

1/17/2022.

To: Sheriff Dave Daniel  
1901 NE F. St,  
Grants Pass, Oregon. 97526.  
Sent Certified Mail # 7017 1070 0000 3854 2935, return receipt requested.

Re: Petition For Redress Of Grievance: Complaint Of Criminal Conduct, And Claims With Preliminary Evidence; Or Relative To Oregon Organic Trust Obligations, ex rel; Emergency.

Sheriff Daniel,  
Greetings.

We hope this communication finds you well. We must speak frankly with you sheriff.

I am Hal Anthony., an aggrieved man<sup>1</sup>, duly representing also the other aggrieved man and associated interest, John Henry., owners, and appurtenant rights, We, Mineral Estate Grantees and the lawful, vested, perfected, uncommon or valuable mineral deposit entry of county record<sup>2</sup>, of validity, God's Creation, an irreparably harmed, segregated, private in-holding on the public domain<sup>3</sup>, disposed soil, of fee character, as a matter of law, with its own associated interests— private property within a forest reserve known as “real estate” pursuant to state law, ORS 517.080<sup>4</sup>. The disposed location is the terminus of a disposed<sup>5</sup> mine haul road, a “highway” which is under *exclusive* county jurisdiction<sup>6</sup>. Each disposal is subject to state criminal law, the relief demanded herein is preserved to us by the due process clause, Section 10, of the Oregon constitution<sup>7</sup>.

1 **Oregon constitution— Section 1.** [Natural rights inherent in people.] We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. —

2 **Josephine County Official Records #** [REDACTED].

3 **Organic Act Of 1897** [PUBLIC--No.2.], the act of March 3, 1891 (26 Stat., 1095), in pertinent part, "any public lands embraced within the limits of any forest reservation which, . . . "shall be found better adapted for mining or for agricultural purposes than for forest usage, may *be restored to the public domain*. And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained." {emphasis added}, codified at 16 USC 482.

4 **ORS 517.080, “Mining claims as realty.** All mining claims, whether quartz or placer, are real estate. The owner of the possessory right thereto has a legal estate therein within the meaning of ORS 105.005”.

5 **Oregon Law, H.B. 208, enacted that, Section 1.** All roads or thoroughfares not hereto fore legally established within the State of Oregon that may have heretofore been used, or hereafter be used, for a period of ten (10) consecutive years or more by the general public for the purpose of travel, without protest, are hereby declared to be county roads.

**Section 2.** No road of public easement shall be altered or vacated except by the county court in the manner now provided by law; and no county shall be bound to work, or improve, or keep in repair such road of public easement. Approved February 28, 1901.

6 **ORS 368.016 County authority over roads; limitations.** (1) Except as provided in this section or as otherwise specifically provided by law, the exercise of governmental **powers relating to a road within a county is a matter of county concern.**

**ORS 368.021 County authority over trails.** (1) A county governing body has the **same jurisdiction over trails as it has over local access roads.**

7 **Oregon constitution— Section 10.** [Administration of justice.] No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, **and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.**—

1) We petition for redress of grievance for what is, malfeasance, or “*conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests,*”<sup>8</sup> committed against us and within the scope of your duties and obligations to provide relief<sup>9</sup>; While not perfect, we feel this petition and complaint sufficient and adequate such that intelligent people can deduce the elements of the public offenses or oppression evidenced. But if not discernible, I am available to either show where those elements of crimes are in this petition or can provide more information or evidence to show the existence of an element of a crime we may have missed. This does not exclude crimes we've missed.

2) We are encouraged to hear in a recent official communication, your statement affirming and coming from “firm soil”, and the common grounds of our cause<sup>10</sup> being firmly on disposed soil; That with your courage, because of your expressed compassion, we might finally get lasting relief for the breaches of public duty and of the peace against us, society, and the usurpation of the republic form representative government of organic establishment<sup>11</sup>, what the Oregon courts acknowledge is *supplanted*, in int'l law, a *substitution*<sup>12</sup>. There is more here than meets the eye.

3) It has been our experience that there is, if not a complete rejection, then at least a reticence in public officials to protect the people from official abuse and other wrongs, in particular protecting mineral estate grantees providing for themselves and the needs of society. Because of this, we reasonably believe it necessary to resort to this constitutionally protected right to relief through petition for redress of grievance or complaint, reminding of the importance and function and obligation of giving the due regard and relief expected to be fulfilled, if a peaceful society is to continue;

4) Additionally, in part, it is said, the law will come in aid of the oppressed. A further object of this petition is to objectively determine any futility in resorting to the law or of those undertaking to faithfully execute the law. This is necessary for us to identify governmental maladministration, our constitutional duty and obligation, and to exhaustion. If we have missed something herein requiring a better presentment in fulfillment of the duty to keep the peace, or for any one else<sup>13</sup>, such as attorneys,

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8 **First principle of criminal liability is the voluntary act requirement.** Elements of Criminal Liability. 1. Criminal Act (actus reus)

9 **ORS 206.010 General duties of sheriff.** . . (1) Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.

(2) Defend the county against those who, by riot or otherwise, endanger the public peace or safety.

10 **Oregon Admission Acts, Act Of Congress Admitting Oregon Into Union,**

[Approved February 14, 1859], in pertinent part, "*that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof;*" -- OREGON ADMISSION ACTS, ACT OF CONGRESS ADMITTING OREGON INTO UNION, [Approved February 14, 1859].

11 **ORS 174.520 General statutes enacted prior to January 12, 1953, repealed;** exceptions. (1) All statute laws of Oregon of a general, public and permanent nature enacted prior to January 12, 1953, were repealed effective December 31, 1953, except as provided in subsection (2) of this section.

(2) If any provision of the statute laws described in ORS 174.510 (1), derived from an Act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of subsection (1) of this section shall not prevent the preexisting statute from being law if that appears to have been the intent of the Legislative Assembly or the people. [1953 c.3 §§2,6; 1961 c.90 §3]

12 **ORS 174.550 Statute revision of 1953 substituted for statutes repealed by ORS 174.520.** The provisions of the statute laws described in ORS 174.510 (1) are *considered as substituted* in a continuing way for the provisions of the prior statute laws repealed by ORS 174.520. [1953 c.3 §5; 1961 c.90 §6]

13 **Professional Conduct ORS 9.460 Duties of attorneys. An attorney shall:**

(1) Support the Constitution and laws of the United States and of this state;

whom shall, “[n]ever reject the cause of the defenseless or oppressed”, and see Fn 93, and need further information or evidence, as sheriff Gilbertson attempting<sup>14</sup> to perform his duty, do not hesitate to ask.

5) We demand this petition for redress of grievances, or criminal complaint of the facts, applicable law, and claims thereby for a recent series of criminal trespasses<sup>15</sup>, criminal mischief<sup>16</sup>, malfeasance, retaliation, etc., committed under color of official authority forming a repeating injury, damages<sup>17</sup>, and irreparable harm, more fully supported below, of our congressionally granted and contractually vested property or rights without full relief for over a decade; The latest series involves, and not limited to, felonious conduct, official oppression, retaliation, unwarrantable threats of arrest, criminal trespass, extortion, coercion, theft and destruction of property, unwarranted control through deception or through deceptive instrument and through evasion of law, or breach of oath of office, or public trusts. We've absorbed as much abuse and insult as we can tolerate or afford in this vacuum of peace.

6) This petition is made by innocent, reasonable men with knowledge or reasonable belief of the facts, and as a matter of law, footnoted herein, and as to what is known or should have been known by the perpetrators herein operating fraudulently or under color of federal authority, or contrary to 5 CFR § 2635.101 - Basic obligation of public service<sup>18</sup>, and constituting additional violations of state law, or conduct in breach of Oregon state trust obligations and duties, pursuant to the Oregon constitution

**(4) Never reject, for any personal consideration, the cause of the defenseless or the oppressed.**

[Amended by 1989 c.1052 §9; 1991 c.726 §5]

14 **ORS 161.025 Purposes; principles of construction.** (1) The general purposes of chapter 743, Oregon Laws 1971, are:  
(a) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the correction and rehabilitation of those convicted, and their confinement when required in the interests of public protection.

**(b) To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests.**

15 **ORS 164.265 Criminal trespass while in possession of a firearm.** (1) A person commits the crime of criminal trespass while in possession of a firearm who, while in possession of a firearm, enters or remains unlawfully in or upon premises.  
(2) Criminal trespass while in possession of a firearm is a Class A misdemeanor

16 **ORS 164.365 Criminal mischief in the first degree.** (a) Damages or destroys property of another:

[ . . . through Criminal mischief in the first degree which (a) Damages or destroys property of another . . . ]

(1) A person commits the crime of criminal mischief in the first degree who, with intent to damage property, and having no right to do so nor reasonable ground to believe that the person has such right:

(a) Damages or destroys property of another:

(A) In an amount exceeding \$1,000;

(3) Criminal mischief in the first degree is a Class C felony.

17 **ORS 164.367 Determining value of damage; aggregation.** For purposes of ORS 164.345, 164.354 and 164.365, the value of damage done during single incidents of criminal mischief may be added together if the incidents of criminal mischief were committed:

(1) Against multiple victims in the same course of conduct; or

(2) Against the same victim, or two or more persons who are joint owners, within a 30-day period.

18 **5 CFR § 2635.101 - Basic obligation of public service**

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(5) Employees shall put forth honest effort in the performance of their duties.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

Because **an employee is considered to be on notice of the requirements of any statute**, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself **and obtain the advice of an agency ethics official** as needed. {emphasis to highlight}

undertaking honoring the Oregon Admission Acts, 1859, Fn 10, or the laws of the United States; Dishonoring or defrauding the concurrently present trusts, be they public, mineral estate, official, or otherwise; each fact below, respectively, being a separate count of wrong-doing or malfeasance in each category of trust breach, or willful misconduct<sup>19</sup>, or negligence, additional or complimentary.

7) The entire petition, being evidence and required to be taken true, is incorporated by this reference to be applicable, recursively, to each fact herein establishing the relative required element(s).

8) The principles herein, “*reasonably suspected of public offenses*”<sup>20</sup> and of which we are maliciously or willfully and wrongfully enslaved by, oppressed, or defenseless to, apart from the theft of the highway caution sign and the latest complete road obstruction, by USFS locked gate, of our disposed, granted, ingress and egress, are being committed wholly within “*the exclusive right of possession and enjoyment of all the surface included within the lines of their locations*” of our valid valuable mineral deposit entry<sup>21</sup> and appurtenant rights, in-holding on the public domain within a forest reserve, Organic Act of 1897, Fn 3, and without our consent, or through impairment of contract or grant breach. No part of our valuable mineral deposit entry being disposed exclusively to us on “*the public domain*” is considered “*the public land*” subject to “*public land*” management or administration<sup>22</sup>.

9) Consistent with the mining law, we use the term 'claim' in the sense of vested property in itself, not merely an assertion of a right to a property.

10) In anticipation of an evasion of justice under color of law, in our pursuit of justice, any reference “or relating to any act under color of such office or on account of any right, title or authority” is not “claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue”, 28 U.S. Code § 1442, Removal, but only to evidence consistent federal elements for purposes of criminal culpability solely pursuant to state law, or to the extent of the scope of duty, or for eliminating any element for purposes of removal and to preserve the sovereignty of Oregon and maintain the trust relationship established in the Oregon Admissions Acts, and then only to a constitutional "district court of the United States", see 28 USC, not to a United States District Court, USDC, such as any USDC in a “District of Oregon”; Looking universally, there is no safe harbor from Oregon law the federal perpetrators, or those aiding and abetting, in misprision, can run to be federally protected, as a matter of law. The subject matter herein is not for purposes of tort, but relief from crime pursuant to Oregon law.

11) During the times relevant to this petition, unless it was a scouting mission to further a scheme and

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19 **Willful misconduct; Willful:** (1) actual or constructive knowledge of the peril to be apprehended, (2) actual or constructive knowledge that injury is a probable, as opposed to a possible, result of the danger, and (3) conscious failure to act to avoid the peril.

20 **ORS 8.670 Proceedings before magistrates and grand jury.** The district attorney shall institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when the district attorney has information that any such offense has been committed, and attend upon and advise the grand jury when required. **Note:** This includes the appurtenant duty to “*investigate the facts and applicable law*”, required to avoid a dishonest exercise of prosecutorial discretion or U.S. certification, inviting culpability rather than enjoying a privilege of immunity.

21 **30 U.S. Code § 26 - Locators’ rights of possession and enjoyment;** The locators of all mining locations . . . not in conflict with the laws of the United States governing their possessory title, **shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, . . .**

22 **43 U.S. Code § 1733 - Enforcement authority**

artifice against us by a cohort seeking lucrative trail projects or other United States, U.S., contracts, the photo evidence shows, on or about 5/23/2021, only one member of the public using the mine haul road, turn around time of which indicating no interference with our property by the public beginning the period suffered by the trespasses evidenced herein. Security camera image evidence of these events is one object of the theft, Fn 89, the intent to conceal any perpetrator's presence and wrongful activity.

12) Our investigation is carried out to the best of our ability, resources and contacts together with the foregoing, incorporated herein by this reference, supports the good faith and reasonable or probable cause to believe that, starting on or about 6/15/2021, perpetrators, thought to be under color of federal employment, whether or not federal officials, or state officials, have, respectively, committed the following wrongful acts or by omission, whether severally or in conspiracy<sup>23</sup>, or by criminal collective action<sup>24</sup>, maliciously, of willful misconduct, or acts of negligence or without any good faith, or probable cause reliance, defense, or avoidance, and none demonstrated. One suspect identifies himself, Bugosh, Badge No. 2416, and another is thought to be a Forest Service Mineral Technician named Shoemaker. Any of the perpetrators shown in photographic evidence, identified, or yet to be identified, whomever,:

13) Is charged with knowledge, the duty and obligation to know, Fn 18, of the subject matter herein;

14) Given a Forest Service Mineral Examiner certified mineral validity exam of public record, proving our land is "mineral in character" valid, a private in-holding of Josephine county public record, on "*the public domain*", other than "*public land*", knows our granted soil disposals and appurtenant rights are without agency jurisdiction, as a matter of law, see also *Tosco Corp. v. Hodel*, 611 F. Supp. 1130 (D. Colo. 1985), referencing *Wilbur v. Krushnic*, 280 U.S. 306 (1930), "ownership, is as good as though secured by a patent. P. 280 U.S. 316."; making every act or omission of the perpetrators herein willful.

15) Did trespass feloniously, ORS 164.075<sup>25</sup>, property extortion, or ORS 163.275<sup>26</sup>, rights coercion, on

**23 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. {In pertinent part.} (June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

**24 See ORS 164.075(f) & 163.275 (f) felony**

**25 ORS 164.075 Extortion.** (1) A person commits the crime of extortion when the person compels or induces another person to either deliver property or services to the person or to a third person, or refrain from reporting unlawful conduct to a law enforcement agency, by instilling in the other person a fear that, if the property or services are not so delivered or if the unlawful conduct is reported, the actor or a third person will in the future:

**(a) Unlawfully cause physical injury to some person;**

**(b) Unlawfully cause damage to property;**

**(c) Engage in other conduct constituting a crime;**

**(d) Accuse some person of a crime or cause criminal charges to be instituted against the person;**

**(f) Cause or continue a strike, boycott or other collective action injurious to some person's business, except that such conduct is not considered extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act;**

**(g) Testify falsely or provide false information or withhold testimony or information with respect to another's legal claim or defense; or**

**(h) Unlawfully use or abuse the position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.**

(2) Extortion is a **Class B felony**. [1971 c.743 §127; 1987 c.158 §27; 2007 c.71 §48; 2016 c.47 §2]

**26 ORS 163.275 Coercion.** (1) A person commits the crime of coercion when the person compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in

to our valid uncommon mineral entry without privity, warrant, title<sup>27</sup>, consent, interest, or emergency, or non-fraudulent exigency, or due process, under color of authority causing irreparable harm and other damage, infringement, and divestment;

16) If committed as a legitimate agent of the U.S. Government grantor, committed trust breach, and loss thereby, defrauding the trust relationship in us, to commit extortion, feloniously coercing us through felonious theft<sup>28</sup> or unlawful takings, Fn 101; Breaching the basic obligation of public service, Fn 18, and being prejudicial to the government, Fn 84.

17) Did without privity, warrant, title, consent, interest, emergency or non-fraudulent exigency, criminally trespass, twice, within the lines of location of our vested valid valuable “mineral deposit subject to location under the mining laws of the United States”; an excepted entry:

18) Did trespass, Exhibit 1, due to a lack of lawful purpose to enter, or consent, and contrary to lawfully posted notices or perfecting county public record.

19) Criminally trespass a second time, Exhibit 2, the same day after the first without privity, warrant, title, consent, interest, emergency or non-fraudulent exigency.

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conduct in which the other person has a legal right to engage, by means of instilling in the other person a fear that, if the other person refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion or inducement, the actor or another will:

**(a) Unlawfully cause physical injury to some person;**

**(b) Unlawfully cause physical injury to some animal;**

**(c) Unlawfully cause damage to property;**

**(d) Engage in conduct constituting a crime;**

**(f) Cause or continue a strike, boycott or other collective action injurious to some person’s business, except that such a threat is not deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act;**

**(e) Falsely accuse some person of a crime or cause criminal charges to be instituted against the person;**

**(g) Testify falsely or provide false information or withhold testimony or information with respect to another’s legal claim or defense; or**

**(h) Unlawfully use or abuse the person’s position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.**

**(2) Coercion is a Class C felony.** [1971 c.743 §102; 1983 c.546 §4; 1985 c.338 §1; 2007 c.71 §45; 2015 c.751 §1]

27 **Unlike as in *Minard Run Oil Company v. United States Forest Service, (2009)***, where the federal agency did have surface rights and still did not prevail, in this matter, neither the agency nor the invaders acting under color of authority can show any title to our exclusively possessed valid valuable mineral deposit property. And there is no contract or application and none necessary, between us, to provide administrative jurisdiction, referencing *O’neil v. Dept. of Professional & Vocational Standards, 1935*, but to the trust duties and obligations of the federal government to secure us in our granted self-initiated exclusive vested valuable mineral entry and private in-holding. The entry is vested by virtue of a grant from the general government, and perfected, creating a trust relation and impairment free contract.

