

Forgotten Founders Corporation

The nonprofit corporation, Forgotten Founders, was formed solely for general charitable purposes pursuant to the Florida Not for Profit Corporation Act set forth in Part I of Chapter 617 of the Florida Statutes.

The specific and primary purposes for which this corporation is formed are:

1. To secure national and international U.S. Presidential recognition for the ten men who served as Constitution of 1777 U.S. Presidents under the Articles of Confederation.
2. To secure national and international founding recognition for the six men who served as Presidents of the United Colonies and States of America.
3. To secure national and international founding recognition for the U.S. Founding delegates, commissioners, judges, ministers, boards, military officers and other government officials serving the United Colonies and States of America from 1774 to 1788.
4. To operate for the advancement of U.S. Founding education, research and other related charitable purposes.
5. To establish a United States Presidential Library honoring the fourteen Presidents while aiding in the establishment of individual presidential libraries for each of the Forgotten Founder Presidents and their spouses.

Thank you for taking the time to visit the Forgotten Founders Exhibit and participating in the CivicFest 2008 festivities.

Forgotten Founders | Suite 308 | 2706 Alt. 19 | Palm Harbor FL 34683
tel: 727-771-1776 | fax: 813-200-1820 | stan@johnhancock.org
www.ForgottenFounders.org

Thank you for your interest in the U.S. Founding Half-Dollar Coin Act

We at Forgotten Founders are admirers of the exemplary educational work interpreting and preserving our national history by a host of educational institutions and individuals both on and off the World Wide Web. In a similar spirit we are working diligently to birth an educational institution dedicated to the Presidents who served the United Colonies and States of America from 1774 to 1788. It is our hope that we might work together seeking the passage of the *U.S. Founding Half-Dollar Coin Act of 2009* drafted to honor the Presidents of the Continental Congress and United States in Congress Assembled.

The *U.S. Founding Half-Dollar Coin Act of 2009* has been submitted to President Barack H. Obama, Secretary of the Treasury Timothy Geithner, and the members of the U.S. Senate Banking Committee where the *\$1 Presidential Coin Act of 2005* honoring the Presidents of the *Constitution of 1787* originated. Bill Stanley of the *Norwich Historical Society* and Channing Huntington of the *Huntington Homestead Museum* in Connecticut are working directly with *U.S. Senate Banking Committee Chairman Christopher Dodd*'s office.

Undoubtedly, the U.S. founding history of the 18th Century is most apropos to the challenges we face in this second millennium. For instance, our current economic climate is often compared to the Great Depression of the 1930's. In 1930-1940, however, the paper U.S. Dollar could always be turned in for ten silver dimes, four silver quarters, two silver half-dollars or one silver dollar. Today we are on a FIAT monetary system that is not tied to any commodity like silver or gold. Additionally, unlike the Great Depression the 21st Century Federal Government has dramatically increased the nation's monetary supply filling ailing banks with taxpayer dollars.

This 21st Century large scale printing of the FIAT U.S. Dollar is more akin to Revolutionary War economic currency crisis that began in 1777 ending just after the ratification of the 1787 U.S. Constitution. During this period, Congress ballooned the money supply from \$12 million 1776 to \$200 million by 1780 the FIAT U.S. Dollar inflated 10,000%! In other words \$100.00 in 1781 had the purchasing power of \$1 in 1777. Congress recalled the dollar in 1781 but as late as 1787 States were seeking to turn in the U.S. Dollar for numbers as high as 5000 (50,000% inflation) for one Specie (i.e. - any 18th Century foreign silver coin weighing about an ounce). It is doubtful such hyper-inflation will occur in the 21st Century due to the banking system and the fact that

almost all national currency is on a FIAT monetary system. Inflation, however, will be an inevitable by-product should history repeat itself.



1786 Publication: Scale of the U.S. Dollar Depreciation 1777 -1781

as published by T&F Fleet, in Boston 1785 Image is Copyrighted by The www.ForgottenFounders.org

There are also states rights, trade, real estate (there was a collapse) and even justice lessons to be learned from the 18th Century United States founding period. *History is The Crystal Ball* to the future and any help you can provide in this endeavor to honor the Forgotten Founders will, consequently, benefit all Americans.

Thanking you in advance for your consideration and support our efforts to pass the **U.S. Founding Half-Dollar Coin Act of 2009.**

Stanley L. Klos

Stanley L. Klos | President
 Forgotten Founders | Suite 211 | 687 Alderman Road | Palm Harbor FL 34683
 tel: 727-771-1776 | fax: 305-320-2471 | stas.klos@gmail.com
www.roy.us | www.forgottenfounders.org

Frequently Answered Questions:

Why didn't you re-file your complaint, as approved by the [U.S. Court of Appeals](#), against the Secretary of the Treasury to include the minting of Gold dollar coins for the *Constitution of 1777 Presidents in the \$1 Presidential Coin Act of 2005*?

