



# Civil Rights Task Force

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## The Washington State Constitutional Fraud

For over 111 years, it had been barely known that there are actually two Constitutions in the history of the State of Washington. The first was ratified [1] by the people of the Territory of Washington on November 5th in 1878 [2] This constitution was properly signed and promptly entered into the public record. On January 28th, 1889, the 1878 constitution was presented to the United States Senate for inclusion into the union and printed in the federal register.

There was about a 10 year span between when the 1878 Constitution was presented to the Federal government for joining the union and when it was actually accepted into the union in February 22nd, 1889 [3] This delay was caused by a democratically controlled congress that didn't want republican states like Washington in the union.

### **A strange thing happend on the way to acceptance however.**

On January 24th, 1889, more than 10 years after the first constitution was presented to the union and printed for approval, a Mr. H. C. Wilmarth of the committee for the Admission to the United States wrote to the Washington Territorial Governor, Eugene Semple, urgently requesting that he call for a constitutional convention to create *another* state constitution. This was done because there wasn't time to have the legislature call for one because they wouldn't be lawfully meeting again until *after* congress would have passed the enabling act. Mr. Wilmarth was desperately trying to meet a timetable.

Newspaper articles and correspondence of the day show discussions between Mr. Metcalf, the Attorney General, and Mr. Semple, the Governor concerning whether or not the Governor could lawfully call a constitutional convention by executive proclamation. Mr.

Metcalf argued that this clearly could not be done because the executive doesn't represent the people and thus cannot have this power.

Nevertheless, Mr. Wilmarth and friends had their convention. It began, conveniently on the centennial of the United States Constitution, July 4, 1889 in Olympia, Washington despite the fact that it was never lawfully called for.

On that very same night, July 4, 1889, a huge fire in Ellensburg wiped out the heart of the city. Ellensburg was the site of the Statehood convention on January 3rd, 1889 where anxious delegates gave authority to Mr. Voorhees to get Washington accepted under the 1878 constitution. Now that a Republican President, Benjamin Harrison, had been elected, it seemed everyone was ready to get the ball rolling again.

In March of 1888, Walla Walla had a similar fire. Walla Walla was the site of the original constitution and was the place where many of the records about that constitution were stored. On June 4th, 1889, Seattle had another similar fire. In *all* these fires, critical historical records were destroyed. In *all* these fires, mysterious things happened, such as the failure of critical water systems, making it impossible to save the public records of the day. By August 22nd, 1889, the second constitution was completed in Olympia.

Finally, 11 years after the second convention was completed, the 1889 constitution was filed into the public record around 1900, *illegally substituted for the previous constitution*. There was never any record of this constitution being ratified by an election of the people. The filed Journal of the 1889 convention copy shows all 75 of the **signatures** were written *in the same handwriting!*

At the state archives you can find another *original* of the 1889 constitution **written in a completely different hand** bound in folios with a blank second page of a 2 page folio bound between the final page of the constitution and the signature page which begins a separate 4 page folio!

Finally, in 1957, the RCW created a volume 0 and published the **1889 constitution** and *this has been used as the official constitution of the state ever since.*

**So...**

Not only has a fraudulent constitution been passed off as the real one, but the two constitutions differ in some significant ways. The older one guaranteed allodial land title to its inhabitants. That means that it prohibited property taxes and other liens on our property. It also prohibited any person, or association of persons, from occupying more than one branch of the government at the same time. These key protections for the people are not in the 1889 constitution. Both constitutions are quite similar in most respects but the order of the 1889 one is completely different than the 1878 one. *It is as if some minor fixes were wanted but not in a way that anyone would notice.*

**Discovery**

Earlier this year (2000) legal scholars learned of these little known facts and are continuing to investigate the matter. Mr. David Carrol Stephenson, and Mr. Kenneth Wayne, both recognized international lawyers, began to take steps to correct this problem.

**Action**

On September 18th, 2000, Mr. David Carroll Stephenson of American Business Law Inc. published all the evidence known at that time publicly in the *Olympian* newspaper and sent legal [proof \[4\]](#) and an [affidavit \[4\]](#) packet to all high ranking state government officials and many state agencies asking for any information they might have that would controvert the published evidence. All responses received were negative. No one seemed to have any evidence that might prove that the 1889 was a legitimate constitution or that the 1878 one was not the lawful Constitution of the State of Washington, and the only one on file in Washington D.C., granting Washington Statehood.

**Reaction**

Mr. Stephenson was then placed in jail for the crime of being a danger to the State of Washington. This appears to have been an attempt to prevent Mr. Stephenson from carrying out legal action against the State to force correction of this problem.

**Counter Action**

Mr. Wayne, however, was not incarcerated and proceeded to file a [lawsuit](#) against the state for \$380 Billion in damages on November 7th, 2000.

**Related Action**

During the election crisis, Mr. Wayne saw an opportunity to bring the Washington State constitutional issue to the attention of the [Supreme Court of the United States](#) by issuing an [Amicus Motion](#) and [Brief](#) pointing out some obvious constitutional issues that should clear up the election problems.

#### **Actions to come**

The ball is rolling. Who knows what effect these actions will have. The commercial lein should begin to be felt in the state early in 2001. Mr. Stephenson and Mr. Wayne are giving the state an ultimatum. They are determined to get this straightened out and to put *We the People* back in charge of our government.

#### **What will you do to help?**

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Notes:

- The 1878 ratification election results can be found on file at the Washington State Archives. [back](#)
  - The convention for the creation of this constitution was completed on August 3rd, 1878 in Walla Walla, Washington and the federal congressional record recognizes the delegates to this convention by name. See the p. 644, of the April 12, 1879 issue of the Congressional Record. [back](#)
  - See Volume 0 of the RCW, p. 19 (1992 Ed.) where you will find a copy of the enabling act that congress passed to admit Washington to the union. [back](#)
  - This is in PDF format. Click [here](#) to download a reader. [back](#)
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