28 **ORS 164.015 “Theft” described.** A person commits theft when, with intent to deprive another of property or to appropriate property to the person or to a third person, the person:

(1) Takes, appropriates, obtains or withholds such property from an owner thereof;

(2) Commits theft of property lost, mislaid or delivered by mistake as provided in ORS 164.065;

**(3) Commits extortion** as provided in **ORS 164.075** by compelling or inducing another person to deliver property;

**(4) Commits theft by deception as provided in ORS 164.085;** or

(5) Commits theft by receiving as provided in ORS 164.095. [1971 c.743 §123; 2007 c.71 §47; 2016 c.47 §7]

**ORS 164.055 Theft in the first degree.** (1) A person commits the crime of theft in the first degree if, by means other than extortion, the person commits theft as defined in ORS 164.015 and:

(a) The total value of the property in a single or aggregate transaction is \$1,000 or more;

20) Did through theft by deception<sup>29</sup>, in making and uttering a forged instrument<sup>30</sup>, Exhibit 3, for an illicit purpose; And did so under color of proper application, or taking advantage of an improper complaint, attaching without right, attempting to commit theft under color of authority, under the further misrepresentation and threat to a mining incident excavator to be “impounded”, it's physical and forceful removal, or in criminal solicitation<sup>31</sup> and increasing criminal trespass;

21) Did falsely or fraudulently claim our mining incident machine, on God's Creation, “abandoned”, maliciously threatening forced physical removal from our valid claim, unlawfully taking claim to the private property and purpose for the machine, a value in excess of \$40,000, not including the loss of mining incident use; This slander of title and pretense similarly repeats a prior concerted crime, or by collective action against us requiring sheriff Gilbertson's intervention on our behalf.

22) Did violate the federal Office of Budget and Management, OMB, requirement for an OMB number on the instrument where collecting private information, and the fraudulent use of the sticker all together, and fraudulently used on private property and appurtenances, in willful misconduct

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29 **ORS 164.085 Theft by deception.** (1) A person, who obtains property of another thereby, commits theft by deception when, with intent to defraud, the person:

- (a) Creates or confirms another's false impression of law, value, intention or other state of mind that the actor does not believe to be true;
  - (b) Fails to correct a false impression that the person previously created or confirmed;
  - (c) Prevents another from acquiring information pertinent to the disposition of the property involved;
  - (d) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
  - (e) Promises performance that the person does not intend to perform or knows will not be performed.
- (2) “Deception” does not include falsity as to matters having no pecuniary significance, or representations unlikely to deceive ordinary persons in the group addressed. For purposes of this subsection, the theft of a companion animal, as defined in ORS 164.055, or a captive wild animal is a matter having pecuniary significance.
- (3) In a prosecution for theft by deception, the defendant's intention or belief that a promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed.
- (4) [omitted for impertinence] [1971 c.743 §128; 1991 c.837 §10; 2007 c.71 §49]

30 **In part, intentionally and materially misrepresenting** the location of our mining incident machine, locating it as being other than on the claim, and on “1134 trail Silver creek”, when it is not, and marking an apparent “x” in the box labeled “Abandoned property”, knowing it wasn't, in a place he should not have been given he had seen or had opportunity to see and the obligation and duty to locate the monument at the gate, or those conspicuously posted, holding evidence of the lawfully adequate county claim recording, or in order to gain control of or access to the properties not otherwise in his power, or an unlawful taking, and while in trespass attached a notice to the property without consent or lawful warrant in law, and directed to no other lawfully acting officer who would be trespassing to read it. See, and due to the changing legal landscape, monitor for Honest services fraud, United States Code Title 18 Section 1346.

31 **ORS 161.435 Solicitation.** (1) A person commits the crime of solicitation if with the intent of causing another to engage in specific conduct constituting a crime punishable as a felony or as a Class A misdemeanor or an attempt to commit such felony or Class A misdemeanor the person commands or solicits such other person to engage in that conduct.

(2) Solicitation is a:

- (a) Class A felony if the offense solicited is murder or treason.
- (b) Class B felony if the offense solicited is a Class A felony.
- (c) Class C felony if the offense solicited is a Class B felony.
- (d) Class A misdemeanor if the offense solicited is a Class C felony.
- (e) Class B misdemeanor if the offense solicited is a Class A misdemeanor. [1971 c.743 §57]

**18 U.S. Code § 373** - Solicitation to commit a crime of violence, in part, (a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element **the use, attempted use, or threatened use of physical force against property** or against the person of another in violation of the laws of the United States, similar to accessory in Criminal Conspiracy.

knowingly disregarding all notices of the fact of the “*exclusive right of possession and enjoyment of all the surface included within the lines of their locations*”, in order to further his, or their, criminal intentions under color of lawful authority.

23) Did threaten by deception the loss of our mining incident tools, obstructing our right to work our congressionally granted claim to feloniously, ORS 163.275, Fn 26, under color of authority, without privity, warrant, title, consent, interest, emergency or non-fraudulent exigency, to interfere with our vested rights or to make us vulnerable to further depredation;

24) Did infringe without privity, warrant, title, consent, interest, or emergency our right to protect an appurtenant mining incident property developing and extracting uncommon minerals;

25) Did infringe without privity, warrant, title, consent, interest, emergency or non-fraudulent exigency, constitutionally declared public use, benefit, and necessity of a private property in-holding the federal forest reserve, or by acts of sabotage<sup>32</sup>, in the criminal theft, ORS 164.015, Fn 28, or in trust breach;

26) Did interfere without privity, warrant, right, title, consent, or interest in God's Creation.

27) Did obstruct the right of grantee's exclusive control or possession; committing trust breach.

28) Did commit constructive theft or unlawful takings, by such means as slander of title.

29) Did unlawfully cause harm, whether or not irreparable<sup>33</sup>, or damage, either singularly or cumulatively in excess of the value of \$1000, being felony conduct.

30) Did cut the chain, link found on ground, and thieved the chain and the lock that secured the gate protecting the claim, ORS 164.270, Fn 62; and causing and creating the attractive nuisance, in leaving the gate wide open, which the state legislature sought to avoid, a public and private hazard, ORS 167.810<sup>34</sup>, wrongfully inviting access to open excavations sought by the owners to protect against; Replacement of the chain and lock, value \$11, work interference due to insecurity, the irreparable harm and cumulative loss of development and extraction, IHCLDE, value exceeding \$1200.

31) Did commit an unlawful takings, felonious constructive possession of private property without privity, warrant, title, consent, interest, emergency or non-fraudulent exigency, under color, by

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32 **18 USC 2151: Definitions.** Based on sections 101, 104, of title 50, U.S.C., 1940 ed., War and National Defense (Apr. 20, 1918, ch. 59, §§1, 4, 40 Stat. 533 ; Nov. 30, 1940, ch. 926, 54 Stat. 1220 ; Aug. 21, 1941, ch. 388, 55 Stat. 655 ; Dec. 24, 1942, ch. 824, 56 Stat. 1087 ).

33 **See also Pelfresne v. Village of Williams Bay**, 865 F.2d 877, 883 (7th Cir. 1989) (“As a general rule, **interference with the enjoyment or possession of land is considered “irreparable” since land** is viewed as a unique commodity for which monetary compensation is an inadequate substitute.”).

34 **ORS 167.810 Creating a hazard.** (1) A person commits the crime of creating a hazard if:

(a) The person intentionally maintains or leaves in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot easily be opened from the inside; or

(b) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of 12 inches or more, the owner intentionally fails or refuses to cover or fence it with a suitable protective construction.

(2) Creating a hazard is a Class B misdemeanor. [1971 c.743 §284]

deception, ORS 164.085, Fn 29, and without prior bond indemnifying us if warrant were lawful.

32) Did commit theft of a security camera; Replaced the camera, value \$65.

33) Did intend to obstruct justice in taking or tampering of evidence in the form of digital images from the thieved security camera, value incalculable, the cost of justice denied, to their unjust enrichment.

34) Did obstruct constitutionally guaranteed right to remedy due to the theft or tampering of evidence from the thieved security camera, the irreparable harm of incalculable value.

35) Did deprive or destroy rights, obligations and duties through coercion, Fn 26, without privity, warrant, title, emergency, consent, interest, or non-fraudulent exigency under color of authority.

36) Did criminally trespass twice in the same day without privity, warrant, title, emergency, or non-fraudulent exigency, under color of authority, upon, or using, the highway, depriving us of our rights, or in violation of 18 USC 241 or 242<sup>35</sup>, despite lawfully posted notices to not trespass.

37) Did commit mineral trespass<sup>36</sup>; without reliance of anything, *“required or authorized by law or judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties or functions.”*<sup>37</sup>

38) Did act for the purpose of retaliation, or that of oppression.

39) Did lawlessly disrupt granted work requiring otherwise unnecessary security checks, doing

**35 Criminal Deprivation Of Rights Under Color Of Law**

Summary: "Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, **acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties.**"

"The offense is punishable by a range of **imprisonment up to a life term**, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any."

<https://www.justice.gov/crt/deprivation-rights-under-color-law>

36 **ORS 517.130 Mineral trespass.** (1) As used in this section:

**(b) “Deface” includes** but is not limited to altering, pulling down, **damaging or destroying.**

**(2) A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder:**

**(b) Tampers with or disturbs** a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill or other **mining equipment at a posted mining claim;** or

**(c) Defaces a location stake, side post, corner post, landmark, monument or posted written notice within a posted mining claim.**

(3) Mineral trespass is a Class C misdemeanor. [1999 c.354 §5] {in pertinent part}

37 **ORS 517.135 Exemption from crimes of mineral trespass and interfering with a mining operation.** (1) ORS 517.128 to 517.133 do not apply to conduct that would otherwise constitute an offense when it is required or authorized by law or judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties or functions.

(2) As used in subsection (1) of this section, “laws or judicial decrees” includes but is not limited to:

(a) Laws defining duties and functions of public servants;

(b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions; and

(c) Judgments and orders of courts. [1999 c.354 §7]

investigations, consultations, and preparation of this petition, being 100% denied grant enjoyment.

40) Additional and external to the lines of the location, did commit theft of the unobstructive, safely placed, Exhibit 4, year and a half old Notice of Mine Haul Road Restoration caution sign, Exhibit 5, for the benefit of the public safety, welfare, and health and that of the Grantees whose lives are in danger due to any mishap or lack of public awareness of our granted work. This congressionally constructed mine haul road originally aided the Old Glory mine and is within the exclusive jurisdiction of the county court. This theft showing as well a callous disregard for the safety, welfare, and health of the public and mineral entrymen; The incalculable harm placing the public and us at risk, and to us the expense. –For creation and placement costs, creation of the new caution sign, and theft of the valuable time interfered with and the losses that ought to have been spent extracting uncommon minerals for society, as congress granted. This sign was seen by your deputy, Michael Robbins, beforehand, on or about May 23, 2021, when he came upon us loading a road maintenance dozer to deal with the arson-caused tree falls and landslides obstructing our granted ingress and egress. The deputy, properly, didn't seem to have a problem with the sign when directed to it, nor did he express any issue with it to us. The perpetrator(s) crimes, herein, began subsequent to this pleasant exchange in case a report was generated, for reference;

41) Subsequently, upon information, we reasonably believe, “On July 9th at around 12:30 Friday afternoon”, 2021, Bugosh used the images he thieved from our security camera, which he thieved prior, to identify and menace, stalk, or harass another grantee who helps at our granted entry from time to time. This reasonable belief is supported due to an incident at a different uncommon mineral claim; Whether or not with approval of a supervisor, Bugosh, in Forest Service, Law Enforcement Officer, LEO, uniform, after initial contact on the highway, followed, see stalking, Fn 38, and confronted this grantee again without stating any articulable basis, making lawless demands, while armed, in repeat violation of 18 USC 241 or 242, Fn 37. He did this without any stated lawful purpose, articulable lawful basis for his presence. He made this alarming unwarranted contact while trespassing on yet another valid uncommon mineral entry. These acts or the harassment, intimidation or worse, are not known to be within the scope of any official duties for a legitimate purpose, none being stated.

42) Bugosh is stalking<sup>38</sup> or preying upon us or others we associate with, under color of authority.

43) On or about 7/14/2021, Exhibit 6, the 3<sup>rd</sup> criminal trespass, destruction, theft of second chain, lock, and security camera and digital images, furthering solicitation, etc.: 4 men (2 appear to be "LEO"). Chain cut (link found on ground), gate removed from hinge-pins, laying off over the edge of the road, and for brevity, the applicable facts and claims of the first series of trespass, 6/15/2021, incorporated herein by this reference. Repaired gate mounting, value \$540.

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38 **ORS 163.732 Stalking.** (1) A person commits the crime of stalking if:

(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;

**(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact;** and

**(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety** of the victim or a member of the victim's immediate family or household.

(2)(a) Stalking is a Class A misdemeanor.

**ORS 163.755 Conduct for which stalking protective order may not be issued.**

(B) Is acting within the scope of the other person's official duties.

44) Then again, on or about 7/15/2021, Exhibit 7, the 4<sup>th</sup> criminal trespass, destruction of security, or furthering solicitation, etc., and what appears to be 4 men (2 appear to be "LEO"), and for brevity, incorporating the applicable facts and claims of the first series of trespass, 6/15/2021, incorporated herein by this reference; Improved gate system, replaced security camera, costs \$964, the IHCLDE, value exceeding \$1200.

45) Then again, on or about 8/23/2021, Exhibit 8, 5<sup>th</sup> trespass, no lawful purpose, reconnaissance for next crime: 2 perpetrators, gate breach thwarted by an arson-killed tree-fall obstruction encountered before the gate. No evidence of tampering with the gate or security camera.

46) Then again, on or about 9/23/2021, Exhibits 9 to 15, the 6<sup>th</sup> criminal trespass, destruction of property and mining monument, gate, damaging security camera and mount, misuse of surface resources, or furthering solicitation, etc. Pictures of the perpetrators in the act or as can reasonably be deduced. See Incorporated Evidence, statements, Pg. 27 – 30. And for brevity, incorporating the applicable facts and claims of the first series of trespass, 6/15/2021, herein by this reference; Patched monument post, fortified gate system, security camera mount repaired, costs to completely repair gate will be \$1282; work interference due to insecurity, IHCLDE, value exceeding \$1200.

47) We were vindicated, again, in our need, reason and prudential use of the gate, being we have been informed there were 8 side-by-side, (OHV), no less than 16 young riders tearing through the area requiring exceeding caution, that had to be warned by an associate, of our imminent egress, on our mine haul road, maintained at our expense, and off of riding beyond the just fortified gate, if in the future the gate was not in place in order that they avoid injury, or trespass. –State statutory liabilities the risk of which the Forest Service employees intend we unjustly suffer at the hazard of the public;

48) This warrantless, unlawful conduct of the perpetrators under color of the United States Forest Service, USFS, puts themselves and any one else in danger to the unknown risks appurtenant any active uncommon mineral claim, as well being in treacherous mountain terrain, such as the estimated 120+ feet shear cliffs at our Location. The potential harm to the public due to obstruction of the law and justice by these “officials” or employees is incalculable; the harm to us is irreparable, of which value of damages would equal the value of the claim, Pelfrense, Fn 35, amounting to multiple millions of dollars of damage based upon certified USFS mineral exam validity, after USFS challenge for trespass;

49) Then again, on or about 10/04/2021, Exhibit 16, the 7<sup>th</sup> trespass, or furthering solicitation, etc., and apparently another reconnaissance mission to gain knowledge of what tools will be needed or actions to take to defeat our fortified and reinforced security and gate system protecting the public and ourselves;

50) At about 10/23/2021, in lawless retaliation, a contraband lock named “USFS”, with conspirator(s) aiding and abetting, was found unlawfully securing a gate obstructing the public highway to, and of, our granted valuable mineral estate without warrant, or exemption, such as ORS 517.135, nor do these enjoy any due process required in law relative to the exclusively competent county court, causing, not limited to, trespass, infringement, land-lock, or taking control of our congressionally granted property;

A) The public highway is lawlessly obstructed by an unlawful gate, secured with an USFS lock and chain, Exhibit 26, land-locking our claim without lawful warrant unlawfully taking all granted ingress and egress, accepted pursuant to ORS 368, being disposed soil for the highest and best use;

B) Being a thing of county concern, the county court having exclusive jurisdiction over highways and trails, the USFS shows in derogation of constitutionally protected county power, its flagrant disregard for law and the public interest, or the rights and property of productive people; County officials have turned a blind-eye to this problem for years, despite being told, if the law hasn't been enough notice of the prevailing prerogative power of the county.

C) This road closure problem is solved, without going to court, in other responsible, dutiful, possibly even courageous counties, such as Baker county, with the county road department either ordering the Forest Service to remove its obstruction or the road department removes the obstruction, billing the USFS for the abatement of the public nuisance, and deprivation to the mineral estate grantee's granted property and rights, the county obligation under the U.S. Constitution, 9<sup>th</sup> and 10<sup>th</sup> Amendments to protect, or the 14<sup>th</sup> Amendment applicable to the state, or as to the Oregon constitution, Section 33. [Enumeration of rights not exclusive], and others therein, such as obligation of contract protections, if Oregon law is not enough notice.

