

United States District Court

DISTRICT OF _____

PAUL NEAL LUTHER
PLAINTIFF,
v.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: CIV 93 0484 SC

UNITED STATES OF AMERICA,
DEFENDANT.

TO: (Name and Address of Defendant)

U.S. ATTORNEY, MR. DON SEVET
625 SILVER
ALBUQUERQUE, NM 87102 (505) 766-3341

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

PAUL N. LUTHER (PRO SE) (505) 884-5735
6505 NATALIE AVE, NE
ALBUQUERQUE, NM 87110

an answer to the complaint which is herewith served upon you, within 10 days after service of this summons upon you, exciusiv: of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT M. MARCH, Clerk

APR 15 1993

CLERK

DATE

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

93 APR 15 PM 1:10

PAUL NEAL LUTHER,

Plaintiff,

vs.

CIV 93 No. 0484 SC

UNITED STATES OF AMERICA,

Defendant.

LORENZO F. GARCIA
U.S. MAGISTRATE JUDGE

1 COMPLAINT: THE U.S. FEDERAL GOVERNMENT IS PRINTING PAPER
2 MONEY WHERE IT HAS NO POWER TO DO AND IS, THEREFORE,
3 UNCONSTITUTIONAL.

4 Plaintiff alleges:

5 THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA has been
6 printing paper money, which it has no power to do and is, therefore, unconstitutional. Article
7 I, Section 8, of *The Constitution of the United States of America* states at clause five:

8 **To coin Money, regulate the Value thereof, and of foreign Coin, and fix the**
9 **Standard of Weights and Measures;**

10 This phrase allows the Federal Government to "coin Money" and "regulate the Value thereof"
11 only. There is no specific enumeration of power for Congress to emit or print paper money or
12 any other medium of exchange other than coin. More importantly, during the Federal
13 Convention of 1787 the Founding Fathers (Founders) directly addressed the issue of printing

1 paper money, which was also referred to at the time as "emit[ting] bills." The Founders took
2 explicit and direct action to exclude this power from the Federal government and the State
3 governments.

4 The following excerpt was taken from the *Notes of the Debates in the Federal Convention*
5 *of 1787, Reported by James Madison*, (W. W. Norton & Company, p. 389, 1987). On Monday,
6 August 6, 1787, the following draft Constitution was presented to the Convention, quoted in part
7 here:

8 **Monday August 6th. [1787] In Convention**

9 **VII.**

10 **Sect. I. The Legislature of the United States shall have the power to**
11 **lay and collect taxes, duties, imposts and excises;**

12 **To regulated commerce with foreign nations, and among the several**
13 **States;**

14 **To establish an uniform rule of naturalization through the United**
15 **States;**

16 **To coin money;**

17 **To regulate the value of foreign coin;**

18 **To fix the standard of weights and measures;**

19 **To establish Post-offices;**

20 **To borrow money, and emit bills on the credit of the United States;**

21 **To appoint a Treasurer by ballot; . . .**

22 **(emphasis added)**

23 On ~~Wednesday~~⁶, August 15, 1787, the following discussion about "emit[ting] bills" was made at
24 the Convention (id. at 470-471):

25 **~~Wednesday~~⁶ August 15. [1787] In Convention**

26
27 **Mr. Govr. Morris moved to strike out "and emit bills on the credit of**
28 **the U. States" -- If the United States had credit such bills would be**
29 **unnecessary: if they had not, unjust & useless.**

1 Mr. Butler, 2nd the motion.

2 Mr. Madison, will it not be sufficient to prohibit the making them a
3 *tender*? This will remove the temptation to emit them with unjust views. And
4 promissory notes in that shape may in some emergencies be best.

5 Mr. Govr. Morris. striking out the words will leave room still for notes
6 of a *responsible* minister which will do all the good without the mischief. The
7 Monied interest will oppose the plan of Government, if paper emissions be not
8 prohibited.

9 Mr. Ghorum was for striking out, without inserting any prohibition.
10 if the words stand they may suggest and lead to the measure.

11 Col.¹ Mason had doubts on the subject. Congress he thought would
12 not have the power unless it were expressed. Though he had a mortal hatred
13 to paper money, yet as he could not foresee all emergencies, he was unwilling
14 to tie the hands of the Legislature. He observed that the late war could not
15 have been carried on, had such a prohibition existed.