Although we still believe the ten Presidents who served under the Constitution of 1777 should be included in the \$1.00 Presidential Coin Act, it was decided not to re-file our Writ of Mandamus against the Secretary of the Treasury for the following reasons:

- 1. The \$1 Presidential Coin Act of 2005 expressly precludes the **Presidents of the Continental Congress** from being honored on the dollar coin. Unlike the Constitution of 1777 Presidents these men were not Presidents of the United States under a federally ratified constitution. We believe that Presidents of the Continental Congress Peyton Randolph, Henry Middleton, John Hancock, Henry Laurens, John Jay and Samuel Huntington should be honored along with the Presidents of the United States who served under both 1777 and 1787 U.S. Constitutions. The only way to accomplish this is either seek to an amendment to the \$1 Presidential Coin Act of 2005 ordering all United Colonies and United States Presidential images be included on the Gold Dollar or propose a new Presidential Coin Act for an entirely different Coin. The dollar coin program is NOW well into the minting of the Constitution of 1787 Presidents and an amendment to the \$1 Coin Act would only disrupt an already struggling program.*
- 2. In light of the above, we are following U.S. District Judge Steven D. Merryday's advice to pursue the recognition of the early Presidents legislatively. The proposed **U.S. Founding Half-Dollar Coin Act of 2009** serves the purpose of acknowledging the unicameral United Colonies and United States Presidency which began in 1774 and faded away in 1789. This **U.S. Founding Half-Dollar Coin Act of 2009**, if enacted, will right U.S. Presidential History while accenting the \$1 Presidential Coin Act of 2005.*

*"The plaintiff's wish to correct what he regards as a widespread misconception about those who served the nation under the Articles of Confederation is laudable."
-- Steven D. Moryday, United States District Judge*

Why the Kennedy Half-Dollar, won't this upset JFK supporters ?

Like the Sacagawea Gold Dollar, The John F. Kennedy Half-Dollar will return once the minting of the Founders and their Capitols are complete. Unlike the Sacagawea Gold Dollar, the program will not last a score of years. The U. S. Founding Half Dollar Coin Act is proposed to run only four years and then return to the John F. Kennedy Half Dollar. Finally, knowing President Kennedy's love for history we believe true JFK advocates will support this tribute to the U.S. Founding Presidents and their Capitols.

Why include all the old U.S. Capitol buildings on the reverse with the names of events that in their cities and towns?

People are unaware that the United Colonies and States of America had numerous capitols from 1774 to 1788. Additionally, most U.S. Citizens do not realize the scope of legislation enacted during this period, such as the Articles of Confederation, Definitive Treaty of Peace Between Great Britain and the United States, Northwest Ordinance and US Constitution of 1787. This legislation as well as hundreds of laws, resolutions and proclamations were all enacted in capitol buildings many years before Washington DC was even conceived. The capitol buildings on the Reverse are paired to the appropriate Presidencies on the Obverse giving the holder a sense of who the President is, when he served, what legislation his Congress enacted, where and in what building Congress convened.

Why Did you decide to bring the U. S. Founding Half Dollar Coin Act before the United States Senate Committee on Banking, Housing, and Urban Affairs and who are the Committee Members:

United States Senate Committee on Banking, Housing, and Urban Affairs originated the \$1.00 Presidential Coin Act of 2005 making it the proper venue for this new Act. The current Committee members are:

Majority

- [Christopher Dodd](#), *Chairman*, Connecticut
- [Tim Johnson](#), South Dakota
- [Jack Reed](#), Rhode Island
- [Chuck Schumer](#), New York
- [Evan Bayh](#), Indiana
- [Robert Menendez](#), New Jersey
- [Daniel Akaka](#), Hawaii
- [Sherrod Brown](#), Ohio
- [Jon Tester](#), Montana
- [Mark Warner](#), Virginia
- [Jeff Merkley](#), Oregon
- [Herb Kohl](#), Wisconsin
- [Michael Bennet](#), Colorado

Minority

- [Richard Shelby](#), *Ranking Member*, Alabama
- [Bob Bennett](#), Utah
- [Jim Bunning](#), Kentucky
- [Mike Crapo](#), Idaho
- [Mel Martinez](#), Florida
- [Bob Corker](#), Tennessee
- [Jim DeMint](#), South Carolina
- [David Vitter](#), Louisiana
- [Mike Johanns](#), Nebraska
- [Kay Bailey Hutchison](#), Texas

Source: 2009 [Congressional Record](#), Vol. 155, Page [S729](#), S730, S878-879

What Can I do to help?

- *Write President Barack Obama and the committee members urging them to support the proposed Half Dollar Coin Act.*
- *Pass on the U.S. Founding Half-Dollar Coin Act site onto others asking for their support.*
- *Write or call the Committee Members listed below. Also let your Congressmen know about the proposal.*
- *Purchase a [Book](#), Capitol [Posters](#), Presidential [Medallions](#), [Buttons](#) or [Trading Cards](#) to help fund this effort.*

Forgotten Founders, Inc.



| Suite 211 | 687 Alderman Road | Palm Harbor Fl 34683
tel: 727-771-1776 | fax: 305-320-2471 | stan@johnhancock.org

The Honorable Christopher Dodd, Chairman
United States Senate Committee on Banking, Housing, and Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

May 6, 2009

Dear Chairman Dodd,

Enclosed please find a copy of a proposed *Half Dollar Coin Act* designed to honor the Continental Congress and the United States in Congress Assembled Presidents. I have also enclosed the copy of the letter addressed to U.S. Mint Director Moy along with supporting proofs to our request.

The U.S. Court of Appeals remanded our \$1.00 Presidential Coin Case 08-00843, *Klos v Paulson*, back to the lower court granting us the opportunity to re-file addressing standing issues (enclosed). A re-filing would include pre-1789 Presidential descendants and sympathetic non-profit organizations seeking to include the Presidents of the United States in Congress Assembled in the Act of Congress, Pub. L. 109-145, 119 Stat. 2664 that was birthed in your committee. We decided, however, to follow U.S. District Judge Steven D. Merryday's advice and pursue recognition of these men legislatively rather than re-filing. This proposed *Half Dollar Coin Act* seeks legislative relief for the Forgotten Presidents. We respectfully request that you, Chairman Dodd, and your committee consider the merits of the proposed *Half Dollar Coin Act* designed to honor the 14 forgotten Presidential Founders and their Capitols.