51) Subsequent to the above, at some short time later, USFS employees evidenced their intent to unlawfully obstructed the highway under color of authority placing a sign upon the locked gate, likely, an attempt to cover the extortion and coercion as before attempted against us, to demand an unlawful Plans of Operation for ingress and egress. The sign promoted the absurdity of a need of protecting "valuable stands" of "Port-Orford-Cedar" from root rot disease, which most, if not all, such trees, let alone stands they've destroyed by arson causing erosion and pathogen spreading;

A) Moreover, obstructing a public highway is not a reasonable method of control, but an illicit method to control which nevertheless the more reasonable method is to cut the trees back from the road explained in a Memorandum of Donald R. Knowles, Executive Director, Regional Ecosystem Office, September 6, 1995, a cc: of which went to acting official Joel King;

B) To the extent any Memo suggests highway or trail closure, it is void as a matter of state law and congressional soil disposal obligations. The USFS has no power or jurisdiction to obstruct a public highway under exclusive county court jurisdiction as a matter of law, as evidenced in the request upon the sign, "Please, no vehicles beyond this point", and acknowledged in the Memo conceding that, "the overall POC strategy hinges on local support". State law prohibits local support, the county court having no power to interfere with the "acceptance of such grant by general public use and enjoyment", ORS 368.131, H.B. 208, of the Act of 1866; and in the same nature or source of law, consistent with the grant protections required to God's Creation.

52) This petition is also a complaint and claim against the certification of those employees acting under color of any state police certification, or by the required oath, by the facts and law herein presented<sup>39</sup>.

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<sup>39</sup> **Forest Service rangers are not law enforcement officers** unless designated as such by state authority. The USFS had no general grant of law enforcement authority within a sovereign State. The court has also held that a right-of-way and related improvements (as well as vehicles on the right-of-way) within a federal reservation were private interests separate from the government's title to the underlying land and that the United States had no legislative (civil or criminal) jurisdiction without an express cession from the state. The Court has held that when the United States disposes of any interest in federal lands that there is an automatic relinquishment of federal jurisdiction over that property. By clear and identical language, Congress has stated in the Organic Act of June 4, 1897, the Eastern Forests (Week's) Act of 1911, and the Taylor Grazing Act of 1934, that there was no intention to retain federal jurisdiction over private interests within national forests.

53) The perpetrators did commit treason or misprision of treason, respectively.

54) The perpetrators use inside knowledge to evade sheriff deputy scrutiny to commit crimes on the disposed properties, and given we must presume the federal contract has not caused undue influence on the office of sheriff, or to ignore acts at war with disposal law under cover of resort to federal funds<sup>40</sup>.

55) We suffer these most recent aggravated, armed, criminal conduct of rogue terror elements under color of authority, foreign to all lawful conduct<sup>41</sup>; Misconduct willfully, knowingly, or negligently, wrongfully *impacting* us, independently but mutually<sup>42</sup> in conducting themselves inconsistent with the laws of the United States, or of and suspending laws, contrary to Oregon Const., Section 22, under color of an apparently lawlessly transformed United States Forest Service, and portends that honest and, more importantly, innocent men will be intimidated, vilified, derided, contemptuously mocked, persecuted, even murdered under color of “law enforcement”, or irreparably harmed for doing the very thing Congress and the law requires we do, making the highest and best use of the granted land providing uncommon mineral necessities for ourselves and society.

56) We reasonably believe, from our investigation of the criminal trespasses against us or our property, the perpetrators may be in a criminal conspiracy, or of a conspiratorial relationship, or by collective actions, if not only acting for each their own designs, or by criminal *solicitation*. All it would take to prove to the contrary of this assertion as to each, either in principle or as accessory, would be for an investigator to find the *timely*, non-fraudulent, *renunciations*<sup>43</sup> required in law of an unaffiliated employee witnessing any of the identified crimes stated herein, whether federal or state, in fulfillment of their relative employment obligation whom *shall* report wrong-doing<sup>44</sup>, or official corruption, etc.,

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“USFS rangers were not law enforcement officers unless designated as such by state authority. The USFS had no general grant of law enforcement authority within a sovereign State. Fn 18.”

Fn 18 –Congressional Record, October 23, 2000 E1886, Hon Jim Gibbons of Nevada in the House of Representatives.

40 **ORS 291.003 Federal laws and rules govern use of federal funds;** exceptions. Notwithstanding any provision of ORS 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260, 291.261, 291.307 and 291.990, but subject to any applicable judgment or settlement agreement, in all cases where federal funds are involved, the federal laws, rules and regulations applicable to the federal funds shall govern. [Amended by 1967 c.419 §3; 2003 c.734 §14; 2009 c.821 §24]

41 **ORS 162.415 Official misconduct in the first degree.** (1) A public servant commits the crime of official misconduct in the first degree if with intent to obtain a benefit or to harm another: (a) The public servant knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office; or (b) The public servant knowingly performs an act constituting an unauthorized exercise in official duties. (2) Official misconduct in the first degree is a Class A misdemeanor. [1971 c.743 §215]

42 **The grandiose lawfully incorrect law-unto-themselves cult mantra proclaiming, “I am the Forest Service”,** “We are the Forest Service” at U.S. Forest Service employees share their jobs, responsibilities, and impact. <https://www.youtube.com/watch?v=p1GDAN0M6u0&t=353s>

43 **ORS 161.440 Renunciation as defense to solicitation.** (1) It is a defense to the crime of solicitation that the person soliciting the crime, after soliciting another person to commit a crime, persuaded the person solicited not to commit the crime or otherwise prevented the commission of the crime, under circumstances manifesting a complete and voluntary renunciation of the criminal intent.

**ORS 161.460 Renunciation as defense to conspiracy.** (1) It is a defense to a charge of conspiracy that the actor, after conspiring to commit a crime, thwarted commission of the crime which was the object of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of the criminal purpose of the actor. Renunciation by one conspirator does not, however, affect the liability of another conspirator who does not join in the renunciation of the conspiratorial objective.

44 **5 CFR § 2635.101 (11)**, Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

consistent with 18 USC 3<sup>45</sup> and 18 USC 4<sup>46</sup>. In absence of such a *timely* renunciation, we reasonably believe these trespassing invaders are working in concert, conspiracy, to harm us, or increasing their numbers to do so through criminal solicitation, or promoting and causing further attractive nuisance;

57) Moreover, given the similar tactics, now, being used as previously suffered, perpetrators having sympathies with environmental terrorist proclivities, may be themselves acting opportunistically against us. This is exposed through the 2010, FOIA request to the USFS, response, appealed for fraudulent withholding of records<sup>47</sup>, with subsequent release of some documents evidencing collusion with “environmentalists” to interfere with our entry and appurtenant rights, as the right to acquire, and creating a reasonable siege mentality requiring we take protective measures, limiting attack surfaces;

58) The Oregon constitution or the Oregon laws acknowledge our private domain possession and use is a public necessity, public benefit, and public use, as well the subject matter of State security, whatever any thought to the contrary. In respect of the foregoing, or as to the breaching the peace and settlement, you should be aware that international law, mentioned at supplanted, pg. 2, “is part of our law”, *Kansas v. Colorado*, 1907<sup>48</sup>, and considers the neo-fangled “Conservation”, meaning the removal or withdrawal of soil from productive use or development and into non-use<sup>49</sup>, or replaced by such attractive nuisances as aesthetic activities or mere amenities, “roadless areas”, “Wild and Scenic Acts”, and other intangible

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45 **18 U.S. Code § 3 - Accessory after the fact.** Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years. (June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 99-646, § 43, Nov. 10, 1986, 100 Stat. 3601; Pub. L. 101-647, title XXXV, § 3502, Nov. 29, 1990, 104 Stat. 4921; Pub. L. 103-322, title XXXIII, §§ 330011(h), 330016(2)(A), Sept. 13, 1994, 108 Stat. 2145, 2148.)

46 **18 U.S. Code § 4 - Misprision of felony.** Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

47 **Sent November 1, 2010**, This Record filed First Class, Certified Mail No. 7008 2810 0001 0062 3769, Return Receipt Requested at: Chief, USDA, Forest Service: Mail Stop 1143, 1400 Independence Avenue, SW, Washington, D.C. 20250-1143.

48 **International law is no alien in this tribunal.** In *The Paquete Habana*, 175 U. S. 677, 175 U. S. 700, Mr. Justice Gray declared:

*"International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination."*

And, in delivering the opinion in the demurrer in this case, CHIEF JUSTICE FULLER said (185 U.S. 185 U. S. 146):

*"Sitting, as it were, as an international, as well as a domestic, tribunal, we apply federal law, state law, and international law, as the exigencies of the particular case may demand."*

49 **In contrast, in the words of the first Chief of the United States Forest Service 1905-1910**, Gifford Pinchot, ““The earth and its resources belong of right to its people.” Refresh your memories with this passage from “The Fight for Conservation”, written by Pinchot in 1910:

“The first great fact about conservation is that it stands for development. There has been a fundamental misconception that conservation means nothing but the husbanding of resources for future generations. There could be no more serious mistake. Conservation does mean provision for the future, but it means also and first of all the recognition of the right of the present generation to the fullest necessary use of all the resources with which this country is so abundantly blessed.””

things of no appraisable value<sup>50</sup>, is not valid use; is a war crime<sup>51</sup>, or crime against mankind;

59) Rather than advocating, aiding and abetting, or conducting war crimes, for which they ought to be arrested and prosecuted, the perpetrators, all officials generally, congressmen included, are duty-bound to protect the highest and best use of the soil. This highest and best use is in God's Creation<sup>52</sup>.

60) This abuse has been going on so long that the state legislature has sought it necessary, ORS 124, to extend to me<sup>53</sup> a privilege<sup>54</sup> the embarrassment and likely detrimental disclosure to assert and to find relief in being alarmed that my property is, through and disabled by official willful misconduct, willful infliction or neglect, being trespassed, thieved, or constructively so, or destroyed causing irreparable harm of, at least, direct financial, attendant mental anguish or physical harm, wrongful takings<sup>55</sup>, not

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50 **A dispute ensued among the members of the appraisal profession as to whether "preservation," "conservation," and "natural lands" are valid "highest and best use" in appraising the "fair market value" of a property.** While that dispute was going on, the federal land acquiring agencies reached their own conclusion on the matter, and formalized it in the "Interagency Land Acquisition Conference Position Paper: On the issue whether a noneconomic highest and best use can be a proper basis for the estimate of market value" (April 14, 1995).[14] The position paper[15] concluded that: "[I]t is the Conference's position that a noneconomic highest and best use is not a proper basis for the estimate of market value and, accordingly, that a highest and best use of conservation, preservation, or other use that requires the property to be withheld from economic production in perpetuity, is not a valid use upon which to estimate market value. \*\*\*" **United States Attorney's Bulletin USAB 4801.**—Quoting Jefferson Mining District, JMD, v. Kitzhaber, 2013, fact #150.

51 **Jefferson Mining District, The Date of June 10, 2016;** RE: Coordination Demand: Response to the Notice of Application for Extension of Public Land Order No. 7233; Opportunity for Public Meeting; Oregon: "This notice also gives an opportunity to comment on the application and to request a public meeting."; Certified Mail No. 7012 3460 0000 3458 6269 Return Receipt.

And of The Date of May 18, 2016; Certified Mail # 7012 3460 0000 3458 6252 Return Receipt; RE: Coordination Notice and of Crimes; Dept. of State Lands Rulemaking Notice OAR 141-089:

*"the transfer of raw materials into the control of third parties at their pleasure and future disposition, putting the mineral estate and water in to a state of non-use, and the consequent waste of resource, is under international law is a war crime, not limited to Article 55, of the Hague convention, 1907." "Applied to the mineral estate, the non-use or conservation means depredation upon a society at large which is dependent upon production of those raw materials."*

52 **As enacted or enforced, "conservation" or the withdrawal of any productive use of land as advocated by environmentalist, so-called, or any agency, federal or state, committing such, or aiding and abetting such subversion to peace and settlement, or productive society, or proposed or enacted by those acting under color of authority though in breach of the congressional trust and violating the Oregon Admissions Acts, 1859, promoting non-productive "conservation" or withdrawal is considered waste, an attack against and a depredation upon society and condemned, as a matter of law.** This class of violation is a thing of county concern, or ought to be, pursuant to the 10<sup>th</sup> amendment in the Bill of Rights amending the Constitution for the United of America, and the 9<sup>th</sup> amendment to the same Bill of Rights, and which we invoke given the guaranteed relief protected by the Oregon Constitution, whatever opinion or evasive devise there might be to the contrary, for our purposes here the criminal jurisdiction; These authorities are the obligation for county intercession maintaining the rights allowing for the productivity of God's Creation.

53 **An elder need not be vulnerable or lacking in capacity to be covered by the law.** Reasonable cause is not defined by the law, but interpreted by Oregon courts in an analogous child abuse reporting context to mean reasonable suspicion.

54 **Financial exploitation is defined in ORS 124.050(4) as: a) Wrongfully taking the assets, funds or property** belonging to or intended for the use of an elderly person or a person with a disability;

b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out; [https://www.doj.state.or.us/wp-content/uploads/2017/06/elder\\_abuse\\_conference\\_mandatory\\_duty.pdf](https://www.doj.state.or.us/wp-content/uploads/2017/06/elder_abuse_conference_mandatory_duty.pdf)

55 **Although "wrongfully taking" is not defined by the statute, the Oregon Court of Appeals** in Church v. Woods, 190 Or App 112 (2003), explored the meaning of "wrongful taking" in the separate context of meeting the standard for obtaining a temporary restraining order against financial elder abuse. See ORS 124.110 et seq. In Church, the court held that obtaining a joint interest in real property from an incapacitated elder was a "taking" of property, for purposes of establishing a statutory claim for financial abuse. The court also held that the taking was "wrongful" based both on the defendant's motives and the means by which property was taken.

limited to, harassment, threats, and coercion, ORS 163.275, Fn 26, ORS 180, Fn 93, at ORS 124.050, Fn 54, or threatening my loved ones, or to 5) “Interfere”, (6) “Intimidate”, or (7) “Menace”, placing me in fear of current and further loss all without informed consent and contrary to law, this affidavit is incorporated herein by this reference for this purpose, here;

61) The perpetrator(s) willfully and wrongfully deny the opportunity of enjoying the law, lawfully administered. The deprivation, alarmingly, denying also the *enjoyment and use* as granted that I *shall have*, of my granted property of public necessity, benefit, and public use, or for purposes of imputing obligations and duties pursuant to 5 CFR § 2635.101 (13), Fn 18, and 5 CFR, § 735, Fn 84.

62) The perpetrator(s) routinely violate the “Accardi doctrine”, i.e., when an agency fails to follow its own lawful procedures or regulations, that agency's actions are generally invalid; also perfected in the 2010 Record of Decision, USDA/USFS default.

63) We reasonably believe that any one asserting to the contrary the claims made in this petition and pursuant to our duty, 18 USC 3, would be dishonest and is guilty of aiding and abetting, federally known as misprision, 18 USC 4, and as to, Oregon Const., Section 24, [Treason]<sup>56</sup>, or 18 U.S. Code § 2382<sup>57</sup>. And we will challenge anyone so conspiring for their lawful warrant, or for their honest denial to prosecute to the contrary of our claims the proper administration of government would protect.

64) We have no trust nor confidence in government officials, all having squandered our respect, failing to maintain the lawful function of government under color it operates lawfully, while daily proving to anyone looking just how corrupt it has become in throwing peace and justice under the bus, even if the JMD, 2013, default judgment, whereby these costumed usurpers of a legitimate government establishment admit to committing treason continuously, never existed. But somehow fraud has become a lawful source of authority, reference “Covid-19”, and despite every equity principle against fraud.

65) The totality of the corruption and fraud is so bad, we long ago began prudent protective measures providing some degree of buffer which have served us well, but which experience shows will be framed to lawlessly impugn our good character and destroy the presumption of innocence under a special interest self-dealing, under color of law, and fraudulent presumption that official action always operates pursuant to lawful authority. It does not. Innocence means nothing to criminals under color of authority. Lawful due process is a mere speed bump, every device used to obstruct justice or avoidance, imposing illicit forums which law shows have no jurisdiction or authority as established, or over the subject matter as a matter of law; There is a foreign syndicate in Jackson county, reference well USC 28, relative to a “District of Oregon”, legislative, not constitutional jurisdiction, to which innocent people are slavishly abducted, trafficked out of the jurisdiction of the office of sheriff without relief. The protective measures we've been forced to take are not needed in a just society where officials comport to lawful duties and obligations lawfully. It is time to restore peace, law and order, sheriff.

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56 **Section 24. [Treason.]** Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court. —

57 **18 U.S. Code § 2382 - Misprision of treason**

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

**Incorporated Evidence**

**Exhibit 1: On Or About 6/15/2021, 1<sup>st</sup> Criminal Trespass**

**Exhibit 1A: The Trespassers**



**Exhibit 1B: At About 14:56:05**



**Exhibit 1C: Leaving At About 15:07:20**



**Exhibit 2: Returning Approximately One Hour Later.  
The 2<sup>nd</sup> Criminal Trespass, Likely After Hatching An Illicit Plan With Gang Headquarters.  
Exhibit 2A:**



Exhibit 2B: At About 16:36:27



And Not Leaving Until About 17:49:51, By This Vantage Point.

United States Department of Agriculture  
 for the greatest good

**WARNING**

This vehicle or property, license/description: [REDACTED]  
 has been observed or we have received a complaint concerning its presence at:  
1134 trail @ silver creek  
6/15/21 0605P 2416

Time/Date \_\_\_\_\_ Officer \_\_\_\_\_ Badge No. \_\_\_\_\_

**NOTICE**  
 Your attention is directed to the statements marked below. You must remove this vehicle or property immediately or it may be impounded. You may also be subject to criminal and/or civil prosecution.