16 Mr. Ghorum. The power as far as it will be necessary or safe, is
17 involved in that of borrowing.

18 Mr. Mercer was a friend to paper money, though in the present state
19 & temper of America, he should neither propose nor approve of such a
20 measure. He was consequently opposed to a prohibition of it altogether. It
21 will stamp suspicion on the Government to deny it a discretion on this point.
22 It was impolitic also to excite the opposition of all those who were friends to
23 paper money. The people of property would be sure to be on the side of the
24 plan, and it was impolitic to purchase their further attachment with the loss
25 of the opposite class of Citizens

26 Mr. Elseworth thought this a favorable moment to shut and bar the
27 door against paper money. The mischiefs of the various experiments which
28 had been made, were now fresh in the public mind and had excited the
29 disgust of all the respectable part of America. By withholding the power
30 from the new Government more friends of influence would be gained to it
31 than be almost any thing else. Paper money can in no case be necessary.
32 Give the Government credit, and other resources will offer. The power may
33 do harm, never good.

34 Mr. Randolph, notwithstanding his antipathy to paper money, could
35 not agree to strike out the words, as he could not foresee all the occasions
36 which² might arise.

37 Mr. Wilson. It will have a most salutary influence on the credit of the
38 U. States to remove the possibility of paper money. This expedient can never
39 succeed whilst its mischiefs are remembered, and as long as it can be resorted
40 to, it will be a bar to other resources.

41 Mr. Butler. remarked that paper was a legal tender in no Country in
42 Europe. He was urgent for disarming the Government of such a power.

43 Mr. Mason was still averse to tying the hands of the Legislature

1 *altogether*. If there was no example in Europe as just remarked, it might be
2 observed on the other side, that there was none in which the Government was
3 restrained on this head.

4 Mr. Read, thought the words, in not struck out, would be as alarming
5 as the mark of the Beast in Revelations.

6 Mr. Langdon had rather reject the whole plan than retain the three
7 words "(and emit bills")

8 On the motion for striking out

9 New Hampshire	ay.	
10 Massachusetts	ay.	
11 Connecticut	ay.	
12 New Jersey		no.
13 Pennsylvania	ay.	
14 Delaware	ay.	
15 Maryland		no.
16 Virginia	ay.*	
17 North Carolina	ay.	
18 South Carolina	ay.	
19 Georgia	ay. ³	

20 FOOTNOTES TO ABOVE EXCERPT

21 1. THE WORD "MR." IS SUBSTITUTED IN THE TRANSCRIPT FOR "COL."

22 2. THE WORD "THAT" IS SUBSTITUTED IN THE TRANSCRIPT FOR "WHICH."

23 3. IN THE TRANSCRIPT THE VOTE READS: "NEW HAMPSHIRE, MASSACHUSETTS,
24 CONNECTICUT, PENNSYLVANIA, DELAWARE, VIRGINIA,* NORTH CAROLINA, SOUTH CAROLINA,
25 GEORGIA, AYE-9; NEW JERSEY, MARYLAND, NO-2.

26 * THIS VOTE IN THE AFFIRMATIVE BY VIRG. WAS OCCASIONED BY THE ACQUIESCENCE
27 OF MR. MADISON WHO BECAME SATISFIED THAT THE STRIKING OUT THE WORDS WOULD NOT
28 DISABLE THE GOVT. FROM THE USE OF PUBLIC NOTES AS FAR AS THEY COULD BE SAFE &
29 PROPER; & WOULD ONLY CUT OFF THE PRETEXT FOR A PAPER CURRENCY,⁴ AND PARTICULARLY
30 FOR MAKING THE BILLS A TENDER⁵ EITHER FOR PUBLIC OR PRIVATE DEBTS.

31 4. THE TRANSCRIPT ITALICIZED THE WORKS "PAPER CURRENCY" AND "A TENDER."

32 5. THE WORD "WAS" IS HERE INSERTED IN THE TRANSCRIPT.

