp. 1226 (USDC/DCO 1993).

17       7. Federal citizenship did not exist prior to the American Civil War;  
18       it was initially created by the 1866 Civil Rights Act -- an Act of  
19       Congress which did not and could not amend the U.S. Constitution under  
20       any circumstances: see Article V, U.S. Constitution.

21       8. The organic U.S. Constitution was first ratified on June 21, 1788,  
22       with three (3) Qualifications Clauses, a Diversity Clause, and a  
23       Privileges and Immunities Clause. In the Qualifications Clauses, the  
24       term "United States" means "States united". People v. De La Guerra,  
25       40 Cal. 311, 337 (1870). All five (5) Clauses have never been  
26       amended; as such, they retain today the meaning which they had when  
27       those five Clauses were first ratified into supreme Law of the Land on  
28       June 21, 1788.

1 9. All five of the latter Clauses refer to Citizens of one of the  
2 States united. As such, State Citizenship was the one and only class  
3 of American Citizens which existed between 1788 and 1866. Federal  
4 citizenship was not even contemplated when the organic U.S.  
5 Constitution was first being drafted. Pannill v. Roanoke, 252 F. 910,  
6 914. In America we have a government of the United States, and a  
7 government of each of the several States: each of these governments  
8 is distinct from the others, and each government has citizens of its  
9 own. U.S. v. Cruikshank, 92 U.S. 542 (1875); Slaughter House Cases,  
10 83 U.S. 36 (1873).

11  
12 10. Accordingly, insofar as the definition of "elector" in the  
13 current Oregon State Constitution expressly excludes any mention of  
14 Oregon State Citizens, that definition exhibits a form of class  
15 discrimination which violates the Supremacy Clause: **said definition**  
16 **has no standing for any purposes whatsoever.** *Inclusio unius est*  
17 *exclusio alterius*: an irrefutable inference must be made that the  
18 omission of State Citizens from the definition of "elector" was  
19 intentional.

20  
21 11. Insofar as the definition of "elector" in the current Oregon  
22 State Constitution expressly excludes any mention of Oregon State  
23 Citizens, that definition also justifies the conclusion that Congress  
24 has failed to guarantee a Republican Form of Government to Oregon  
25 State when the current Oregon State Constitution was amended on  
26 November 3, 1914, chiefly to require all voters to be federal  
27 citizens. See Amendment proposed by S.J.R. 6, 1913, and adopted by  
28 the people Nov. 3, 1914.

1 12. Finally, the Tenth Amendment is surely violated insofar as Oregon  
2 State Citizens are prohibited from voting merely because they are not  
3 federal citizens, and for that reason cannot claim the status of  
4 "elector" without committing perjury on a voter registration form.  
5 Such class discrimination is made even more obvious by the  
6 Qualifications Clauses in the U.S. Constitution, which identify Oregon  
7 State Citizens as qualified to vote on federal legislation pending  
8 before the U.S. Senate and House of Representatives. Oregon State  
9 Citizens are qualified to make law in Congress, but they are not  
10 eligible to vote in Oregon State elections merely because they are not  
11 also federal citizens by Right of Election. *Reductio ad absurdum!*

12 **INCORPORATION OF SUMMARY TREATISE: "Citizenship for Dummies"**

13 Applicants respectfully request mandatory judicial notice of the  
14 attached essay entitled "Citizenship for Dummies" and incorporate same  
15 by reference, as if set forth fully here. Applicants also request  
16 discretionary judicial notice of all Internet resources listed under  
17 "Further Reading" at the end of that essay. For the convenience of  
18 this honorable Court, "Citizenship for Dummies" is accessible at the  
19 following Internet location, with hyper-links:

20 <http://supremelaw.org/authors/mitchell/citizenship.for.dummies.htm>

21 **REMEDY REQUESTED**

22 All premises having been duly considered, Applicants respectfully  
23 petition this honorable Court of Appeals for leave to intervene for  
24 the purpose of challenging the constitutionality of Article VI,  
25 Section 8, and Article II, Section 2, in the current Oregon State  
26 Constitution: taken together, both provisions violate the Supremacy  
27 Clause, the Guarantee Clause, and the Tenth Amendment in the  
28 Constitution for the United States of America as lawfully amended.

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**PROOF OF SERVICE**

I, Lawrence J. Saccato, Relator on behalf of the People of Douglas County, Oregon, caused the following pleading:

**APPLICATION FOR LEAVE TO INTERVENE:  
Article IV, Section 4; Article VI, Clause 2; and  
Tenth Amendment: U.S. Constitution**

to be served via first class U.S. Mail, with sufficient postage affixed, upon the following recipients:

**Appellate Court Administrator** (3X)  
Appellate Court Records Section  
1163 State Street  
Salem 97301-2563  
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**James L. Buchal**  
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Portland 97214  
Oregon, USA

Dated: January 9, 2016 A.D.

Sincerely yours,

/s/ Lawrence J. Saccato

Lawrence J. Saccato, *Sui Juris*  
Citizen of Oregon  
(expressly not a federal citizen)

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