Failure to pay any required permit fee.  
 Parking violation: \_\_\_\_\_  
 Abandoned property.  
 Your occupancy of this site is unauthorized use of public lands of the United States.  
 Other: \_\_\_\_\_

This notice is an indication to officers that your vehicle or property has been checked. For additional information, call the Forest Service at: 541-417-6741

**WARNING**

Exhibit 3: Forged "Complete Written Instrument"<sup>58</sup>

58 ORS 165.002 Definitions for ORS 165.002 to 165.070. As used in ORS 165.002 to 165.027, and 165.032 to 165.070, unless the context requires otherwise:

**Exhibit 4: Notice of Mine Haul Road Restoration Caution<sup>59</sup> Sign Placement In Disposed Highway**



66) In anticipation of another tactic by the USFS continuing its campaign of willful, wrongful, unconscionable, or negligent interference with our, and known to trespass upon, granted rights and public safety, in misrepresenting public highways or trails as its own property, or under its jurisdiction, and what any responsible employee ought to have done relative to the county court having exclusive jurisdiction to decide upon our necessary signage, notwithstanding its lack of obstruction or its lawful use and need, given the treacherous nature of the ingress and egress, and because of the disruptive and dangerous condition of a public unawares of these road dangers, guidance is provided in a BLM Information Circular 8758, which while for road design, and not directly applicable, is instructive, in part, for maintenance stating, "*The installation of warning and instructional signs can be equally as effective in promoting safety*" on mine haulage roads; That "*these safety devices should be viewed as reminders rather than as first warning measures.*"; And, "*These signs can provide the driver with a*

(1) **“Written instrument”**

a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

**“Complete written instrument”**

(4) To “falsely make” a

(7) To “utter” means to issue, deliver,

(8) “Forged instrument” means a written instrument which has been falsely made, completed or altered.

**ORS 165.007 Forgery in the second degree.** (1) A person commits the crime of forgery in the second degree if, with intent to injure or defraud, the person:

(a) Falsely makes, completes or alters a written instrument; or

(b) Utters a written instrument which the person knows to be forged.

**ORS 165.013 Forgery in the first degree.** (1) A person commits the crime of forgery in the first degree if the person violates ORS 165.007:

(a) And the written instrument is or purports to be any of the following:

(C) A deed, will, codicil, contract or assignment;

**(E) A public record;**

(3) Forgery in the first degree is a **Class C felony**. [1971 c.743 §153; 1993 c.680 §25; 2005 c.761 §1]

59 **The underlying necessity of the road caution sign warning is of risks to the public**, and what it has avoided, also being a dangerous single rig width road, to lessen emergency ingress and egress issues, people recklessly traveling and causing trouble and further damage when driving off the road causing compounding erosion.

*warning of upcoming situations where he should exercise caution. These devices are best restricted to positions in advance of the most critical curves and heavily travelled intersections.";* And that, each *"mine haulage road exhibits its own peculiarities and may require more or less signal definition. In any case, proper care must be taken to insure that all signs installed are at a height and location that is within the eyesight of drivers operating vehicles with the most restricted visibility.";*  
<https://www.cdc.gov/niosh/mining/UserFiles/works/pdfs/ic8758.pdf> ;

67) That a HAUL ROAD INSPECTION HANDBOOK on safety guidance, though specifically relating relevant only to coal mining, not as here public roads, <https://arlweb.msha.gov/readroom/coalhandbook/PH99-I-4HaulRoadInspectionHandbook.pdf> reasonably offers, *"In situations where it is not possible to provide the full, ideal road width, warning signs should be provided and slower speeds should be used.";* *"[T]hat signs or signals be placed at appropriate locations at each mine to warn of hazardous conditions.";* *"[A]nd if the width is less than recommended, measures such as reduced speed limits and the placement of warning signs to alert drivers, should be taken.";* That gleaned from these suggestions, together with our experience with the public user informing us of those ongoing peculiarities and dangers, we reasonably believe, we reasonably comport to reasonable signage on this mine haul road acknowledged in the Oregon constitution, relative to the value of mining extraction to the state, in balance and being respectful of the co-existent "public use"; And that, the willful misconduct, or negligent acts of these USFS employees to thief our caution sign from the margin of the public road under exclusive county jurisdiction puts the public at risk, including our claim and its entrymen and is wrongful and not within any lawful scope of employment or duty.

68) Even if the USFS could deprive to the people things of county concern, thieving the sign still puts the public at risk and subject to the concurrent jurisdiction of the state and therefore the county. Arrogating unto themselves the power to put the public at risk in their theft of our property constitutes breach of public trust, or public duty through commission, or by omission to follow the appropriate congressional acts and Oregon law for disposed public domain. It also breaches the organic establishment of a republican form representative government, *Jefferson Mining District, JMD v. Kitzhaber, 2013, under-mining* its purpose and function to the people it is to serve for mutual benefit. These trust breaches are not within the scope of any lawful duty of any federal official, or state officials, and *under-mines* confidence, if any could still exist. Disposal of the soil is an organic Act prerogative trust obligation undertaken by Oregon or by acceptance in Oregon law. It is not trespassing or obstruction for us to keep the public apprised of our development, extraction or maintenance obligations for ingress and egress for the purpose of safety. Moreover, in the nature of a calculated destitution or attrition to destroy us, increasing our costs, continuing expenses, and maintenance presence exacerbated by a derelict federal Department or agency are uncompensated, and are an unlawful takings, again, fully within the county exclusive authority to control, not the Forest Service to interfere, infringe, or meddle with.

69) Given the nature of the disposals removing the soil from the forest reserve in the segregated private domain valuable mineral deposit entry, or for segregated public road, these are matters which the perpetrators were required to take up with the county, not with us. The Forest Service needed to follow the law in making any complaint, not thief, tamper with or destroy the signs, or our notice monument, or gate, or unlawfully interfering with property safety and security measures. The Agency has no right to nor "way of necessity" to assert. –Likely why the perpetrators instead resorted to breaching the peace and invading the private property in-holding, and putting the public at risk.

## Exhibit 5: Notice Of Mine Haul Road Restoration And For Caution



### Caution Sign Text NOTICE MINE HAUL ROAD RESTORATION

Notice to Agent is Notice to Principle. Notice to Principle is Notice to Agent.

The deterioration/destruction of this Mine Haul Road by “Fire Management Agency” and “Sub-Contractor(s)”, not limited to, arson under color of lawful authority, such as Biscuit Fire 2002, and Klondike Fire 2018, adversely affected the vested right of ingress and egress, and right to work Mineral Estates in this valley.

This is a lawful privately funded ingress and egress (Mine Haul Road) restoration. It is not a major federal action, plan, project, or demonstration (42 U.S.C. 4321 et seq.). It is for the Health, Safety, and Welfare of the Mineral Estate Grantees, and general public. You are without Subject Matter Jurisdiction.

Trespassing/Interfering with these rights of work under color of authority are Felony Crimes (aggravated felony if armed).

Reference the applicable laws below.

Oregon Constitution of 1859, amended.

”; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.”

The Supreme Court of the United States held that the right of the county to the public highway was confirmed by the provisions of the Mining Act of 1866, (14 Stats. 251, § 8).

**Oregon Law, H.B. 208**, enacted that:

Section 1. All roads or thoroughfares not hereto fore legally established within the State of Oregon that may have heretofore been used, or hereafter be used, for a period of ten (10) consecutive years or more by the general public for the purpose of travel, without protest, are hereby declared to be county roads.

Section 2.

No road of public easement shall be altered or vacated except by the county court in the manner now provided by law; and no county shall be bound to work, or improve, or keep in repair such road of public easement. Approved February 28, 1901.

Oregon Revised Statutes

**ORS 368.016 County authority over roads;** limitations.

(1) Except as provided in this section or as otherwise specifically provided by law, the exercise of governmental powers relating to a road within a county is a matter of county concern. See also, the Territorial Roads Act, February 4th, 1851.

**ORS 368.021 County authority over trails.**

(1) A county governing body has the same jurisdiction over trails as it has over local access roads.

**ORS 368. Right of way over United States public lands.**

The county governing body may by resolution accept the grant of rights of way for the construction of public roads over public lands of the United States. This section does not invalidate the acceptance of such grant by general public use and enjoyment.

**ORS 517.080 Mining claims as realty, 517.130-133 Trespass, 517.128 Any Interference Crime, 105.831 Damage to Mining Claim or Machinery, 517.230 Assessment work protects mines from relocation, 163.275 Felony Coercion, 164.005 Definitions Felony, 164.055 Theft in the first degree, or 164.075 Theft by Extortion, public servant.**

**CAUTION**

**-Jefferson Mining District, JMD, Jurisdiction or for Coordination Contact-**

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70) Being a thing of county concern, a public highway, nevertheless, “does not invalidate the acceptance of such grant by general public use and enjoyment”, pursuant to ORS 368, our mine haul road, such that the lack of enforcement of applicable mining and criminal laws to protect us, a suspension of laws by omission, required posting, at least, a notice of caution for the safety of the public and for ourselves and of our needs in the absence of any official action, evidenced on the sign.

71) Experience shows removing the caution sign imperils the public and ourselves as we are required to routinely, and now more often, maintain the treacherous mine haul road, at private cost, due to constant land-slides and fire-killed tree falls, further exacerbated by USFS mismanagement, including arson, even after written notice, evidencing further callous disregard of law, due process, granted production and the welfare of the public.

72) As the USDA/USFS attempted murder by arson proves, unfettered emergency access is an ever-present safety concern which the public needs to be made aware of and county officials need to and as a matter of law have the duty to protect once and forever.

**Exhibit 6: On or About 7/14/2021, the 3<sup>rd</sup> Criminal Trespass**

**Exhibit 6A: More Trespassers Solicitation**



**Exhibit 6B**



**Exhibit 7: On or About 7/15/2021, the 4th Criminal Trespass  
Exhibit 7A: More Trespassers Solicitation**



**Exhibit 7B:**



**Exhibit 8: On Or About 8/23/2021, the 5<sup>th</sup> Trespass  
Exhibit 8A: More Trespassers Solicitation**



**Exhibit 8B:**



**Exhibits 9 to 15: On Or About, 9/23/2021, 6<sup>th</sup> Criminal Trespass From The Security Camera And Mount They Damaged In Their Attempt To Thieve, The Convenient Turn-around In The Background, Contact Information On The Monument Post, And The Gate Notice, Also Ignored.**

**Invading Trespasser "LEO" 1**



**Exhibit 10: Invading Trespasser "LEO" 2**



**Exhibit 11: Despite Using The Log, Missing In This Picture, Being Used To Clobber the Camera, Proven By Camera Misalignment . . .**



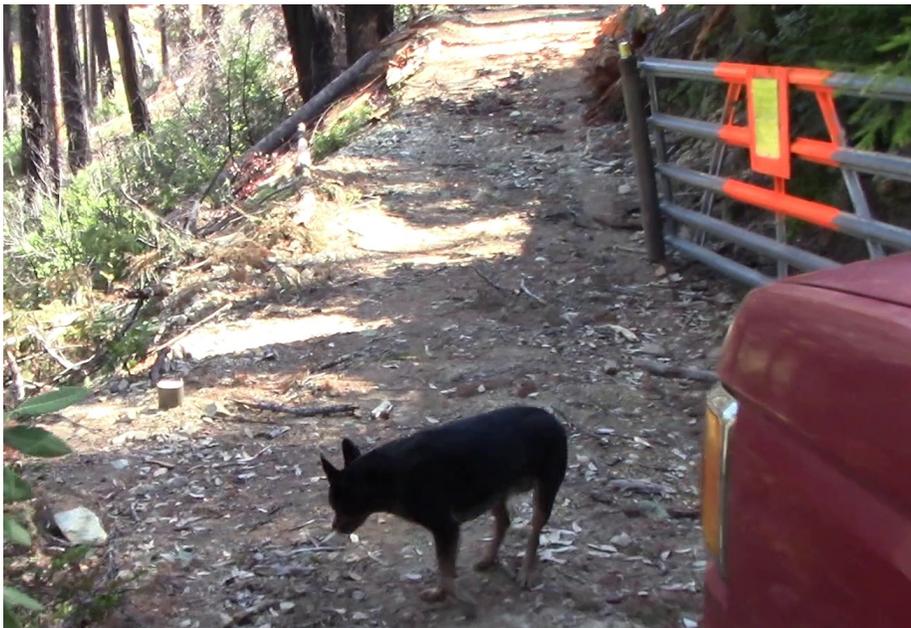
**Exhibit 12: . . . In Their Attempt To Thieve The Security Camera By Beating It From The Tree, It Remains, Unlike The Other Security Cameras; The Intention Being To Tamper With Evidence, Or To The Obstruction Of Justice, But Failing. The Mount, Which Should Be Near The Tree, Camera Vertical, Holds Log-clobbered Debris And Camera Showing Rock-impact Gouge Marks.**



**Exhibit 13: Tampering And Destroying The Integrity Of A Mineral Claim Monument<sup>60</sup> Post In Violation Of Law, Gaining Unwarranted Access To Private Property In-holding, Exercising Unwarranted Control, Committing Unlawful Takings, Leaving The Public And Grantees At Risk.**



**Exhibit 14: Showing Monument And Location Notice Post Destroyed By Federal Perpetrators Without Lawful Warrant, Contrary To State And Federal Law. See Post Stump.**



<sup>60</sup> 517.130 Mineral trespass, Fn 33, and 517.133 Interfering with a mining operation.

**Exhibit 15: This is what the criminal trespassers saw before destroying what the Oregon legislature requires, ORS 167.810, Fn 36, for purposes of notice of potential public safety risks, and evidence of and on our claim that these lawless wanton marauders, under color of the Forest Service, could care less about, notwithstanding their personal liability, ORS 105.700<sup>61</sup> and our right to close, ORS 164.270 Closure of premises to motor-propelled vehicles, Fn 62.**



73) State law requires this is not a “trail”, obviously, but our private granted ingress and egress<sup>62</sup>, “*at the normal point of entry*”, the gate well inside the lines of the location at a convenient turn-around, but prior to mining incident mining law required work hazards. Notice the ladder leaning on tree where the security camera is mounted capturing the prior photos, 9/23/2021, 6<sup>th</sup> Criminal Trespass, beyond the gate further inside the claim which the federal miscreants tried to stone and beat out of the tree to thief the security camera containing image evidence of their willful wrong-doing or malfeasance.

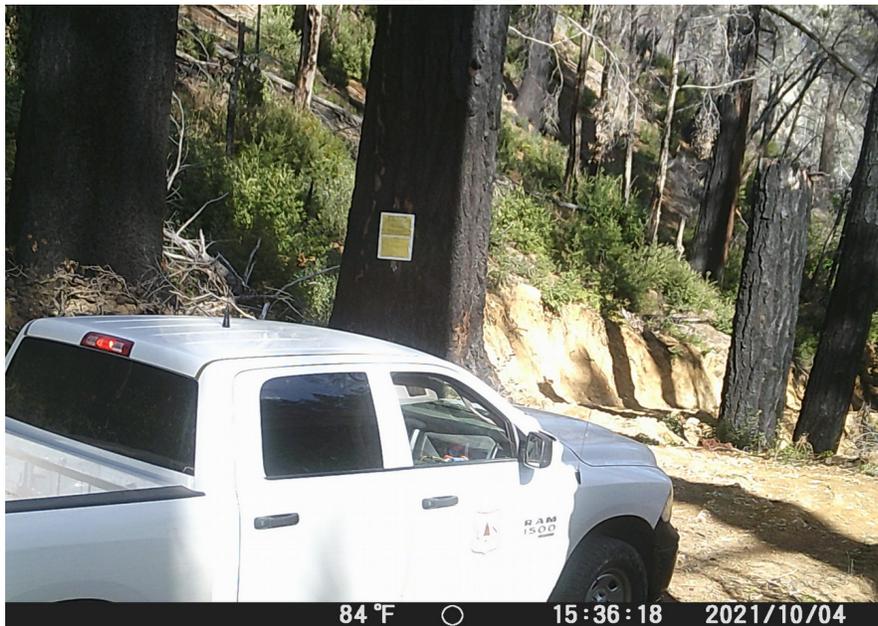
- 61 **ORS 105.700 Prohibiting public access to private land; notice requirements; damages.** (1) In addition to and not in lieu of any other damages that may be claimed, a plaintiff who is a landowner shall receive liquidated damages in an amount not to exceed \$1,000 in any action in which the plaintiff establishes that:
- (a) The plaintiff closed the land of the plaintiff as provided in subsection (2) of this section; and
  - (b) The defendant entered and remained upon the land of the plaintiff without the permission of the plaintiff.
- (2) A landowner or an agent of the landowner may close the privately owned land of the landowner by posting notice as follows:
- (a) For land through which the public has no right of way, the landowner or agent must place a notice at each outer gate and normal point of access to the land, including both sides of a body of water that crosses the land wherever the body of water intersects an outer boundary line. The notice must be placed on a post, structure or natural object in the form of a sign or a blaze of paint. If a blaze of paint is used, it must consist of at least 50 square inches of fluorescent orange paint, except that when metal fence posts are used, approximately the top six inches of the fence post must be painted.
- (5) **Nothing in this section affects any other remedy, civil or criminal, that may be available for a trespass** described in this section. [1999 c.933 §1]
- 62 **ORS 164.270 Closure of premises to motor-propelled vehicles.** (1) For purposes of ORS 164.245, a landowner or an agent of the landowner may close the privately owned premises of the landowner to motor-propelled vehicles by posting signs on or near the boundaries of the closed premises at the normal points of entry as follows:

**Exhibit 16: On Or About 10/04/2021, the 7<sup>th</sup> Trespass, With What Appears To Be A Female Passenger, Not Seen Before, Evidencing Further Criminal Solicitation, Fn 31, Likely For Money Or Other Compensation, Or Evidencing Further Misappropriation Of Public Funds.**