33 Had there been no mention of "emit[ting] bills," which was also referred to as paper
34 money or paper currency during the Convention debates as shown above, there may be a slight
35 justification for assuming the Founders did not totally shut the door to paper emissions. Even

1 then, it would be very doubtful that this was an implied power when one considers James
2 Madison's definitive statement from *The Federalist* (Hamilton, Alexander; Jay, John; and
3 Madison, James; Original Text, Random House, Introduction by Edward M. Earle, p. 303,
4 1937) on the powers of the Federal Government, namely:

5 **The powers delegated by the proposed Constitution to the federal government**
6 **are few and defined.**

7 **The Federalist No. 45**

8 And, Col. Mason's concern about the power to emit bills in the debates of August 1~~5~~⁶, 1787, in
9 that he thought Congress (Madison, *supra*, at 470):

10 . . . would not have the power [to emit bills] unless it was expressed.

11 But the issue of printing money by the Federal Government was specifically addressed in the
12 Convention, and there is **no doubt** that the Founders intention was to exclude paper emissions
13 from the Federal Government. How much clearer to the Founders intent can there be made than
14 nine States voting to strike "and emit bills on the credit of the U. States," an overwhelming
15 majority, and only two voted in favor of leaving the words as presented in the draft constitution
16 on August 6, 1787. Had the Founders wanted to leave the door open to paper money they
17 could have just as easily left the words as presented in the draft.

18 Also, these excerpts confirm **beyond a doubt** that the Founders had a clear understanding
19 of the term, "coin money." At the time, as it does now, this referred to the use of alloys, such

1 as gold and silver, to be struck into coins through the minting process. And as for the
2 "regulation of the value thereof," it was common knowledge then, as now, that this meant the
3 establishment of the relationship to a specified quantity of alloy, such as gold or silver, to a
4 specific monetary unit. As an example of the understanding of the time, Thomas Jefferson
5 wrote in his *Plan for Establishing Uniformity in the Coinage, Weights, and Measures of the*
6 *United States, Communicated to the House of Representatives*, July 13, 1790, (The Library of
7 America, Library of Congress Catalog Card Number: 83-19917, p. 407) the following about the
8 value of coins:

9 **Let it be declared, therefore, that the money unit, or dollar of the United**
10 **States, shall contain 371.262 American grains of pure silver.**

11 Additional evidence demonstrating that the Founders were well aware of the terms "coin
12 money" and "emit bills" can be found in *The Federalist*, a compilation of eighty-five (85) essays
13 that were used to explain the meaning of the proposed Constitution prior to its ratification. When
14 referring to the powers of the Federal Government as they relate to money, James Madison wrote
15 (Hamilton, Jay, Madison, *supra*, at 276):

16 **The Federalist No. 42**
17 **(Madison)**

18 **All that need be remarked on the power to coin money, regulate the**
19 **value thereof, and of foreign coin, is, that by providing for this last case, the**
20 **Constitution has supplied a material omission in the articles of Confederation.**
21 **The authority of the existing Congress is restrained to the regulation of coin**
22 **struck by their own authority, or that of the respective States. It must be**
23 **seen at once that the proposed uniformity in the *value* of the current coin**
24 **might be destroyed by subjecting that of foreign coin to the different**
25 **regulations of the different States.**

1 The punishment of counterfeiting the public securities, as well as the
2 current coin, is submitted of course to that authority which is to secure the
3 value of both.

4 Similarly, when referring to the States, James Madison wrote (Hamilton, Jay, Madison, *supra*,
5 at 289):

6 The Federalist No. 44
7 (Madison)

8 A FIFTH class of provisions in favor of the federal authority consists
9 of the following restrictions on the authority of the several States.

10 1. "No State shall enter into any treaty, alliance, or confederation;
11 grant letters of marque and reprisal; coin money; emit bills of credit; make
12 any thing but gold and silver a legal tender in payment of debts; pass any bill
13 of attainder, *ex-post-facto* law, or law impairing the obligation of contracts;
14 or grant any title of nobility."

15 . . .

16 The right of coining money, which is here taken from the States, was
17 left in their hands by the Confederation, as a concurrent right with that of
18 Congress, under an exception in favor of the exclusive right of Congress to
19 regulate the alloy and value. In this instance, also, the new provision is an
20 improvement on the old. Whilst the alloy and value depended on the general
21 authority, a right of coinage in the particular States could have no other
22 effect than to multiply expensive mints and diversify the forms and weights
23 of the circulating pieces. The latter inconvenience defeats one purpose for
24 which the power was originally submitted to the federal head; and as far as
25 the former might prevent an inconvenient remittance of gold and silver to the
26 central mint for recoinage, the end can be as well attained by local mints
27 established under the general authority.