The lessons of the founding period have long been lost in the monumental shadow of the United States Constitution of 1787. These men birthed a great nation, won a war and struggled to govern under the inadequate Constitution of 1777. They endured many challenges, including currency depreciation with one Silver Specie equal to one FIAT U.S. Dollar in 1777 inflating to 75 U.S. Dollars to one Silver Specie by 1780. Two Presidents faced armed citizen rebellion in 1786 and 1787 with Congress failing to re-establish a suitable Federal Army as they possessed no means to pay the soldiers. During this period, the Presidents faced monumental Revolutionary War debt, no U.S. Currency from 1781 until the 1790's and revenue options mostly limited to the sale of Northwest Territory federal lands acquired in the 1784 ratified Treaty of Paris (enclosed). The *Half Dollar Coin Act* will spotlight these and many other challenges, including the 18th Century collapse of the real estate market, that are pertinent to this new millennium.

Thanking you in advance for your consideration of the *Half Dollar Coin Act* and the case made in the enclosed papers.

Sincerely yours,

Stanley L. Klos, President

cc. Director of the US Mint & the Honorable Barack H. Obama, President of the United States of America



The Forgotten Founders Corporation



| Suite 211 | 687 Alderman Road | Palm Harbor Fl 34683
tel: 727-771-1776 | fax: 305-320-2471 | stan@johnhancock.org

The Honorable Timothy Geithner
Secretary of the Treasury
1500 Pennsylvania Ave NW
Washington, DC 20220

May 7, 2009

Dear Secretary Geithner,

Although we still believe the ten Presidents who served under the Constitution of 1777 should be included in the \$1.00 Presidential Coin Act, it was decided not to re-file our Writ of Mandamus against your office for the following reasons:

- The \$1 Presidential Coin Act of 2005 expressly precludes the Presidents of the Continental Congress from being honored on the dollar coin. They should be honored with the Presidents of the United States, in Congress Assembled.
- We believe that U.S. District Judge Steven D. Merryday's advice to pursue the recognition of these men legislatively is prudent and will right the record on the US Presidency.

Enclosed please find a copy of a proposed *Half Dollar Coin Act* designed to honor both the Continental Congress and the United States in Congress Assembled Presidents. I have also enclosed a copy of the letter addressed to Senator Dodd, his committee members, and President Obama along with supporting proofs to our request.

The founding history of the 18th Century is most apropos to the challenges we face in this second millennium. It is our hope that we can work together and find common ground to honor these Founding Presidents as such recognition will benefit all Americans.

Thanking you in advance for your serious consideration of this proposal.

Sincerely,

Stanley L. Klos
President



The Forgotten Founders Corporation



| Suite 211 | 687 Alderman Road | Palm Harbor Fl 34683
tel: 727-771-1776 | fax: 305-320-2471 | stan@johnhancock.org

Board of Trustees
Stratford Hall
483 Great House Road
Stratford, Virginia 22558

May 9, 2009

Dear Mr. Reber and Members of the Board,

We at Forgotten Founders are admirers of your exemplary educational work including the interpreting and preserving of our national history. In a similar spirit we are working diligently to birth an educational institution dedicated to the Presidents who served the United Colonies and States of America from 1774 to 1788. It is our hope that we might work together seeking the passage of the enclosed *Half Dollar Coin Act* drafted to honor the Presidents of the Continental Congress and United States in Congress Assembled.

The Act was submitted to President Barrack H. Obama, Secretary Timothy Geithner, and the members of the U.S. Senate Banking Committee where the *\$1 Presidential Coin Act of 2005* honoring the Presidents of the *Constitution of 1787* originated. Bill Stanley of the Norwich Historical Society and Channing Huntington of the Huntington Homestead in Connecticut are working directly with Chairman Dodd's office. It is our hope that you will join us, finding common ground, to honor these Founding Presidents of the Continental Congress and United States in Congress Assembled.

Undoubtedly, the U.S. founding history of the 18th Century is most apropos to the challenges we face in this second millennium. Any help your office or venerable institution can provide in this endeavor will, consequently, benefit all Americans.

Thanking you in advance for your consideration of supporting our efforts to pass the *Half Dollar Coin Act*.

Sincerely,

Stanley L. Klos
President



U.S. Senator Tim Johnson - SD
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Evan Bayh - IN
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Sherrod Brown - OH
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Jeff Merkley - OR
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Richard Shelby - AL
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Mike Crapo - ID
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Jim DeMint - SC
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Kay Bailey - TX
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Barrack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Channing Huntington
Gov Samuel Huntington Trust
PO Box 231
Scotland, CT 06264

U.S. Senator Jack Reed - RI
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Robert Menendez - NJ
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
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U.S. Senator Jon Tester - MT
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
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U.S. Senator Herb Kohl - WI
United States Senate Committee on
Banking, Housing, & Urban Affairs
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U.S. Senator Bob Bennett - UT
United States Senate Committee on
Banking, Housing, & Urban Affairs
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U.S. Senator Mel Martinez - FL
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator David Vitter - LA
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

Christopher Dodd, Chairman

United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Timothy Geithner
Secretary of the Treasury
1500 Pennsylvania Ave NW
Washington, DC 20220

Stanley L. Klos, President
Forgotten Founders Corp
687 Alderman Rd - Suite 211
Palm Harbor, Florida 34683

U.S. Senator Chuck Schumer -NY
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Daniel Akaka - HI
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Mark Warner - VA
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Michael Bennet - CO
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Jim Bunning - KT
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Bob Corker - TN
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

U.S. Senator Mike Johanns - NE
United States Senate Committee on
Banking, Housing, & Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Edmund. C. Moy
38th Director of the U.S. Mint
801 North Street NW
Washington, DC 20220

Bill Stanley
Norwich Historical Society
17 Meadow Lane
Norwich, CT 06360-5240

**WRITE YOUR SENATOR
FIRST
WRITE THE OTHER SENATORS
SECOND – STUDENT LETTERS KEY**



DEPARTMENT OF THE TREASURY
UNITED STATES MINT
WASHINGTON, D.C. 20220

May 19, 2009

Stanley L. Klos
President
The Forgotten Founders Corporation
687 Alderman Road
Suite 211
Palm Harbor, FL 34683

Dear Mr. Klos:

I am writing in response to your letter of May 7, 2009, addressed to United States Mint Director Edmund C. Moy, concerning your proposed legislation to honor both the Continental Congress and the United States in Congress Assembled Presidents. Director Moy has asked that I respond directly to you on his behalf.