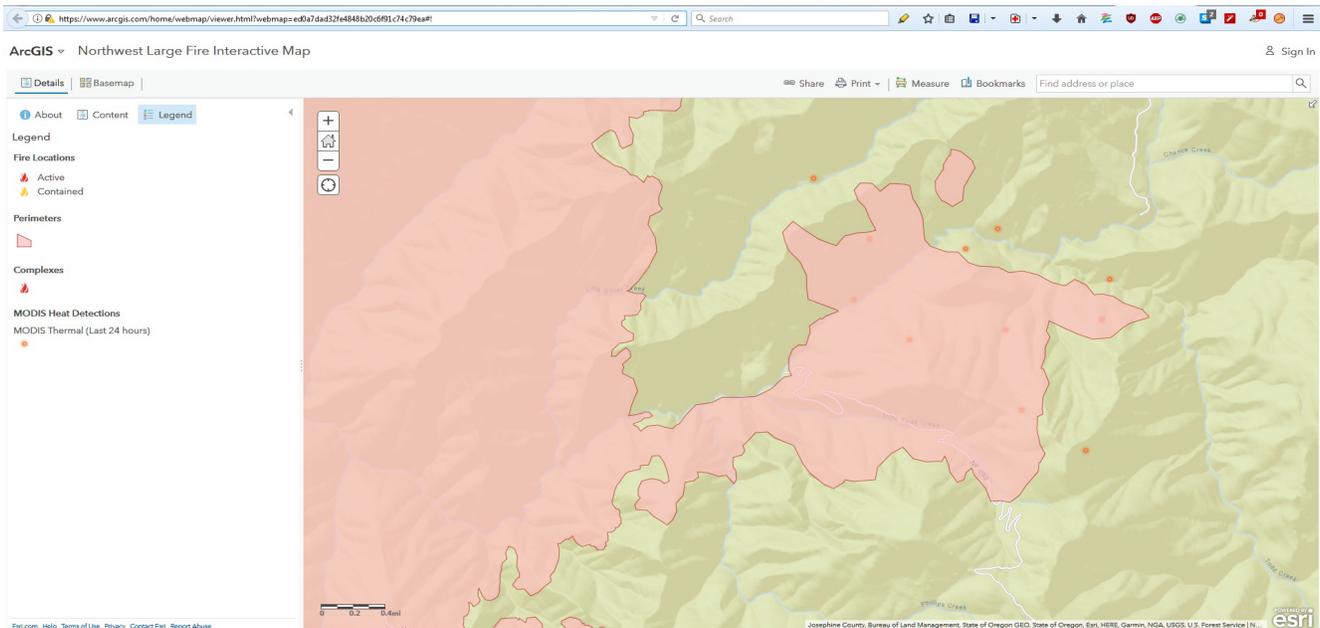
**Exhibit 16A: More Trespassers Solicitation**



**Exhibit 16B:**



**Exhibit 17: Attempted Murder Evidence Of Incendiary Use During The Klondike Fire In Silver Creek Drainage After Written Notice To Cease and Desist<sup>63</sup>, On A Website Found Sept. 11, 2018:**



**Exhibits 18 to 23: Intentional USFS Firebombing Arson, After Written Notice To The Forest Service And County To Not Put Us At Risk, And Without Follow-up From Either.**

**“It's Coming Up Behind Us Too! We Gotta Go! Roll Up You're Window.”**



<sup>63</sup> **Though this may never see the light of day, we reasonably believe, because of these maps, guiding us to confer with an independent fire investigator who does not wish to be identified for fear of retaliation, and who is prohibited in making the information public, there is official state knowledge of the intention of the federal agency to firebomb properties in-holding the forest reserve. The evidence above should not be of any doubt, especially with the prior written notice of record.**

**Exhibit 19: Having To Back-Up Approximately Half A Mile To Try Again, Engulfed In Flames.**

**Go! Go! GO! Can't See The Road!**



**Exhibit 20: “We're Not Going To Make It!” “We're F\*\*ked!”**



**“No, We're Going To Make It!” “HOLD ON!”**

**Exhibit 21: Two Mineral Estate Grantees Put At Risk, Clearing The Only Road To Escape The Harrowing Man-made Conflagration In Order To Save Their Lives.**



**Notice The Yellow Hat In The Choking Smoke In The Distance To The Right Of The Elbow Trying to Move A Burning Tree In Blowing Wind, Driving Smoke And Embers.**

**Exhibit 22: 3500ft Of Emergency Scorched-Hand Road Clearing Work To Escape, Caused By Agency Arson. The Trauma Sets In Later.**



**Exhibit 23: “The Heat Was Like The Sun, A Blast Furnace”; Sawing Through One Of Many Burning And Smoldering Logs Blocking Escape**

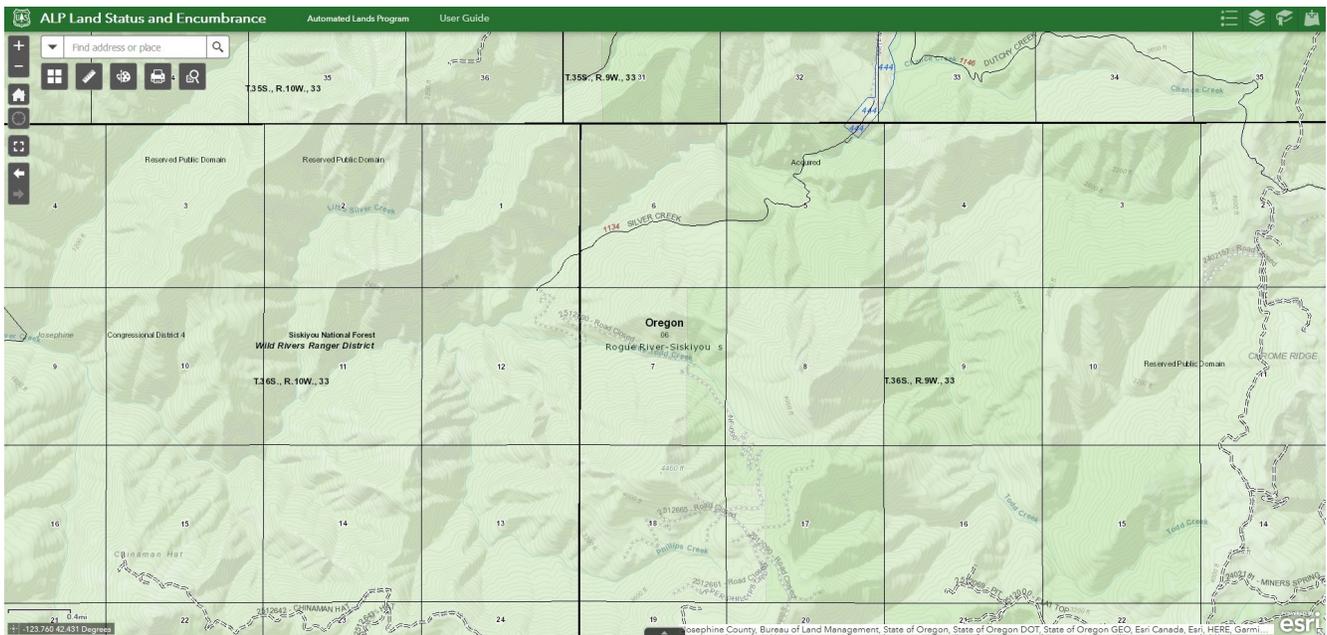


**Exhibit 24: Smokey's Friends Play With Firebombing Drones, Putting People At Risk. Another New Normal.**



**Exhibit 25: United States Department Of Agriculture, USDA, Map Showing The Public Highway Closed:**

74) Closed all the way out to Flat Top, “2512”, but inconsistently open at “1134” “trail” and all the way to the “closed” Metz Mine Road, despite there being no through-way past the 120+ ft sheer cliff wall at Silver Creek, even over another private property, and despite the Agency disclaiming to that property owner interest in a “trail”. Vested exclusively in the county court, the Forest Service has no jurisdiction over any vested highway or trail existing more than 10 years by the Oregon Law acceptance of the grant Act of 1866, Section 8<sup>64</sup>, Oregon Law H.B. 208<sup>65</sup>, Fn 5, let alone over private property, such as our private mining entry the border of which the constitutionally protected mine haul road terminates. This is acknowledged by the Forest Service in the Record of Decision, 2010, default in our favor, and not otherwise contestable in any regard, being a matter of law.



75) We reasonably believe, among other purposes, that the perpetrators thieved the caution sign to put the public at risk, breaching the peace at our further expense, or to tamper with evidence in order to remove any idea the road is not lawfully closed, or as wrongly depicted on USDA maps, despite the road being under exclusive county jurisdiction as a matter of law, or to cover agency continuing mismanagement in destroying the forest.

**64 Act of July 26, 1866, Sec. 8:**

- And be it further enacted, That the right of
- 2 way for the construction of highways over public lands, not
- 3 reserved for public uses, is hereby granted.

**65 Oregon Law, H.B. 208, enacted that:**

Section 1. All roads or thoroughfares not hereto fore legally established within the State of Oregon that may have heretofore been used, or hereafter be used, for a period of ten (10) consecutive years or more by the general public for the purpose of travel, without protest, are hereby declared to be county roads.

Section 2. No road of public easement shall be altered or vacated except by the county court in the manner now provided by law; and no county shall be bound to work, or improve, or keep in repair such road of public easement. Approved February 28, 1901.

**Exhibit 26: USFS Lock Obstructing Public Highway & Granted Ingress And Egress**



**Exhibit 27: Notice of Anticipatory Fraudulent Style Mischaracterization Aiding And Abetting Mail Fraud And Improper Jurisdiction, 28 USC 81, et seq.: Style Rule**

**RULE 1005. PETITION CAPTIONS**

**RULE 1005-1. DEBTOR'S CURRENT NAME**

The caption of each petition shall include the debtor's full and correct name in capital letters. If the debtor is an individual, then the first, middle and last names shall be used. The first entity name in the caption shall be deemed the debtor except in a joint petition where the first full name shown for each individual shall be deemed to be the name for each debtor.

[Adopted effective December 1, 1991.]

## Supplemental Included Claims, Law, Authorities, Evidence, Or Statements And Facts In Support

76) We and our associates, or other mineral estate grantees, have been patient in our long-suffering of continuous Agency attacks. We've never enjoyed peace in our settlement. One instance is evidenced in being subjected to a targeted murder attempt in the Klondike fire arson<sup>66</sup> under the color of authority of fraudulently used repetitious pattern of pretextual prescriptive fire management, but not suppression, *after* written notice<sup>67</sup>, Exhibit 17, one of the many maps of incendiary drops after the notice and being intentionally put at risk, but escaping the attempt despite being engulfed in fire, Exhibits 17 to 23. This preference to arson, resource destruction and of uses, property damage, and putting people at risk is consistent in the ongoing mismanagement by the USDA and United States Forest Service, USFS, as the firebombing of the Dreams End claim before us, destroying the cabin and mining incidental tools, such as the old dozer, under cover of a more distant Biscuit fire; of note, the USFS arson destroyed dozer on the claim is not deemed abandoned, as the valuable excavator today, by the perpetrators. Somewhere along the line the friends of Smokey Bear ceased bearing benign gifts, Exhibit 24, and began using Drone-delivered robotic firebombs to attack us and others more stealthily. Yet the ultimate authority for fire suppression resides with the county pursuant to the National Wildfire Policy, as formally noticed, Fn 67. Being an ultimate thing of county concern, local officials could have always stop these crimes.

77) And before the Klondike arson, repeating the unconscionable tactic, the employees of the Forest Service fraudulently claimed, our mining incident machinery was “abandoned”, but that time wrongfully publishing a Legal Notice in the Grants Pass Daily Courier, March 1, 2011, No. 00232479; They did this while in communication, 2010, with us and while in knowledge of a private independent communication and subsequent affidavit evidencing the location being on our valid claim, contrary to employees continuously fraudulent and criminal assertions; continuing the wrongful and needless irreparable harm we suffer, evidenced in the felony complaint to sheriff Gilbertson, of March 22, 2011<sup>68</sup>, requesting intervention; We suffered fraudulent, extortionate obstruction to our granted ingress and egress, locking the mining incident machinery in, unlawfully taking control of all properties and rights, as well by the gate land-locking us again today, contrary to law, decency and to oppress us;

---

66 **ORS 164.325 Arson in the first degree.** (1) A person commits the crime of arson in the first degree if:

(a) By starting a fire or causing an explosion, the person intentionally damages:

(A) Protected property of another;

(B) Any property, whether the property of the person or the property of another person, and such act recklessly places another person in danger of physical injury or protected property of another in danger of damage; or

(C) Any property, whether the property of the person or the property of another person, and recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty relating to the fire; or

(2) Arson in the first degree is a Class A felony.

**ORS 164.335 Reckless burning.** (1) A person commits the crime of reckless burning if the person recklessly damages property of another by fire or explosion.

(2) Reckless burning is a Class A misdemeanor.

67 **The letter to the Board of County Commissioners**, September 08, 2017, Certified mail, return receipt requested #7017 1070 0000 3854 2898, to cease and desist the fire management operations threatening our mining claim of Josephine County Official Records # [REDACTED]; Our law enforcement criticism have borne out.

68 **Re: Federal Felonies Complaint.** Egregious Enterprise Escalation, not limited to, 15 USC 1, 18 USC 1951, 1341, 371, 241, and 242, 30 USC 1801, 1803 national security, domestic terrorism. Following-up and Continuing The Complaint of Trespass, Breach of the Peace, Damage to Granted Mining Property, being God's Creation, etc., assistance to affect arrest of continuing breach of the peace. Evidence.

78) Consistent with the premeditated criminal nature of these highway obstructions, evidenced in the complaint to sheriff Gilbertson, of October 14, 2011<sup>69</sup>, wherein we state, "Though others enter to do harm, We are without a key", the USFS ordered a contract hit-and-run guerrilla attack against us, whereby, we reasonably believe, the USFS paid a private contractor, whose name we believe we know, to criminally trespass, and sacrilege, fill in our work diggings, a breach to any mineral estate grantee of the highest order of irreparable harm<sup>70</sup>, and worse, obliterated the state of our requisite sacred enshrined discovery location<sup>71</sup>, and a development survey showing greater deposit value, irreparably interfering with our disposed exclusive possession, and lawlessly infringing<sup>72</sup> our granted right of enjoyment and use adversely affecting our mineral development and extraction to this day<sup>73</sup>, without relief or remedy.

79) We reasonably believe, the perpetual USFS perpetrators willfully wrongfully, or negligently invaded our private in-holding bribing a private contractor who filled in our discovery location and workings, breached the congressional grant the USDA, or Mr. Vilsack, is to honor, protect and "*foster and encourage private enterprise*", 30 USC 21a, to avoid destroying the American way and the very fabric of America as a whole. These vile trust breaches are an unlawful takings of our granted exclusive possession, enjoyment and use without remedy, due process, or compensation. Equity requires patent issue, the non-existence of which is evidence civil remedy is not available to us, and government trust is destroyed in the dishonor. It is time for the county to courageously take the measures required under its organic, un-supplanted, obligation to protect the people of the county and begin again to re-establish peace and settlement under law, not neo-fangled, "new normal", policies or treasonous opinions.

80) We have also suffered irreparable and egregious interference with our granted ingress and egress, an abduction, contrary to freedom from bodily restraint, by force or deceit, see "Kidnapping", ORS 163.235, *without consent or legal authority*, "*To compel*" payment "*or deliver money or property*", or by open theft, and threatened now under color of authority, yet by their "*own deliberate and unnecessary lawlessness*" and brutal felony, involuntary servitude, ORS 163.264, or trafficking, ORS 163.266, forced association to a foreign jurisdiction, 18 U.S. Code § 1201, violating free association, with torture and other abuses through fraud. In our experience, no official enforces "*that government officials shall be subjected to the same rules of conduct that are commands to the citizen*", but having pledged to show the people, including us, differently sheriff, We accept your offer.

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69 **Sent Certified Mail No. 7008 3230 0002 5200 5472**, Return Receipt Requested, Re: New Though Continuing Complaint of Trespass, Breach of the Peace, Damage to Granted Mining Property, etc., Assistance to Investigate and Arrest Continuing Breaches of the Peace. Renewing the Appeal to Act upon the Felony Complaint Filed Previously.

70 **Part of the October 14, 2011 complaint accepted by sheriff Gilbertson** stating at, "*III) Note: Under the Mining Law, regardless of what the statutes provide for crime, filling in diggings is a very serious offense the importance, damage, and potential ramifications to our Claim and certainly our livelihood of which may not truly be appreciated to those not miners. Moreover, our claim is not a concession on national forest service land which the Forest Service might have law enforcement authority over and there is evidence of continuing trespass after this incident.*"

71 **ORS 517.128 Restricting access to open mining area or mining claim prohibited.** A person may not attempt to restrict access to any open mining area or valid mining claim **or to harass or interfere in any way with a person engaged in lawful mining activities.** [1999 c.354 §4].

72 **The pretentious actions or omissions and claims of authority of the perpetrators herein also prejudice the claims and powers of the United States and individual states in violation of organic authorities and trusts established as a matter of law fulfilling the U.S. Constitution, Article IV § 3 c.2 (AKA Property Clause), to irreparably injury we the beneficiaries.**

73 **In breaching of the congressional grant**, of which we are beneficiary, the USDA dishonors it duties and obligations to protect, even "*foster and encourage private enterprise*", 30 USC 21a, fails to Coordinate with JMD as FLPMA, 1976, requires, and commits unlawfully takings of the property without due process of law or compensation. Equity principles require patent issue, the non-existence of which evidences that no lawful remedy is available despite constitutional guarantees to the contrary, effectively causing the destruction of government trusts and their lawful purpose.