28 The extension of the prohibition to bills or credit must give pleasure
29 to every citizen, in proportion to his love of justice and his knowledge of the
30 true springs of public prosperity. The loss which America has sustained since
31 the peace, from the pestilent effects of paper money on the necessary
32 confidence between man and man, on the necessary confidence in the public
33 councils, on the industry and morals of the people, and on the character of
34 republican government, constitutes an enormous debt against the States
35 chargeable with this unadvised measure, which most long remain unsatisfied;
36 or rather an accumulation of guilt, which can be expiated no otherwise than

1 by a voluntary sacrifice on the altar of justice, of the power which has been
2 the instrument of it. In addition to these persuasive considerations, it may be
3 observed, that the same reasons which show the necessity of denying to the
4 States the power of regulating coin, prove with equal fore that they ought not
5 to be at liberty to substitute a paper medium in the place of coin. Had every
6 State a right to regulate the value of its coin, there might be as many
7 different currencies as States, and thus the intercourse among them would be
8 impeded; retrospective alternations in its value might be made, and thus the
9 citizens of other States be injured, and animosities be kindled among the
10 States themselves. The subjects of foreign powers might suffer from the same
11 cause, and hence the Union be discredited and embroiled by the discretion of
12 a single member. No one of these mischiefs is less incident to a power in the
13 States to emit paper money, than to coin gold or silver. The power to make
14 any thing but gold and silver a tender in payment of debts, is withdrawn
15 from the States, on the same principle with that of issuing a paper currency.

16 Even though Madison is here referring to the States, how can an argument explaining the
17 destructive and detrimental effects of paper money not also be true for the Federal Government?
18 The record of history is clear on the subject.

19 Why was it necessary for the Founders to specifically state that no State shall "emit bills"
20 and for it to not to be so specifically addressed in a similar fashion for the Federal government?
21 The Founders were well aware of the destructive and detrimental effects of papers money and
22 excluded the power from the Federal Government, and to ensure that the State governments did
23 not print paper money the Founders had to explicitly state so, otherwise the States would have
24 had the power. At the time it was understood that those powers not enumerated in the Federal

1 Constitution were left to the States or to the People. James Madison stated in *The Federalist*,
2 No. 45 (Hamilton, Jay, Madison, *supra*, at 303) that:

3 **Those [powers] which are to remain to the State governments are numerous**
4 **and indefinite. The former [Federal Government power] will be exercised**
5 **principally on external objects, as war, peace, negotiation, and foreign**
6 **commerce; with which last the power of taxation will, for the most part, be**
7 **connected. The powers reserved to the several States will extend to all the**
8 **objects which, in the ordinary course of affairs; concern the lives, liberties,**
9 **and properties of the people, and the internal order, improvement, and**
10 **prosperity of the State.**

11 This was later reemphasized in the Tenth Amendment to the *Federal Constitution*, "The powers
12 not delegated to the United States by the Constitution, nor prohibited by it to the States, are
13 reserved to the States respectively, or to the people."

14 WHEREFORE, the damages to myself and to the Country are substantial, and if no action
15 is taken to correct this error, future damages through the Federal Government's inflation and the
16 other pestilent effects of paper money will certainly occur -- as the records of history show. It
17 is not my intent to receive a monetary award for my damages, but to see that this error is
18 corrected by having the Court require that the Federal Government refrain from printing paper
19 money and do exactly what the Federal Constitution at Article I, Section 8, Clause 5 requires,
20 so future damages do not occur to myself, my family or the citizens of the United States of

1 America. This error has occurred due to the specious reasoning of the U.S. Supreme Court,
2 and the error continues to persist do to the Court's decision to rely on faulty case law. By taking
3 an oath to uphold and defend the United States Constitution, it is the Court's responsibility to
4 correct this error by following the true intent of the Constitution and refrain from writing law.

5 Paul N. Luther 4/15/93
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10 "I hereby certify that a copy of the
11 foregoing pleading was mailed to
12 opposing counsel/parties of record
13 on the _____ day of _____,
14 19____."

15 _____