We very much appreciate your keeping us updated on your proposal for a half-dollar to honor both the Continental Congress and the United States in Congress Assembled Presidents. As you may know, however, the United States Mint administers all coin programs in accordance with legislation enacted by Congress and signed into law by the President.

Again, thank you for sharing your views with us on this matter.

Sincerely,

Patrick M. McAfee
Director, Office of \$1 Coin Programs



May 12, 2009

Mr. Stanley Klos
The Forgotten Founders Corporation
687 Alderman Road, Suite 211
Palm Harbor, FL 24683

Dear Mr. Klos:

Thanks for your letter and information on the Forgotten Founders Corporation.

We applaud your efforts to promote the Half Dollar Coin Act of 2009 and will urge our representatives in the Senate and House of Representatives to support it.

Sincerely,

A handwritten signature in black ink that reads 'Paul C. Reber' with a long, sweeping horizontal line extending to the right.

Paul C. Reber
Executive Director

PCR/pmg

Th. Jefferson
MONTICELLO

LESLIE GREENE BOWMAN
President

May 27, 2009

Mr. Stanley L. Klos, President
The Forgotten Founders Corporation
687 Alderman Road, Suite 211
Palm Harbor, FL 34683

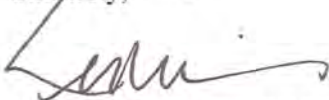
Dear Mr. Klos,

Thank you very much for sending the large packet of materials from your Forgotten Founders Corporation addressed to the Board of Trustees of the Thomas Jefferson Foundation. I am pleased to have received this, and I find the materials interesting. The research compiled in your two books is relevant to our own line of research, and I shall be happy to forward these items to our Jefferson Library for inclusion in its collections. We provide an array of information made available to scholars, students, and teachers who come to us pursuing many lines of inquiry. The scope of scholarship supported here at Monticello and at our Robert H. Smith International Center for Jefferson Studies encompasses every aspect of Thomas Jefferson's life, times, and legacy. Therefore, certainly all of the men documented in your two books, *Forgotten Founders; Historic Documents and Medallions of Freedom*, and *The Rise of the U. S. Presidency and the Forgotten Capitols*, are within the scope of Jefferson's world.

Your campaign for passage of the *Half Dollar Coin Act* is quite fascinating. I wish you best of luck in dealing with the U.S. Government's elected and appointed officials. Certainly, a series of coins (or have you considered a sequence of United States postage stamps?) would call to public attention the men who served in leadership roles prior to George Washington's two elected terms.

Once again, thanks for sharing your material and information about your campaign with us. I wish you every success in any venture to bring American history to life for this country's citizens and students.

Sincerely,



LESLIE GREENE BOWMAN



THOMAS JEFFERSON FOUNDATION, INC.



CHARTERED 1693

THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

OFFICE OF THE PRESIDENT

P.O. Box 8795

WILLIAMSBURG, VIRGINIA 23187-8795

757/221-1693, FAX 757/221-1259

May 27, 2009

Mr. Stanley L. Klos
President
The Forgotten Founders Corporation
687 Alderman Road, Suite 211
Palm Harbor, FL 34683

Dear Mr. Klos:

On behalf of the Board of Visitors of The College of William and Mary in Virginia, thank you for your letter of May 9 and the accompanying materials in support of your effort to honor the Founding Presidents of the Continental Congress and United States in Congress Assembled with the minting of commemorative coins.

I am hopeful that this undertaking will meet with success. Thank you for sharing the information with the College of William and Mary.

Sincerely,

Michael J. Fox

Secretary to the Board of Visitors

MJF:sw

cc: Board of Visitors
President W. Taylor Reveley III



LOS ANGELES UNIFIED SCHOOL DISTRICT

Ramon Cortines
Superintendent of Schools

SECONDARY INSTRUCTION

333 South Beaudry Avenue, 25th Floor, Room 153
Los Angeles, CA 90017
Telephone: (213) 241-7510
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Judith Elliott, Ph. D.
Chief Academic Officer

Dr. Shelley Weston
Assistant Superintendent,
Secondary Instruction

May 8, 2009

ROI.us Corporation
Suite 211
687 Alderman Road
Palm Harbor, Florida 34683

To Whom It May Concern:

This letter is a request from our non-profit public school district, the Los Angeles Unified School District (LAUSD) based in Los Angeles, California, to utilize your document for five years, primarily within California. It will be made available to our LAUSD teachers on CD Rom and on our LAUSD website.

The History/Social Science Branch of Secondary Instructional Support Services, is developing the Instructional Guide for 11th grade United States History course. This will provide teachers within our district the tools they need to teach the California State Standards, and positively impact learning in the classroom.

We are very confident that this document is essential for us to provide our teachers and students with the best instruction possible for use in our classrooms.

Sincerely,

Herman Clay, Director, History/Social Science Branch
Secondary Instructional Support Services

213
241
4216

United States Founding Half-Dollar Coin Act of 2009

An Act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents of the Continental Congress and United States in Congress Assembled along with their spouses, respectively, to improve circulation of the Half-Dollar Coin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the U.S. Founding Half-Dollar Coin Act of 2009.