81) Now, in the similar if not same pattern of oppression, and the hardships of conducting an investigation of the extent of their criminal conduct, and while they thief or tamper with evidence<sup>74</sup>, the Forest Service, or those acting under its color, continue their willful wrong-doing or malfeasance, also consistently, in predictable repetition, under the watch of Tom Vilsack, Secretary of the United States Department of Agriculture, USDA, January 20, 2009 – January 13, 2017, who knows or should know better, and beyond lawyerly gazoozling. While he complained, “There are days when I have literally nothing to do” to president Obama, in 2015, those under his charge were [and still are] pillaging and plundering, rapine producers under color of authority and destroying their private property and appurtenant rights, even after duly served notice of the fact and despite his statements ostensibly advocating for rural America. Yet, in 2/3/2013, instead of allowing the disposal laws to settle the land and bring peace, he politicized production, speaking to rural America's political irrelevance. And in doing so, in ignoring wealth creating mineral extraction is part of rural America, he violates the right to self-determination, a peremptory norm of international law from which no derogation is permitted. He insists upon imposing diversity, an element of international sustainability, the foreign political pathocracy subverting local law admitted to be treason in *JMD v. Kitzhaber, 2013*<sup>75</sup>, to "promote conservation and the tools to be able to promote the biobased economy"<sup>76</sup>, requiring "a different thought process", instead of seeing to it the agencies under his control faithfully enforce the soil disposal laws this country was established to effect allowing producers to produce, a thing of county concern. Politicizing production insists that bureaucratic interference, oversight, or government largess are the “new normal” towards a non-use conservation priority, counter to things of county concern and of which our uncommon mineral entry is clearly in the way of. – Coincident as well, with

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74 **ORS 162.325 Hindering prosecution.**

(1) A person commits the crime of hindering prosecution if, with intent to hinder the apprehension, prosecution, conviction or punishment of a person who has committed a crime punishable as a felony, or with the intent to assist a person who has committed a crime punishable as a felony in profiting or benefiting from the commission of the crime, the person:

**(d) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person; or**

**(e) Suppresses by any act of concealment, alteration or destruction physical evidence which might aid in the discovery or apprehension of such person; or**

**(f) Aids such person in securing or protecting the proceeds of the crime.**

(2) Hindering prosecution is a **Class C felony**. [1971 c.743 §207]

75 **Deciding treason by default judgment, as a matter of law.** Despite our diligent attempts, we've suffered the lack of civil relief for over 10 years, notwithstanding constitutional guarantees to the contrary. Even committed by those purporting to be judges, and despite being party to the suit, despite admitting to a lack of jurisdiction, then acting anyway despite that this style obstruction of justice and trespass on the case is claimed in the petition, together with the also proven claim of Bar Association member's subversion, because of that which is openly *supplanted*, pg. 2 & Fn 12, there has been no relief or justice. Said another way sheriff, criminal prosecution is the only remaining avenue. This can no longer be avoided if peace and society-benefiting production is again to be enjoyed.

Your oath of office must mean saving or keeping the republic from this oppression operating under color of authority. I don't offer this as a patriotic inspiration. The obligation to keeping the republic is a pragmatic warning, the definitive embarrassment of which is the declaration of public health emergencies without demonstrating a non-fraudulent exigency, required as a matter of law. This dereliction of duty to keep the established order is causing irreparable harm with no one arresting the maladministration of government thereby. This failure to faithfully execute the laws of the state is causing such alarm that it required you to respond, even if only as to the arbitrary and capricious mitigation measure abuses caused by the dereliction of duty and official misconduct. You have the power to arrest all of it. Please do so.

76 **Remarks by USDA Secretary Tom Vilsack** at 2012 Farm Journal Forum as Capstone Keynote Speaker  
Thursday, December 6, 2012 - Washington, D.C. <https://www.usda.gov/media/transcripts-speeches/2012/12/12/remarks-usda-secretary-tom-vilsack-2012-farm-journal-forum>

the new Forest Service patrol contract these criminals also seem to be bolstered by, which sheriff Gilbertson saw fit to reject. There is very much more here than meets the eye, very much more the county needs to do.

82) The USDA, through the agent Forest Service employees, commits illicit forcible entry. We cannot deny that when Mr. Vilsack came back to office escalating oppression began again with us while he apparently twiddles his thumbs pondering what he can do; the rats play.

83) With no limit to the committing war crimes beyond its lawful domestic management agency, "The Forest Service is a worldwide conservation leader"

[https://www.fs.fed.us/business/standards/Agreements\\_Desk\\_Guide.pdf](https://www.fs.fed.us/business/standards/Agreements_Desk_Guide.pdf)

84) We anticipate, or you can show us to the contrary in this belief, that you will uphold your fiduciary duty and Office to arrest those "who break the peace, or attempt to break it, . . .", Fn 9, whether in principle or as accessory after the fact. As your predecessor, sheriff Gilbertson, found, to our enduring gratitude, this fiduciary duty manifests underlying duties and obligations to the law, public interest, and morality, the weight and measure underpinning our, as yet denied, right to remedy and relief for harm done to us, constitutionally guaranteed, Section 10. [Administration of Justice], Fn 7, and protection thereby of the district attorney for manifestly serious crimes against us, through interference with our livelihood and granted means, and of society at large, of county concern and compelling public interest.

85) In anticipation of this constitutionally guaranteed protection, relative to any further investigation which may be needed beyond what is provided herein for a successful prosecution, because of past experience and injustice, the nature of the color of authority purported by those criminally trespassing us and our congressionally granted rights and property, and appurtenances, requires we remind you that if anyone were to breach the public duty to prosecute, ORS 8.670, Fn, 20, or to obstruct prosecution, for instance, to certify<sup>77</sup> that these criminal actors, or their cohorts or superiors, are within the scope of their respective lawful duties, or dishonestly assert we evidence no criminal claim, etc., would violate federal laws, 18 USC 4 or 18 USC 3, Fn 44, 45, that, save breach of executive trust, no power, or excuse, or opinion is superior to the office of sheriff in keeping the peace through enforcement of law.

86) We, and the people, or the county, are beneficiaries, and have the right to be free from the sense of dread or intimidation, i.e., terror, and the very real and reasonable perceived consternation, or fear, of physical harm<sup>78</sup> or for our general safety or welfare caused by these invaders, or any, operating under the cover or color of law, without lawful due process, and should not have had to suffer, let alone this long and continuing. Clearly, the law or justice does not allow it.

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77 **As a U.S. Attorney must;** References to federal laws or also intended to serve the additional purpose of showing that any certification made suggesting the federal employees are within the scope of their duty to immunize them from the state have concurrent jurisdiction would trigger the misprision statute or for being an accessory, given it is not in an attorneys scope of their duty to certify fraud, the making of war on the state, or evade the trust breach outside of state law protections disposed by congress to the state, or to suggest there is a court of competent jurisdiction anywhere in Oregon, see 28 USC 81 et. seq, paying attention to the historical notes and annotations for guidance in properly interpreting the law to prove the fact.

78 **TERRORISM** A system of government by terror; intimidation.

**TERROR** [Terrible] Fear that agitates the body and mind; dread; fright; the cause of extreme fear. King of terrors, death  
**TERRORIST**, One who rules by intimidation.

**TERRORIZE**, To impress with terror; To repress or domineer over by means of terror.

-Consolidated Webster Encyclopedic Dictionary, A Library of Essential Knowledge, 1955, Page 747.

87) In execution of the law to justice, criminal violations, and additionally, trust breaches<sup>79</sup>, the federal employees agents of the U.S. grantor/trustee, are occurring in each of the duties and obligations stated in 5 CFR § 2635.101, Basic obligation of public service of public trust, Fn 18, alone, and not to limit to others expressed herein, applicable to any official, or employee, 5 CFR, § 735, Fn 84. Who the official is whom will look past the crimes, “*fraud, waste, abuse, and corruption*” being committed against us, integral in this petition, and fail to disclose these to the appropriate authorities or choosing to certify contrary to these willful wrongful, or negligent conduct constituting also misappropriation of public funds, or ill-gotten pecuniary gain to the employees, choosing as well to commit misprision or accessory after the fact of each crime or breach, must be identified and brought to justice too. Law and justice require a meaningful consequence of such lowly value and purpose to any such official so choosing that is a breach of oath of office, and the making of war on the laws of the state and of the United States. Which official has the courage to stop the long train of abuses against us and then do justice, compensating pursuant to clearly established equity principles, the whole value of the property and rights wrongfully trespassed.

88) So that it is clearly understood, if it is not already, as a matter of law the USFS has no jurisdiction to act upon or against us or our mineral estate claim, or God's Creation, or as more fully determined in the 2010, Decision of Record in our favor against the USFS and the United States Department of Agriculture, USDA, in default judgment. At the request of sheriff Gilbertson we filed that cease and desist with the office of Josephine county sheriff, fully incorporated herein by this reference. Neither, as a matter of law, does the USDA/ USFS have any jurisdiction to have an opinion on the matter; that purporting to have any departmental or agency jurisdiction or authority to act, or on behalf of the USDA/USFS, is fraudulent. The granted highway, mine haul road, to our claim is public domain under exclusive county court jurisdiction. Our claim is on the public domain under our jurisdiction. Both authorities are consistent with the mining law grant disposals as a matter of law. The USDA/USFS trespassers are not even the mineral estate trust administrator. The USFS is forever derelict in the duty to adhere to lawful due process, because the USDA/USFS has no jurisdiction.<sup>80</sup>; What more should we have to say as to how lawless these entities have become, allowed by the lack of law enforcement and despite the local power constitutionally reserved, or by state trust obligation, to arrest it?

89) Only with probable cause of extra-grant activity, not relevant to this matter, the Bureau of Land Management, BLM, would be the appropriate agency to inquire, not the USFS nor the USDA, and then initiated only to the extent of extra-grant activity, not validity. God's Creation is not in violation of law;

90) In other words, there is no federal jurisdiction over our valid certified mineral in character entry in holding the forest reserve, which location is publicly recorded, and shown in maps evidence by the word 'Mine' and the crossed picks, providing unassailable public notice of the fact of government acknowledgment. This is the same for our mine haul road disposed pursuant to State acceptance, H.B. 208, approved 1901, and committed to constitutional protection at the hazard to public necessity; of

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79 **Breach of Trust.** Every violation by a trustee of a duty which equity lays upon him, whether willful and fraudulent, or done through negligence or arising through mere oversight or forgetfulness, is a breach of duty. The term, therefore, includes every omission and commission in carrying out the trust according to its terms, of care and diligence in protecting and investing the trust property, and of using perfect good faith. A violation by the trustee of any duty which he owes the beneficiary. *Bruun v. Hanson*, C.C.A. Idaho, 103 F.2d 685, 699. —Black's Law Dictionary Sixth Edition.

80 **The law requires proof of jurisdiction** to appear on the record of the administrative agency and all administrative proceedings." *Hagens v. Lavine*. 415 US 533. **NOTE:** 2010, Record of Decision proves there is no Agency jurisdiction.

county concern as a matter of law, there is no excuse for any confusion. It is true the federal agencies may, for their public land management needs, monitor disposed highways, but cannot take control of the disposed public domain which state law determines is exclusively with the county court, ORS 368.

91) Moreover, the USFS has not done a survey to show we are using land outside of our claim, or as provided appurtenant to the mineral grant, as amended, for instance for dumping. We cannot know within our investigating capacity, though we know it is a tactic of the USDA/USFS in its pursuit to oppress us whether they are working in concert with any State agency whom would also be in trespass.

92) We reasonably believe, due to photographic evidence, or through deception of record, or by other evidence, or incongruity, and contrary to official assertion, and by the official promotion of such a program, there may be yet others involved relating to potential lucrative USFS contracts, such as to facilitate trail projects, however illicit, as herein evidenced. Belying the Forest Service supervisor disclaimer of any interest in a "trail", the additional misrepresentation of the Department map, Exhibit 25<sup>81</sup>, is that a trail exists to the terrorist coveted Silver Creek falls, which, nevertheless, would cross private land, not unappropriated public land. Given this fact, and contrary to the assertion of an USFS supervisor claiming no interest, available maps show an "1134" "trail" open, and fraudulently shown unbroken, across private property, to Metz Mine Road, which is shown closed. The same map shows the established highways, of exclusive county concern, ORS 368.016, Fn 6, *closed* from Flat Top, to Old Glory mine, and the Metz Mine Road closed, the area otherwise depicted a "roadless area". We have been apprised, ultimately the USDA intends closing "2512", connecting road to Taylor Creek Road, all together. This arrogant disregard of law, and of state sovereignty, is an insult to the exclusive jurisdiction of the county, as well to mining history and activity in the area; The purpose is to put more productive land into illicit aestheticized non-use, or inferior, not highest and best use.

93) The supposed "1134" "trail" shown open without highway access to it is evidence of an anticipated though illegal Forest Service "trail", supplanting our mine haul road and the jurisdiction of the county. The real intention explaining this anomaly of the USDA/USFS mapping is reasonably believed to be misrepresentation, or so as not to alarm other private property owners the USDA/USFS intends to violate. This deception in carrying out activities to advance it, as any others herein, would constitute fraud upon the public treasury to their varied unjust enrichment or profits or, not limited to, violating 5 CFR § 2635.704 Use of Government property<sup>82</sup>, or 5 CFR § 2635.705 - Use of official time<sup>83</sup>, or 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States. Using their time and U.S. Property to commit crime against us, congressional grantee beneficiaries, is criminal, a waste, fraud, or abuse of the public treasury, and breaching the mineral and public trust, or prejudicial to the governments<sup>84</sup> and their obligations;

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81 **This map evidencing closure of the vested mine haul road, contrary also of ORS 368**, or ORS 368.016 & ORS 368.021, is a fraudulent imposition of an unlawful encumbrance however designated, now "1134", and of which Bugosh fraudulently extended to our mining incident machine in his deceptive "Complete written instrument", see ORS 165.002 Definitions for ORS 165.002 to 165.070, Fn 58, of Incorporated Evidence.

82 **5 CFR § 2635.704 Use of Government property.** (a) Standard. An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

83 **5 CFR § 2635.705 - Use of official time.** (a) Use of an employee's own time. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties.

84 **5 CFR § 735.203**, What are the restrictions on conduct prejudicial to the Government?

**An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.**

94) Being in the way of, at least, this illicit “trail” plan, we are the victims of the scheme and artifice. But the victims of this USDA scheme and artifice are not merely us and include things of exclusive county concern, such as the highway, and therefore the public at large and the public interest, and the public treasuries. –at least to the limit of the lines of location of our claim which, as a matter of law, is beyond the end of the road and off limits to the public, or unwarranted agency action.

95) Moreover, in anticipation, the perpetrator's unwarranted conduct constitutes thieved time, effort, U.S. Property used, or to gather evidence therefrom, and would be to wrongfully assist<sup>85</sup> a prosecution prejudicial to government obligations, Fn #84, and duties holding our valuable mineral property title in trust, or those of the state through disposal and would be unlawful in any regard.

96) Though considered other than an invasive species by the U.S. congress, nothing about our valuable mineral deposit entry, nor the forest reserve within which it is lawfully situated are considered "public parks, natural areas and recreation areas", Oregon, Const., Section 4. [Regulation of lotteries; state lottery; use of net proceeds from state lottery], nor known to interfere with the scope or purpose of its enactment or meddling; Neither can mineral in character soil be considered for such as a matter of law.

97) We reasonably believe, as a matter of law, the perpetrators, apparently believing themselves above and beyond reach of the law are *not* within any scope of any lawful duty, and none demonstrated. They are operating their criminal enterprise without resort to lawful due process, nor even a reasonable cause, nor shown any desire to avoid committing criminal acts done, at least, knowingly, intentionally, and maliciously, even terroristically, terrorism, Fn 78; This terrorism, and other crimes herein identified speak as well to the Oregon constitutional mandate in consideration of victims of crime when doing justice, as to the psychological effects, harm, siege mentality and alarm, terror and debilitating anxiety they create in us beyond the lawless infringements to property. Apparently above and beyond the reach of law, We fear that these sovereign citizens in official costume, under color, will take it upon themselves to hurt us further or cause us more trouble taking advantage of their omnipotence. Beyond lawless destruction of our property and rights, livelihood and life, they create in us the ever-present trepidation of facing unwarrantable interference, retaliation, forced association, aggravated abduction, reliance on fabricated or fraudulent records or assertions, or beliefs, without jurisdiction, or through fraudulent warrant of arrest, with subsequent ransom demands, torture, or character and other assassination under color of authority, among the many other crimes already committed against us and the property(s) by persons believing they are either The Law or above the law; The grant intent of Congress we accepted does not allow for any mistreatment, nor without relief for breach.

98) Furthermore, and the perpetrators know, they cannot provide any due process if under the lawful authority of the Forest Service because any thing the Forest Service would send us in the mail constitutes mail fraud. This is proven in prior communications to their employees or department heads. Consequently, by there own illicit acts or omissions, they are left without a way to communicate with us, lawfully. Moreover, we will not aid and abet their frauds or deceptions in receiving communications with this liability, or in pretending matters are otherwise. The agency severed lines of communication by its lawlessness requires an intercessor to keep the peace, sheriff, as during sheriff Gilbertson.

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<sup>85</sup> **5 CFR § 2635.902 - Related statutes.** (d) The prohibition against assisting in the prosecution of claims against the Government or acting as agent or attorney before the Government (18 U.S.C. 205).

99) We reasonably believe these wrongful invasions are also in furtherance of a grander scheme artifice. This somewhat open secret was exposed to us in our ultimately successful, 2010, FOIA request. To evidence the complete lack of good faith in the Forest Service, or its employees, we had to appeal<sup>86</sup> for fraudulent agency representation that there were no records to produce. The subsequent document production, together with our experiences on the ground spurring the request, evidenced employees inside of the agency working in concert, or by collective action with unions or networks of environmental terrorists, including prominent public officials, toward removing the entire forest from productive use in favor of conservation, non-use. It made sense then why the agency would fraudulently represent it did not have any documents to produce given those would evidence their special interest indiscretions. Given this fact, beyond mineral trust breach, preferring amenities or wildlife over productive uses, would further violate the contemporaneous State water law<sup>87</sup>. Again, the illicit intention to control the water against the disposal grant, trust, and contract of which we and our private property in-holding are in the way of establishes yet another motive for why these subject persons are acting unlawfully, and arrogantly so, to infringe and impair, apparently above the law.