TITLE I--PRESIDENTIAL AND CAPITOL HALF-DOLLAR COINS

SEC. 101. FINDINGS.

Congress finds the following:

- (1) There are sectors of the United States economy, including public transportation, parking meters, vending machines, and low-dollar value transactions, in which the use of a Half-Dollar Coin is both useful and desirable for keeping costs and prices down.
- (2) For a variety of reasons, the Half-Dollar has not been widely sought-after by the public, leading to higher costs for merchants and thus higher prices for consumers.
- (3) The success of the 50 States Commemorative Coin Program (31 U.S.C. 5112(l)) for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner similar to the systematic change in designs in such Program radically increases demand for the coin, rapidly pulling it through the economy.
- (4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.
- (5) The decline of the half-dollar began with the introduction of the Kennedy half-dollar in 1964. Production on the Franklin half-dollar had risen from 20 million in 1959 to 90 million in 1963 due to rising demand. Due to the popularity of President John F. Kennedy, the 1.3 billion coins minted between 1964 and 1970 were taken out of circulation by silver speculators and President Kennedy Admirers.
- (6) In 1971 the U.S. Mint began making half-dollars out of cupronickel-clad copper but although production reached its peak in 1974 at 280 million coins the Kennedy half-dollars were not utilized in circulation.

(7) John F. Kennedy, as currently represented on the Half-Dollar coin, is an important President of American history but the image has now resulted in declined circulation of coin to a minting of only 3.4 million in 2008 with few in circulation.

(8) Unlike the current \$1 coin that is not being circulated by the public, the shape and size of the half-dollar has been produced nearly every year since the inception of the United States Mint in 1794. The only U.S. coin that has been minted more consistently is the penny.

(9) There is a need for a widely circulated high value coin and the re-introduced half-dollar can fill that need.

(10) Most people do not realize that the United States of America conducted its war for independence under the Articles of Association which created the Continental Congress whose members elected a President from 1774-1781. Under the Articles of Association the Continental Congress also elected the first Commander-in-Chief in 1775, George Washington, who initially reported to the President.

(11) Most people do not realize that the United States of America concluded its war with Great Britain and governed the nation under an unanimously ratified federal constitution known as the Articles of Confederation from 1781-1788. The delegates of this constitutional government elected ten Presidents of the United States, in Congress Assembled.

(12) The Continental Congress and United States in Congress Assembled 14 Presidents were leaders of our unicameral government serving the United Colonies and States from 1774 to 1788.

(13) Most people cannot name, other than John Hancock, even one pre-Constitution of 1787 President or evens know there were United Colony/States unicameral presidencies from 1774-1788.

(14) During the unicameral government's existence a second leadership office, Commander-in-Chief of the armed forces was enacted and held exclusively by George Washington from 1775 to 1783.

(15) The obverse of these half-dollar coins are designed, at long last, to enumerate and delineate the Presidencies of the Continental Congress, United States, in Congress Assembled Presidency and the office of Commander-in-Chief.

(16) Moreover, most people do not realize the government of the United Colonies and States convened in eight different towns and cities during the founding period. There were twelve different buildings utilized as capitols. Additionally, the first Congressional Caucus of 1774 was held in a thirteenth building - Philadelphia's City Tavern while the unicameral government faded away in Fraunces Tavern of New York City in 1789.

(17) In keeping with the \$1 Coin order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce, but also as an object of aesthetic beauty in its own right, it is appropriate to move many of the mottos and emblems, the inscription of the year, and the so-called mint marks' that currently appear on the 2 faces of each circulating coin to the edge of the coin, which would allow larger and more dramatic artwork on the coins.

SEC. 102. U.S. FOUNDING Half-Dollar COIN PROGRAM.

Section, is amended by adding at the end the following:

(n) Redesign and Issuance of Circulating Half-Dollar Coins honoring the Commander-in-Chief and each of the Presidents of the Continental Congress and the United States, in Congress Assembled on the obverse and the Continental Congress and United States in Congress Assembled Capitol buildings on the reverse.

(1) REDESIGN BEGINNING IN 2011-

(A) IN GENERAL- Notwithstanding subsection (d) and in accordance with the provisions of this subsection, Half-Dollar coins issued during the period beginning January 1, 2011, and ending upon the termination of the program under paragraph (8), shall--

(i) have designs on the obverse selected in accordance with paragraph (2)(B) which are emblematic of the Commander-in-Chief, Continental Congress and United States in Congress Assembled Presidents of the United Colonies and States of America (herein after called President(s)); and

(ii) have a design on the reverse of the Continental Congress and United States in Congress Assembled Capitol buildings selected in accordance with paragraph (2)(A).

(B) CONTINUITY PROVISIONS-

(i) IN GENERAL- Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue Half-Dollar Coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called Kennedy' Half-Dollar coins).

(ii) CIRCULATION QUANTITY- Beginning January 1, 2011, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such Presidential and Capitol Half-Dollar' coins for circulation in quantities of no less than 1/3 of the total Half-Dollar coins minted and issued under this subsection.'

(2) DESIGN REQUIREMENTS- The Half-Dollar coins issued in accordance with paragraph (1) (A) shall meet the following design requirements:

(A) COIN REVERSE- The design on the reverse shall bear—

- (i) a historic period likeness of City Tavern, Philadelphia; Carpenters Hall, Philadelphia; Independence Hall, Philadelphia; Old Congress Hall, Baltimore; Lancaster Court House, Lancaster; York-Town Court House, York; College Hall, Philadelphia; Articles of Confederation, Great Seal of the United States; Prospect House, Princeton; Nassau Hall, Princeton; Maryland State House, Annapolis; French Arms Tavern, Trenton, Old Federal Hall, New York City; and Fraunces Tavern, New York with the year(s) congress convened, the name of the town and state, and the word capitol (except of City Tavern Philadelphia and the Great Seal) large enough to provide a dramatic representation of the building, Great Seal or Articles while not being large enough to create the impression of a 2-headed' coin;
- (ii) the inscription Half-Dollar; and
- (iii) the inscription United States of America'.
- (iv) Years of the Building's use by Congress
- (v) Words "Great Seal of the United States – 1782" above the Great Seal
- (vi) Words "Perpetual Union Ratified – 1781" above the Articles of Confederation.

(B) COIN OBVERSE- The design on the obverse shall contain—

- (i) the name and likeness of a Peyton Randolph; Henry Middleton, John Hancock, George Washington, Henry Laurens, John Jay, Samuel Huntington, Samuel Huntington, Thomas McKean, John Hanson, Elias Boudinot, Thomas Mifflin, Richard Henry Lee, John Hancock, Nathaniel Gorham, Arthur St. Clair and Cyrus Griffin.
- (ii) basic information about the President and Commander-in-Chief, including:
 - (I) the dates or years of the term of office of such President and Commander-in-Chief; and
 - (II) a number indicating the order of the period of service in which the President served.
 - (III) the name of the Body served Continental Congress or United States in Congress Assembled except for the Commander-in-Chief which will state First Commander-in-Chief - United Colonies and States of America;

(C) EDGE-INCUSED INSCRIPTIONS-

- (i) IN GENERAL- The inscription of the year of minting or issuance of the coin and the inscriptions E Pluribus Unum' and In God We Trust' shall be edge-incused into the coin.
- (ii) PRESERVATION OF DISTINCTIVE EDGE- The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection

shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

(3) ISSUANCE OF COINS COMMEMORATING PRESIDENTS-

(A) ORDER OF ISSUANCE OBVERSE - The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the period of service of each President and Commander-in-Chief in the as follows: **Year One:** Peyton Randolph 1774-1775; Henry Middleton 1774, John Hancock 1775-1777, Commander-in-Chief George Washington 1775-1783, **Year Two:** Henry Laurens 1777-1778, John Jay 1778-1779, Samuel Huntington 1779-1781, Samuel Huntington 1781, **Year Three:** Thomas McKean 1781, John Hanson 1781-1782, Elias Boudinot 1782-1783, Thomas Mifflin 1783-1784, **Year Four:** Richard Henry Lee 1784-1785, John Hancock 1785-1786, Nathaniel Gorham 1786, Arthur St. Clair 1787 and Cyrus Griffin 1787-1788.

(B) ORDER OF ISSUANCE REVERSE -The coins issued under this subsection commemorating the Capitols of the United States shall be issued in the order **Randolph Coin** - City Tavern (1774), Philadelphia with the words “First Congressional Caucus”; **Middleton Coin** -Carpenters Hall (1774), Philadelphia with the words “Articles of Association”; **Hancock Coin** - Independence Hall (1775-1783), Philadelphia with the words “Declaration of Independence”; **Washington Coin** - Old Congress Hall (1775), Baltimore with the words “Victory at Trenton”; **Laurens Coin** - York-Town Court House (1777-1778), York, PA with the words “Victory at Saratoga”; **Jay Coin** - College Hall (1778-1779), Philadelphia with the words “U.S. Peace Commissioners”; **Huntington Coin** Independence Hall (1775-1783) with the words “Charleston Surrenders”; **Huntington Coin** Independence Hall (1775-1783), Philadelphia words “Perpetual Union Ratified 1781”; **McKean Coin** - Independence Hall (1775-1783) Philadelphia; with the words “Victory at Yorktown”, **John Hanson Coin** - Great Seal of the United States with the words “Great Seal of the United States 1782”; **Boudinot Coin** - Nassau Hall (1783), Princeton with the words “Treaty of Paris 1783”; **Mifflin Coin** - Maryland State House (1784), Annapolis, “Commander-in-Chief Resigns”, **Lee Coin** - French Arms Tavern (1785), Trenton with the words “Western Land Ordinance”; **Hancock Coin** – Lancaster Court House (1777), Lancaster with the words “Congress in Flight”; **Nathaniel Gorham Coin** - Old Federal Hall (1785-1790) New York City; “Shays’ Rebellion”, **Arthur St. Clair Coin** – Old Federal Hall (1785-1790) New York City; with the words of “Northwest Ordinance” and **Griffin Coin** - Fraunces Tavern (1788), New York with the words “Constitution of 1787 Ratified”.

(C) TREATMENT OF PERIOD OF SERVICE-

(i) JOHN HANCOCK- two coins shall be issued under Subject one as the third President of the Continental Congress and one as the Seventh President of the United States in Congress Assembled.

(ii) SAMUEL HUNTINGTON- two coins shall be issued under Subject one as the sixth President of the Continental Congress and one as the First President of the United States, in Congress Assembled.

(4) ISSUANCE OF COINS COMMEMORATING 4 PRESIDENTS OR COMMANDER-IN-CHIEF DURING EACH YEAR OF THE PERIOD-

(A) IN GENERAL- The designs for the Half-Dollar coins issued during each year of the period referred to in paragraph (1) shall be emblematic of 4 Presidents or Commander-in-Chief until each President and the Commander-in-Chief has been so honored, subject to paragraph (2)(E).

(B) NUMBER OF 4 CIRCULATING COIN DESIGNS IN EACH YEAR- The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of Half-Dollar coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1).

(5) LEGAL TENDER- The coins minted under this title shall be legal tender, as provided in section 5103.