100) We reasonably believe that even without terroristic motivation of the neo-conservationist there are still breaches to Oregon water law<sup>88</sup>. Given our granted vested use of water appurtenant our obligation to produce necessary contemporaneous minerals is declared of public benefit, public uses, and public necessity, interfering with the public economic benefit makes war on the state and its people, and is treason, or additional, see “criminal conspiracy”, being an element;

101) This 1909, Oregon water law act supplementally reinforces and protects the statutory acceptance of the congressional grant evidenced in the 1899 Oregon water law, Section 2 of the Act granting *that all “having title or possessory rights to any mineral or other land, shall be entitled to the use and enjoyment of the water* of any lake or running stream within the state for mining and other purposes *in the development of the mineral resources* of the state, Section 1, "or to furnish electrical power for any

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86 **RE: FOIA Request # R6-10-148: APPEAL**; Notice To Agent is Notice To Principle, Notice of Fault, and Default, Perfection of Claim, November 1, 2010, sent Certified Mail No. 7008 2810 0001 0062 3769, Return Receipt Requested.

87 “**All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes**, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder” – ORGANIC ACT OF 1897.

88 **ORS 536.220 Policy on water resources generally**; integrated state water resources strategy. (1) **The Legislative Assembly recognizes and declares that:**

(a) **The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof. . .**

(c) **The economic and general welfare of the people of this state have been seriously impaired and are in danger of further impairment by the exercise of some single-purpose power or influence.**

**ORS 536.310 (2)(b) It is in the public interest that integration and coordination of uses of water and augmentation of existing supplies for all beneficial purposes be achieved for the maximum economic development** thereof for the benefit of the state as a whole;

**"(11) . . . and economic principles, is to be promoted and encouraged;"**

**ORS 536.340 Classification of water as to highest and best use**

**ORS 537.120 Right of appropriation; vested rights protected.**

**"but nothing contained in the Water Rights Act shall be so construed as to take away or impair the vested right of any person to any water or to the use of any water."**

**Section 36. ORS 537.170**

2) In determining whether the proposed use would impair or be detrimental to the public interest, the State Water Resources Board shall have due regard for:

(f) **All vested and inchoate rights to the waters of this state or to the use thereof, and the means necessary to protect such rights;**

purposes *is declared to be a public beneficial use and public necessity, and the right to divert unappropriated waters* of any such lakes or streams *for such use is hereby granted.*” This state grant acceptance is fully consistent and relates back to the Act of 1866, Sec. 9. And it be further enacted, That whenever, by priority of possession, rights to the use of the water for mining . . . have vested. . . such vested rights shall be maintained and protected . . . , vesting also the appurtenant right considered non-consumptive use, i.e., there is no waste and the appropriation of “*such waters may be made available to the full extent of capacity thereof without regard to deterioration in quality or diminution in quantity, so that such use of the same does not materially affect or impair the rights of prior appropriations*”. {Highest and Best Use emphasis}.

102) In other words, sheriff, we reasonably believe, and as a matter of law, that in adversely affecting our “use and enjoyment of the water”, in causing us to divert our time, efforts, and funds from mineral development and extraction on top of the infringements to mineral production should be enough cause for arrest alone. We are required at further expense to replace or repair the consequences of invasion, and to document for purposes of petitioning for redress at the hardship and expense of many hundreds of hours of research, investigation and documenting these endless trespasses and destruction of our private property. In impairing our vested contractual right to the use of any water for any time, these lawless marauders under color of lawful authority are, again, in evasion of their oath of office, or employment duties and obligations to keep the law. They are interfering with matters of state, in economic and other vital considerations, ultimately making war on the laws of the state and those of the United States, adversely affecting national security, 43 USC §1803 - §1806, defense, and industry or state or national economies. Our “*right to use*”, secures the foregoing, violating both our property and the rights, or appurtenant rights therefrom, prohibited to them, also for being extortion, ORS 164.075, to property, coercion, ORS 163.275, to the rights or those appurtenant property, and ultimately treason;

103) We reasonably believe that being two witnesses being tampered<sup>89</sup> with, or through various

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89 **ORS 164.345 Criminal mischief in the third degree.** (1) A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that the person has such right, the person tampers or interferes with property of another.

(2) Criminal mischief in the third degree is a Class C misdemeanor

**ORS 162.285 Tampering with a witness.** (1) A person commits the crime of tampering with a witness if:

(a) The person knowingly induces or attempts to induce a witness or a person the person believes may be called as a witness in any official proceeding to offer false testimony or unlawfully withhold any testimony; or

(b) The person knowingly induces or attempts to induce a witness to be absent from any official proceeding to which the person has been legally summoned.

(2) Tampering with a witness is a **Class C felony**. [1971 c.743 §203; 1979 c.231 §1]

**ORS 162.295 Tampering with physical evidence.** (1) A person commits the crime of tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person:

(a) Destroys, mutilates, alters, conceals or removes physical evidence impairing its verity or availability; or

(b) Knowingly makes, produces or offers any false physical evidence; or

(c) Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

(2) Tampering with physical evidence is a Class A misdemeanor. [1971 c.743 §204]

“[w]hat constitutes tampering with property for the purposes of ORS 164.345(1) may depend on the nature of the property.”

“Like rearranging library books out of order, both throwing a train switch and opening a gate that blocks access to forest property involve changes to property that adversely affect its use. They involve moving property from a position where it would serve a particular purpose to a different position that adversely affects its ability to achieve that purpose.

(In the court of appeals of the State of Oregon v. Lee, 2015, A150812)

attempts and artifices, such as through threat of unwarrantable malicious legal entanglement, or theft of security cameras and images, it is time to arrest this treasonous, felonious usurpation, or the attempt<sup>90</sup>, breaching the peace, welfare, economy, national security, and laws of the state. This has harmed the people of the state or county, which the county is duty-bound to protect; As you have said yourself<sup>91</sup>. We identified this prerogative power retained by the county commissioners in our letter, Fn 67, attempting to avoid the federal arson murder attempt by a foreign organization, relative to the national wildfire policy. To the extent breaches of trust and law under color of authority are “over reach”, We agree with you. Every breach of trust, or of public duty is an overreach. Thank you. In this we're on more Firm Soil, standing together.

104) We reasonably believe, the perpetrators each took an oath of office, 5 U.S. Code § 3331, or by employment contract undertook, to uphold these laws disposing us to peaceful settlement<sup>92</sup> which the office of sheriff is to keep. Not many know this, and the scurrilous will deny, Conservation schemes controlling granted land disposal also violate the adjudication of the minerals to the American people by Congress *before* the mining law. This governmental concession and through forbearance caused the consequent duty-borne specific performance and trust relationship which Congress, and therefore any congressman, is obligated to protect, and through the county. This trust related disposal of the soil, the act of 1872 amending and expanding upon the prior disposal acts, such as the act of 1866, and 1870, reserved the granted mineral estate from any withdrawal, why lands mineral in character enjoy saving clauses through-out the law; and exposing the BLM records fraud requiring our notice of intent to hold.

105) Society is in endless need of these minerals and they exist only where they are found in ground, not movable for the sake of convenience to appear elsewhere. Without hyperbole sheriff, as a matter of law, interfering with lands mineral in character, or with mineral development, or production, being the foundation of any modern sovereign society, constitutes a treasonous trust breach of the highest order. We have recently become aware, congressmen intend the theft and trust breach of more land under this sort of “environmental” deception. When will the county arrest or work to arrest this treason against the people of the county? Even as these various ideological agents would have us knocked back in to the stone-age conservatory, mining would still be necessary, stone being mineral. There is no escape from this reality; The only difference is the form of remedy prevailing to people when that occurs. –Consent to go back to the time justice is served to those with the biggest stones or to courageously enforce the peace and settlement as a matter of law, bringing a constitutionally guaranteed relief.

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90 **ORS 161.405 “Attempt” described.** (1) A person is guilty of an attempt to commit a crime when the person intentionally engages in conduct which constitutes a substantial step toward commission of the crime.

(2) **An attempt is a:**

(a) **Class A felony if the offense attempted is** any degree of murder, aggravated murder or **treason**. {emphasis added}

91 **Sheriff Daniel, mask mitigation message of August 26, 2021**, stating in pertinent part, “I took an oath to support the Constitution of the State of Oregon and of the United States of America. I stand firm on my oath and consider it my responsibility to protect Josephine county citizens from what I consider "over reach". “

“I am a conservator of the peace and it is my responsibility to protect our citizen's Rights, Freedoms and Liberties.”

92 **The USFS unlawfully, feloniously, targets and attacks our claim** through attempting to control the machinery doing the mineral deposit development, extraction and maintenance of our mine haul road the organization wants closed. The entire purpose of the mining law is to provide settlement of property and peace to the miner to entice him to stay and develop mineral resources. We have yet to enjoy the congressional purpose despite law requiring its official protection.

## Forest Service Tactics Criminally Attempt To Fabricate Jurisdiction And Authority

106) Of many repetitious pretextual tactics and ulterior motives of the USDA/USFS organized crime<sup>93</sup> syndicate described herein are also known to commit, honest services fraud<sup>94</sup>, this example in California, is to communicate, through U.S. Mail or Electronic Mail with or to accuse an adjacent property owner of the targeted mineral estate grantee of purportedly violating some rule or obstructing some duty of the USFS employee, or fraudulently claiming resource destruction<sup>95</sup>. When the adjacent neighbor disclaims possession or the work, the USFS employee will use that as a reason to confiscate the targeted entryman's mining incident possessions without lawful notice. We reasonably believe this tactic is occurring against us.

107) What is normally looked past in this scheme and artifice, is that the identification of mining activity precludes agency jurisdiction where uncommon minerals are located, as a matter of law. Whether for inquiry or for accusation, such a notice is mail fraud and used as a tool to defraud the targeted entryman and commit theft under color of authority, multiple felonies.

108) A part of the deception appurtenant this scheme and artifice, identified and admitted by the USDA/USFS in the 2010, Record of Decision, is the USDA/USFS employee fraudulent demand for a "Notice of Intent"<sup>96</sup> with a "Plan of Operation", yet of which there is no OMB number in further proof of the deception, because the law shows that Notice is to be filed by the Agency pertinent only to a National Environmental Protection Act, NEPA, 42 U.S. Code § 4321, *supplemental* requirement relevant only to a major federal action, project, plan, or demonstration. God's Creation, or our self-initiated entry, disposed granted property thereby, are not subject to NEPA, as a matter of law;

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93 **ORS 180.600 Definitions.** As used in ORS 180.600 to 180.630:

(1) "Department" means the state Department of Justice.

(2) "**Organized crime**" means any combination or conspiracy of two or more persons to engage in criminal activity as a significant source of income or livelihood, or to violate, aid or abet the violation of criminal laws relating to prostitution, gambling, loan sharking, theft, abuse of controlled substances, illegal alcohol, cannabis or controlled substance distribution, counterfeiting, extortion or corruption of law enforcement officers or other public officers or employees. [1977 c.754 §1; 1979 c.744 §10; 2017 c.21 §49

**ORS 180.610 Investigation of organized criminal activity; powers and duties of department.** The Department of Justice shall:

(5) **Investigate allegations of corruption or malfeasance by public officials in Oregon** and, where appropriate, coordinate, cooperate and assist in taking legal action.

94 **Honest services fraud** is defined in United States Code, Title 18, Section 1346 – also known as the federal mail and wire fraud statute – as "a scheme or artifice to deprive another of the intangible right of honest services." It is a federal crime, and it is broadly applied across the United States.

95 **Even if the Forest Service had jurisdiction**, with the repeated scorched earth campaigns there are no surface resources, its fraudulent perpetual red herring, left to manage or for those future generations, another red herring, nor applicable to mineral extraction. See Exhibit 4 and 5, looking behind the sign at the result of Forest Service "forest management" through pretextual "fire management", instead of suppression, destruction to timber, wildlife, habitat, soil, etc., done under color of county, or state authority. The white trunks being from the Biscuit fire, the black from the Klondike, and horrifically, all the dead game and other life can only be imagined.

The question must be asked then, What resources is the USDA claiming to manage where the Forest Service chooses to torch and destroy the forest reserve Congress established to protect to then blame a miner for surface resource destruction and on land the grantee of which "shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations"? Or in particular to our 2010, Forest Service Record of Decision, as to surface resources either disclaimed by the USDA and showing no title or admitted to be our mining incident property.

96 **40 CFR § 1508.1 - Definitions.**

(u) *Notice of intent* means a public notice that an agency will prepare and consider an environmental impact statement.

109) We reasonably believe this is one of the deceptive tactics the USFS is using now being they are of notice through the 2010, Record of Decision *by its default in our favor* that to send us mail under any pretense of having any jurisdiction or committed against us through various ulterior calculated mischaracterizations is mail fraud and otherwise contrary to law, honest services, and giving the perpetrators or the USDA/USFS unjust advantage through unjust presumptions which a judge, and Bar member subject to *JMD v. Kitzhaber 2013*, default judgment, uses to do violence to the law under color of authority. All this is to point out, sheriff, we're not dealing with some incidental, one-off, mistake;

110) As any criminals suffering no consequence for their actions, these are known repeated predicate acts covering for the crimes being, and to be, committed. These perpetrating predators, herein, breach the peace and settlement under color of an authority that does not exist. Though as any recalcitrant criminal, they will vigorously deny willful misconduct, negligence, malfeasance, or wrong-doing the proof for which is discerned through listening carefully to whether they faithfully recite the relative subject matter authorities correctly—remembering, the mining law is above and apart all other laws and should instantly identify the very first breach of trust or of public duty defrauding of the congressional trust, or more fully exposed in the 2010 Record of Decision, of record, and evidencing the veracity of this petition and the body of principle, law, or rule breached under color of authority;

111) Because no properly applied law or rule provides for such behavior, and by this prior 2010, administrative decision in our favor, these acts or omissions are being done in their personal capacity<sup>97</sup> as subversives, under color of and defrauding U.S. authority, without the scope of their respective obligations and duties to the laws, obligations and duties of the United States and to its grantees, the aggrieved for this complaint, or relative to concurrent state jurisdiction in matters of crime.

112) What this all means relative to this petition for redress is the responsible official for prosecution of crime shall either explain why the law is not enforceable, or provide opportunity to make this so, or resign, or be arrested as an accessory after the fact, to be replaced by someone willing to faithfully execute their lawful obligations and duties without excuse and as law requires protection. In other words, relative to granted entry, any communication from the USDA/USFS which does not acknowledge the mineral estate adjudication predating the existence of the mining law in preference of an administrative authority is a fraud by omission. This fraud is a constitutional trust breach, both state and federal precluding any defense to any employee or official. This will also test those purporting to know and enforce the law, or expose their deceptive usurpatious undertaking, or wrongful intent when making no acknowledgment and disrespecting or ignoring things settled as a matter of law. Ignoring things settled as a matter of law is to fail the justice official's obligation and duty to protect the people against the ongoing systemic fraud causing irreparable harm to each of the people pursuant to the constitutional organization for their mutual benefit. Those undertaking an oath of office are duty-bound to guarantee that protection, and from maladministration of government from any sector, foreign or domestic, ensuring that, Section 22. [[O]peration of the laws shall never be suspended], Ore. Const.

113) In regard to federalized invasion under color of authority providing cover for crime under color of state jurisdiction, if escaping others, it has not escaped our notice that relative to the county acceptance of the lucrative contract “to patrol on national forest service lands”, there are an escalation of attacks against us and God's Creation which as coincidentally substantially subsided when your predecessor, sheriff Gilbertson, ended the contract after investigating the USDA/USFS for its misdeeds, acting

<sup>97</sup> “You do not, however, have absolute immunity for constitutional torts and/or personal capacity lawsuits. If you are sued in your personal capacity, you only have qualified immunity.” <https://www.fedsprotection.com/faq/112>

beyond “forest service” lands, and beyond 42 USC 1733, or The Federal Land Policy and Management Act of 1976, FLPMA. The consequence most certainly, provides an appearance of impropriety in accepting federal funds giving federal “law enforcement” the wink-and-nod to put local innocent people at risk, and irreparably harming them under the color of some merely purported though undemonstrated power, jurisdiction, or authority under color of state law or of the office of sheriff.

114) This belief, that by extension the county would rather take a bribe than enforce the law, or have others use its power or authority contrary to law to harm people, is consistent with the recent state-wide acceptance of federal funds for the merely presumed, yet unproven, “CoViD-19 pandemic”. –Another intangible thing of no appraised value, as a matter of law. This situation follows the same pattern of criminal solicitation and, after acceptance, criminal conduct or trust breach that We experience herein.

115) The evidence proving this consistent maladministration is shown in the undue federal influence to unlawfully wield a police power prerogative for a purported communicable disease without locally demonstrating the non-fraudulent exigency, the actual tangible, appraisable, infectious cause and failing to act to not affect everyone in their life, liberty, or happiness, despite express required due process and limitations the constitution and legislature mandate. By similar exploitation, since the recent patrol contract funding, those believing they are above the law can, under color of state authority or federal authority, impose their oppression upon us and our valid mineral deposit claim without due process, or demonstrating jurisdiction, and for the reason it or they cannot. This sort of trust breach to us and God's Creation is no different, nor less treasonous, with everyone turning a special interest, buck-blinded jaundiced eye to the irreparable harm being committed under color of authority, the deceptive fruit seeding conduct contrary to settled law.

116) Otherwise, in the absence of any contrary explanation, and we can find none, it reasonably appears there is as much a grand crime against mankind and breach of the peace being committed relative to the derelict acceptance of fraudulent foreign influence causing irreparable harm needing arrest, as there is in the sustained organized concerted crimes against us and the people in either regard.

117) With a clear eye on the the prevailing organic power, actually antecedent obligations, savings provisions for prior authority, acknowledged, ORS 174.530 et. seq., ORS 183.502, and 43 USC 1700 et seq., not amenable to the Clinton era reinvented government, i.e., “sustainable” [new] federalism, suffered today, or of which a federal agency or department appear to be exploiting<sup>98</sup> the usurpation of the delegated powers by the people for the organic jealously tripartite government establishment of Oregon. The militant goose-stepping passed the organic establishment by federal agency diktat is identified by your predecessor, sheriff Gilbertson, as “mission creep”. This present susceptible usurpation is admitted, in the JMD v. Kitzhaber, 2013, default judgment, committed by all defendants, including, State officials, agencies, political party members, Bar Ass., members, attorneys and judges, orders from which are coram non judice, and firmly grounded within the jurisdiction of the county to control. This tripartite establishment usurpation, as well, is the duty of the office of sheriff to protect against; and to avoid the check and balance to tyranny conducted under color of lawful government oppressing the people it is to serve, guaranteeing that, “The operation of the laws shall never be suspended”, that we the people, “have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. —”, Fn 1, being reserved unto ourselves, the heirs or posterity.

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98 Evidence of federal collusion of the BLM, USDA/USFS foreign entanglements is proven, in part, through International Union for Conservation of Nature, IUCN, membership to sustainable development and the Bar Ass promotion thereof.

118) The ongoing maladministration of government, evidenced herein, this consequence a breach in public trust, adversely affecting the public confidence was not avoided and requires swift, decisive, courageous action which the law invests in you and other county officials to execute immediately, as well, keeping check that the prosecutor isn't in misprision through dereliction of duty through dishonesty. We say this reminding you of our continuous and decisively negative experience in witnessing the futility and impotence of the law applied lawfully. Dual-use fraud is not a stranger to us.

### **Duty to receive and give effect to this petition for redress of grievances – The right to petition**

119) We petition for redress of grievances<sup>99</sup>, as a matter of law, as a matter of right, as a matter of good conscience, and as a matter of need to end the ongoing or involuntary servitude to wanton rogue criminals operating under cover or color of legitimate authority without lawful jurisdiction; Committing, in the illicit conduct or by omission, at least, multiple felonies under state law, as well not warrantable under federal law charged with the duty and knowledge, 5 CFR § 2635, Fn 18, or 5 CFR, § 735, Fn 84, wantonly breaching the political establishment and the common good, contrary to guarantees pursuant to Oregon constitution, such as and not limited to, Article 1, Bill of Rights, Section 1. [Natural rights inherent in people], Fn 1, Section 9. [Unreasonable searches or seizures]<sup>100</sup>, Section 10. [Administration of justice], Fn 1, Section 18. [Private property or services taken for public use]<sup>101</sup>,

99 **Belonging equally to more than one, or to many indefinitely;** as, life and sense are common to man and beast; the common privileges of citizens; the common wants of men.” Noah Webster, An American Dictionary of the English Language 42 (1828). The word “good” also had an ordinary meaning when used in the context of section 26. It meant and means, “Welfare; prosperity; advancement of interest or happiness. He labored for the good of the state. The good of the whole community can be promoted only by advancing the good of each of the members composing it. Federalist, Jay.” Webster, An American Dictionary at 93. <https://caselaw.findlaw.com/or-court-of-appeals/1459516.html> "Historically, therefore, the right of petition is the primary right," . . . "[It] is one that cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all civil and political institutions,—principles which the Fourteenth Amendment embodies in the general terms of its due process clause . . . ." "Furthermore, the right of petition has expanded. It is no longer confined to demands for “a redress of grievances,” in any accurate meaning of these words, but comprehends demands for an exercise by the government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters. The right extends to the “approach of citizens or groups of them to administrative agencies (which are both creatures of the legislature, and arms of the executive) and to courts, the third branch of Government. Certainly the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition.” “The right of petition recognized by the First Amendment first came into prominence in the early 1830s, when petitions against slavery in the District of Columbia began flowing into Congress in a constantly increasing stream, which reached its climax in the winter of 1835.”

<https://www.law.cornell.edu/constitution-conan/amendment-1/background-and-development>

At the same time, on the other hand, for instance, relevant to the problem why an agency lacks jurisdiction or authority where this is no application for consideration filed or permit issued, relative to the executive branch as against the private exercise of rights is apparent in, O'neil v. Dept. of Professional & Vocational Standards, June 5, 1935; All acts or orders done without jurisdiction are null and void, and no evidence must be produced by the victim such an abuse to prove the fact.

- 100 **Section 9. [Unreasonable searches or seizures.]** No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. —
- 101 **Section 18. [Private property or services taken for public use.]** Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.

Section 21. [Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors]<sup>102</sup>, Section 26. [Assemblages of people; instruction of representatives; application to legislature]<sup>103</sup>, Section 33. [Enumeration of rights not exclusive]<sup>104</sup>, or Section 34. [Slavery or involuntary servitude]<sup>105</sup>; and forcing upon us, save dereliction of duty of the prosecuting attorney or the court, the status of Victim<sup>106</sup>, as a matter of the Oregon constitution witnessing the breach. Given the purpose of the law is to ultimately do justice, giving force and effect to this constitutionally guaranteed relief, where no other now exists is an high-order prerequisite official obligation. There is no excuse. Every governmental agent ought to have given wide berth to avoid and by their dereliction the petition for redress of grievance is made necessary to restore public confidence and peace. If not, then there is no objective law to enforce, more importantly to obey.

120) In addition, a successful prosecution stemming from this petition of right to relief, requires meaningful treatment, and then satisfaction from those wrongfully victimizing us if justice is to be more fully realized. Given that, equity principles, and common or constitutional law prohibit sovereign immunity to those whose conduct is prejudicial to the general government, Fn 84, in this matter, dishonoring the legislative branch, dishonoring the executive, and the duties and obligations to protect the mineral trust<sup>107</sup> created by our valuable mineral deposit entry, or to attack We the trust beneficiary<sup>108</sup> under its color of law in breach of the concurrent public trust; that whomever thereby are not immune

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102 **Section 21. [Ex-post facto laws; laws impairing contracts;** laws depending on authorization in order to take effect; laws submitted to electors.] No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; {In pertinent part.}

103 **Section 26. [Assemblages of people; instruction of representatives;** application to legislature.] No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of greivances [sic]. —

104 **Section 33. [Enumeration of rights not exclusive.]** This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people. —

105 **Section 34. [Slavery or involuntary servitude.]** There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.

106 **Section 42. [Rights of victim in criminal prosecutions and juvenile court delinquency proceedings.]**

(6) As used in this section:

(c) "Victim" means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime.

107 **ORS 130.805 UTC 1002. Damages for breach of trust.** (1) A trustee who commits a breach of trust is liable to the beneficiaries affected for the greatest of:

(a) The amount of damages caused by the breach;

(b) The amount required to restore the value of the trust property and trust distributions to what they would have been had the breach not occurred; or

(c) The profit the trustee made by reason of the breach.

(2) Except as otherwise provided in this subsection, if more than one trustee is liable to the beneficiaries for a breach of trust, a trustee is entitled to contribution from the other trustee or trustees. In determining the amount of contribution, the court shall consider the degree of fault of each trustee and whether any trustee or trustees acted in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries. A trustee who received a benefit from the breach of trust is not entitled to contribution from another trustee to the extent of the benefit received. [2005 c.348 §84; 2017 c.17 §6]

108 Little v. Barreme, 2 Cranch 6 US 170; 2 L Ed 243 (1804); Wise v. Withers, 3 Cranch 7 US 331; 2 L Ed 457 (1806); Osborn v. Bank of United States, 9 Wheat 22 US 738; 6 L Ed 204 (1824); Mitchell v. Harmony, 13 How 54 US 115; 14 L Ed 75 (1852); Bates v. Clark, 95 US 204; 24 L Ed 471 (1877).

**See Wise: "and it is a principle that a decision of such a tribunal in a case clearly without its jurisdiction cannot protect the officer who executes it. The court and the officer are all trespassers."**

from the criminal laws of the state<sup>109</sup>; that, “The right to the ownership of property and to contract with respect of its use is unalienable.”<sup>110</sup>; that, “As a general rule, interference with the enjoyment or possession of land is considered “irreparable” since land is viewed as a unique commodity for which monetary compensation is an inadequate substitute.”<sup>111</sup>; that, “There is also a clear public interest in preventing unreasonable interference with private property rights.”; that, “The Third Circuit has noted that, “if a plaintiff demonstrates both a likelihood of success on the merits and irreparable injury, it almost always will be the case that the public interest will favor the plaintiff.”<sup>112</sup>; that, “There is no doubt that if a man furtively and in bad faith robs his neighbor of his property and because it is underground”<sup>113</sup> “is probably for some little time not detected, the court of equity in this country will struggle, or rather I say, will assert authority to punish the fraud by fixing the person with the value of the whole of the property.”<sup>114</sup>; and that, these high duties and obligations are reflected in Oregon Jurisprudence<sup>115</sup>, the county court, in reason and good conscience will declare the required equity under state law, pursuant to the 10<sup>th</sup> Amendment to the Constitution for the United States of America, disposing the claim to help compensate the irreparable harm herein evidenced; and further, seek lasting peace in removing the object of desire from the federal trespassers, a thing of county concern, and in the public interest, “to insure public safety”, and “*To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests*”<sup>116</sup>, and actively

109 **5 CFR, § 735.102**, What are the grounds for disciplinary action?

An employee's violation of any of the regulations in subpart B of this part may be cause for disciplinary action by the employee's agency, **which may be in addition to any penalty prescribed by law.**

110 **Golding v. Schubac, 93 US 32; Saville v. Corless, 46 US 495.**

111 **Pelfresne v. Village of Williams Bay, 865 F.2d 877, 883 (7th Cir. 1989)**

112 *American Telephone and Telegraph Co. v. Winback and Conserve Program, Inc.*, 42 F.3d 1421, 1427 n. 8 (3 rd Cir. 1994)

113 **To be read to mean, as well, covert under-mining of the republican form of representative government**, its purpose and function to the people it is to serve for mutual benefit.

114 **Livingstone v. Raywards Co., L.R. 5 App. Cas. 33.**

115 **Oregon Jurisprudence, under which the defendants are subject has decided**, from A treatise on the American law relating to mines and mineral lands within the public land states and territories and governing the acquisition and enjoyment of mining rights in lands of public domain, Volume 2, 1914, Page 1203:

"The owner of such a location is entitled to the exclusive possession and enjoyment, against everyone, including the United States itself. 39

Where there is a valid location of a mining claim, the area becomes segregated from the public domain and the property of the locator He may sell it, mortgage it, or part with the whole or any portion of it as he may see fit.40

He is entitled to the most plenary and summary remedies for quieting his claim cognizable in equity.41

As was said by the supreme court of Oregon,42 the general government itself cannot abridge the rights of the miner.

There are equitable circumstances binding upon the conscience of the governmental proprietor that must never be disregarded. Rights have become vested that cannot be divested without the violation of all the principles of justice and reason. The same fundamental rules of right and justice govern nations, municipalities, corporations, and individuals.44 The government may not destroy the locator's rights by withdrawing the land from entry or placing it in a state of reservation.45

39 *McFeters v. Pierson*, 15 Colo. 201, 22 Am. St. Rep. 388, 24 Pac. 1076, 1077; *Gold Hill Q. M. Co. v. Ish*, 5 Or. 104, 11 Morr. Min. Rep. 635; *Seymour v. Fisher*, 16 Colo. 188, 27 Pac. 240, 244; *Reed v. Munn*, 148 Fed. 737, 757, 80 C. C. A. 215.

40 *St. Louis M. & M. Co. v. Montana Limited*, 171 XJ. S. 650, 655, 19 Sup. Ct. Rep. 61, 43 L. ed. 320.

41 *Gillis v. Downey*, 85 Fed. 483, 488, 29 C. C. A. 286.

42 *Gold Hill Q. M. Co. v. Ish*, 5 Or. 104, 11 Morr. Min. Rep. 635.

43 To the same effect, see *Merced M. Co. v. Fremont*, 7 Cal. 317, 327, 68 Am. Dec. 262, 7 Morr. Min. Rep. 313; *Conger v. Weaver*, 6 Cal. 548, 557, 65 Am. Dec. 528.

44 *United States v. Northern Pac. R. R.*, 95 Fed. 864, 880, 37 C. C. A. 290.

45 *Military and National Park Reservations. Opinion Assistant Attorney-General*, 25 L.D. 48; *Instructions*, 32 L.D. 387.”

116 **ORS 161.025 Purposes; principles of construction.** (1) The general purposes of chapter 743, Oregon Laws 1971, are: (a) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the correction and rehabilitation of those convicted, and their confinement when required in the interests of public protection.

advocate for issuance of patent, Tosco, Corp, pg. 5, to the vested valid valuable mineral claim that principles of equity, the Oregon Admissions Acts of 1859, and the congressional grant disposing the whole of the minerals and surface demands by our work investment in the land of known valuable mineral character and value, and despite and beyond the irreparable harm caused from wrongful interference or infringements. The foregoing evidences the uniqueness and sanctity of the American organic establishment, and the official duties and obligations in honoring our property and rights.

121) Be advised, there is a false presumption that the mail is faithfully delivered. In order to cover its own criminality, We are vilified and obstructed by the Post Master General for insisting upon an answer, why legal mail is being misdelivered contrary to U.S. Code, and adversely affecting our remedies, leaving us with none. There has been no substantiation for the wrongful assertions against us, even after demand for evidence by certified mail communications. Felonious demands of the U.S. Postmaster have made it clear, we may not receive mail if we do not produce particular identification, despite "ID" being a crime to demand, and of which we are not obligated to obtain, and would be fraud to obtain. We will not be coerced to comply.

122) Such is the state of affairs in a country that officials seem to have lost their minds, unaccountably, never providing their warrant to act, and could not care less for the law. We have objected, to no avail.

123) This is anticipatory notice, rebuttal for the record against any presumption, that we may ever get guaranteed mail delivery again, not limited to, or relative to any abuse while we find ourselves utterly disabled and without remedy or relief. Be further advised, that the U.S. Post Office will, or attempt to, misdeliver mail aiding and abetting fraud through mischaracterization, such as style, Exhibit 27, which create prejudicial presumptions furthering the crimes committed under color of authority against us, herein evidenced, of which mail matter we will reject, further obstructing our communications with you, or to further our right to have the crimes against us prosecuted; that right also evidenced at ORS 105.700, in pertinent part, "(5) Nothing in this section affects . . . **criminal** [prosecution], that may be available for a trespass described in this section. [1999 c.933 §1]", or other authority herein;

124) When meeting Joel King in a 2010 town hall meeting where we were presenters, he said, "We've been looking for you." Whereupon I asked, "Why is that? Why not answer the show cause demand?" In evasion, He retorted, "We didn't understand it." My answer, "That figures, it was only 21 pages of law." They tried hunting us down in 2010. They are doing so today. With Postmaster obstructive threats and USFS abuses, or mail fraud, we may have difficulty communicating with you until they are stopped.

125) Because of the public interest adversely affected through our victimization, and in the state's trust obligation being breached, and the county court's jurisdiction being usurped, by the evidence herein, without the relief required in this petition for redress of grievances, and beyond loss of confidence, We are not currently served by a government instituted "to the end that Justice be established, order maintained, and liberty perpetuated", or as required by the 14th amendment applicable to the state, "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity", ordained for and to secure to us, God's Creation, endowed by the Creator our "certain unalienable Rights" among which are Peace, Life, Liberty and pursuit of Happiness, but oppressed and made defenseless thereby, declaring the causes which impel us herein. This is an emergency.

(b) To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests.

126) That miners have been forced to war against oppressive government in this country repeatedly from time to time there is no doubt. The county was established by the people to bring peace and to secure to us certain unalienable and inalienable rights. Our long suffering is evidence of the denial to us of what the U.S. Department of Justice purports is access to justice for all, self-evidently yet another lie where [good] officials fail to timely act within the duties and obligation they undertook. Yes, we are not a stranger to dual-use deception. The beacon of Liberty is almost extinguished as local officials and Secretary Vilsack twiddle their thumbs in a more perfect unison, while the disease-ridden rats spread their foreign contagion and political pestilence, unfettered.

127) So that it not left unsaid, regarding the subject matter herein, the congressional grants we accepted, the Governments, their officers, agents, or employes are not sovereigns more than trustees obligated to protect the intent of Congress fulfilled by us in God's Creation; Any one suggesting otherwise commits treason, making war on the laws of the United States, as well as the laws of Oregon.

128) Given the evidence herein a conscious dead reckoning is required to avoid disaster. Does the ship of state maintain the violence of the stone age or correct course to peace as a matter of law, Conservator?

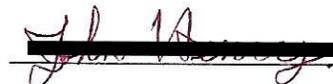
129) The right to relief constitutionally guaranteed, We demand the immediate arrest and prosecution of those committing, or by omission, the unlawful conduct herein evidenced, to proper accountability, or in absence of the immediate expressed need for further evidence, to the ends Justice is served.

130) We reserve the right to amend anything herein. If deemed doing justice by this petition is not sufficient cause, we expect and demand notice as to why together with an opportunity to respond.

131) I, Hal Anthony., and I, John Henry., respectively, the undersigned, under the pains and penalties of perjury of the laws of the United States of America, pursuant to 28 USC 1746, without the United States, duly declare, of free will, of capacity, and of right, attesting the averments contained in this Petition For Redress Of Grievances, are true and correct, of firsthand witness, or of evidence-based knowledge or belief, as pertinent or designated, and not intended for any vexatious, capricious, oppressive, or other prejudicial or harmful purpose.

Executed 1/17/2022:

  
\_\_\_\_\_  
Hal Anthony., aggrieved man,  
God's Creation, Mineral Estate Grantee,  


  
\_\_\_\_\_  
John Henry., aggrieved man,  
God's Creation, Mineral Estate Grantee,  


Subscribed And Affirmed To Before Me:

Candy Rosenberg, Notary

Notary: 