(6) TREATMENT AS NUMISMATIC ITEMS- For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

(7) ISSUANCE OF NUMISMATIC COINS- The Secretary may mint and issue such number of Half-Dollar coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(8) TERMINATION OF PROGRAM- The issuance of coins under this subsection shall terminate when each President has been so honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

(9) REVERSION TO PRECEDING DESIGN- Upon the termination of the issuance of coins under this subsection, the design of all Half-Dollar coins shall revert to the so-called Kennedy' Half-Dollar coins.'

(10) SALE OF BULLION COINS- Each bullion coin issued under this subsection shall be sold by the Secretary at a price that is equal to or greater than the sum of--

(A) the face value of the coins; and

(B) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

SEC. 104. REMOVAL OF BARRIERS TO CIRCULATION.

Section 5112 of title 31, United States Code, as amended by sections 102 and 103, by adding at the end the following:

(p) Removal of Barriers to Circulation of Half-Dollar Coin

(1) ACCEPTANCE BY AGENCIES AND INSTRUMENTALITIES- Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all non-appropriated fund instrumentalities established under title 10, United States Code, all transit systems that receive operational subsidies or any disbursement of funds from the Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 2-year period beginning on such date--

(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of accepting and dispensing Half-Dollar coins in connection with such operations; and

(B) displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

(2) PUBLICITY- The Director of the United States Mint, shall work closely with consumer groups, media outlets, and schools to ensure an adequate amount of news coverage, and other means of increasing public awareness, of the inauguration of the Presidential Half-Dollar Coin Program established in subsection (n) to ensure that consumers know of the availability of the coin.

(3) COORDINATION- The Board of Governors of the Federal Reserve System and the Secretary shall take steps to ensure that an adequate supply of Half-Dollar coins is available for commerce and collectors at such places and in such quantities as are appropriate by—

(A) consulting, to accurately gauge demand for coins and to anticipate and eliminate obstacles to the easy and efficient distribution and circulation of Half-Dollar coins as well as all other circulating coins, from time to time but no less frequently than annually, with a coin users group, which may include—

(i) representatives of merchants who would benefit from the increased usage of Half-Dollar coins;

(ii) vending machine and other coin acceptor manufacturers;

(iii) vending machine owners and operators;

(iv) transit officials;

(v) municipal parking officials;

- (vi) depository institutions;
- (vii) coin and currency handlers;
- (viii) armored-car operators;
- (ix) car wash operators; and
- (x) coin collectors and dealers;

(B) submitting an annual report to the Congress containing—

- (i) an assessment of the remaining obstacles to the efficient and timely circulation of coins, particularly Half-Dollar coins;
- (ii) an assessment of the extent to which the goals of subparagraph (C) are being met; and
- (iii) such recommendations for legislative action the Board and the Secretary may determine to be appropriate;

(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-accepting devices in the United States to accept coins issued under the Presidential Half-Dollar Coin Program established under subsection (n) and any coins bearing any design in effect before the issuance of coins required under subsection (n) (including the so-called Kennedy-design' Half-Dollar coins), and to include notices on the machines and devices of such acceptability;

(D) ensuring that--

- (i) during an introductory period, all institutions that want unmixed supplies of each newly-issued design of Half-Dollar coins minted under subsections (n) and (o) are able to obtain such unmixed supplies; and
- (ii) circulating coins will be available for ordinary commerce in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins;

(E) working closely with any agency, instrumentality, system, or entity referred to in paragraph (1) to facilitate compliance with the requirements of such paragraph; and

(F) identifying, analyzing, and overcoming barriers to the robust circulation of Half-Dollar coins minted under subsections (n) and (o), including the use of demand prediction, improved methods of distribution and circulation, and improved public education and awareness campaigns.

(4) BULLION DEALERS- The Director of the United States Mint shall take all steps necessary to ensure that a maximum number of reputable, reliable, and responsible dealers are qualified to offer for sale all bullion coins struck and issued by the US Mint.

(5) REVIEW OF CO-CIRCULATION- At such time as the Secretary determines to be appropriate, and after consultation with the Board of Governors of the Federal Reserve System, the Secretary shall notify the Congress of its assessment of issues related to the co-circulation of any circulating Half-Dollar coin bearing any design, other than the so-called Kennedy-design' Half-Dollar coin, in effect before the issuance of coins required under subsection (n), including the effect of co-circulation on the acceptance and use of Half-Dollar coins, and make recommendations to the Congress for improving the circulation of Half-Dollar coins.

SEC. 105. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the enactment of this Act will serve to increase the use of Half-Dollar coins generally, which will increase the circulation of the so-called Kennedy-design' Half-Dollar coins that have been and will continue to be minted and issued;

(2) after four years, the continued minting and issuance of the so-called Kennedy-design' Half-Dollar coins will serve as a lasting tribute to President John F. Kennedy;

(3) the full circulation potential and cost-savings benefit projections for the Half-Dollar coins are not likely to be achieved unless the coins are delivered in ways useful to ordinary commerce;

(4) the coins issued in connection with this title should not be introduced with an overly expensive taxpayer-funded public relations campaign;

(5) in order for the circulation of Half-Dollar coins to achieve maximum potential--

(A) the coins should be as attractive as possible; and

(B) the Director of the United States Mint should take all reasonable steps to ensure that all Half-Dollar coins minted and issued remain tarnish-free for as long as possible without incurring undue expense; and

(6) if the Secretary of the Treasury determines to include on any Half-Dollar coin minted under section 102 of this Act a mark denoting the United States Mint facility at which the coin was struck, such mark should be edge-incused.

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Appeal Number: 08-14645-C

**STANLEY KLOS,
Plaintiff, Appellant**

v.

**HENRY M. PAULSON, JR., in his capacity
as Secretary of the Treasury,
Defendant., Appellee**

**On Appeal from the United States District Court for the
Middle District of Florida,**

CASE NUMBER: 8:08-cv-00843-SDM- TBM

The Honorable Steven Merryday, Judge, Presiding

**Stanley L. Klos, Appellant Pro Se
Suite 211
687 Alderman Road
Palm Harbor, Florida 34683**

STATEMENT OF ISSUES PRESENTED FOR REVIEW OF THE APPEALS COURT

1. Whether the district court erred in refusing to hear and dismissing the Appellant's writ of mandamus with prejudice.
2. Whether the district court erred in ruling the *Motion for Reconsideration* as a motion pursuant to Rule 60(b), Federal Rules of Civil Procedure (1), for relief.
3. Whether the appeals court should order the judiciary to interpret the meaning of the term "*president*" in the Presidential Coin Act before determining whether mandamus will lie.

STATEMENT OF THE CASE

1. NATURE OF THE CASE

The threshold issue is whether the district court abused its discretion in dismissing this case that involves claims for declaratory and mandamus relief against the Secretary of the Treasury, pursuant to 28 U.S.C. Sections 2201 and 1361. Specifically, Appellant sought the entry of an order compelling the Secretary of the Treasury to comply with the requirements of the *Presidential \$1 Coin Act of 2005* (the "*Presidential Coin Act*"), 31 U.S.C. Section 5112, by minting coins bearing the images of Presidents Samuel Huntington, Thomas McKean, John Hanson, Elias Boudinot, Thomas Mifflin, Richard Henry Lee, John Hancock, Nathaniel Gorham, Arthur St. Clair and Cyrus Griffin (collectively, the "*Constitution of 1777 Presidents*"). The District Court, despite numerous directives in the Presidential Coin Act to mint coins for ALL of the deceased U.S. Presidents, wrongly decided the *Constitution of 1777 Presidents* were excluded from the Act as the bill stated "...beginning with President George Washington..." which, because of the Court's understanding of U.S. History and the evolution of the U.S. Presidency, was wrongfully ordered that this sole clause meant that the "*Coin Act neither requires nor authorizes the Secretary to issue a coin bearing the image of each "Constitution of 1777 President"*" (ER Tab 8:08-cv-00843-SDM-TBM , 07/14/2008 Order pages 3 and 4) dismissing the complaint with prejudice.

The second issue is whether the district court erred in ruling the Appellant's "*Motion for Reconsideration*" as a motion pursuant to Rule 60(b), Federal Rules of Civil Procedure (1), for relief.

The third issue is that the district court erred by not addressing the meaning of the term "*president*" in the Presidential Coin Act before determining whether mandamus will lie.

2. COURSE OF THE PROCEEDINGS AND DISPOSITION BELOW

05/01/2008 Stanley L. Klos was plaintiff in one lawsuit against defendant, HENRY M. PAULSON, JR., in his capacity as United States Secretary of the Treasury. The Complaint seeking the Court to compel the Secretary of the Treasury to comply with the requirements of the Presidential \$1 Coin Act of 2005 was filed on May 1, 2008.

5/5/2008 A NOTICE of designation under Local Rule 3.05 - track 1, Signed by deputy clerk on 5/5/2008.

06/19/2008 Submitted Motion to Dismiss by JENNIFER W. CORINIS, Assistant United States Attorney for Secretary Paulson.

7/07/2008 RESPONSE to motion re: MOTION to dismiss Complaint filed by Stanley L. Klos.

7/14/2008 ORDER granting --motion to dismiss; dismissing action; directing the Clerk to TERMINATE any pending motion and CLOSE the case, Signed by Judge Steven D. Merryday.

07/21/2008 Regular Mail Submission for reconsideration re: Order on motion to dismiss by Stanley L. Klos

08/01/2008 Resubmitted MOTION for reconsideration re: Order on motion to dismiss by Stanley L. Klos.

8/12/2008 ORDER denying --motion for reconsideration, Signed by Judge Steven D. Merryday.

08/13/2008 Submitted Appeal of: ORDER: DISMISSED WITH PREJUDICE for failure to state a claim on which relief can be ORDERED in Tampa, Florida, on July 14, 2008.

08/12/2008 - ORDER: Denying the "Motion for Reconsideration" construed by the Court as a motion pursuant to Rule 60(b), Federal Rules of Civil Procedure ORDERED in Tampa, Florida, on August 12, 2008.

STATEMENT OF FACTS RELEVANT TO THE ISSUES SUBMITTED FOR REVIEW

Stanley L. Klos, the Appellant, resides in Pinellas County, Florida with four of his eight children. Three of the children residing with Mr. Klos are minor. Klos is a historian, author, entrepreneur, and former Italian basketball player. He was the Republican Nominee who challenged Robert C. Byrd running for the United States Senate in 1994. Klos is an exhibitor and researcher of rare historical documents specializing in the 1774 – 1789 founding period of the United States. He has written numerous publications and assembled exhibits that have headlined a plethora of universities, national historic sites, libraries, museums and special events.¹ Most recently, he was invited to exhibit at both the DNC and RNC political convention venues.² He has keynoted historical events including the Franklin D. Roosevelt American Heritage Center Museum Grand Opening and the 2003 re-entombment of Martha and Samuel Huntington³ who were the First Lady and First President of the United States under the Constitution of 1777. Stan's work has appeared in hundreds of print and digital publications including *U.S. News & World Report* 2006 cover story, *Washington? Get In Line*" and the *Discovery Channels Unsolved History: Plots To Kill Lincoln*. The Appellant brought about this complaint due to the 2005 Presidential Coin Act its damaging effects on his children, the children of the United States, his business and the citizenry's understanding the of the founding and legal evolution of the U.S. Presidency.

Henry M. Paulson, Jr., is United States Secretary of the Treasury, and in that capacity the Defendant in this complaint and is obliged by *Public Law 109-145* "to mint coins in commemoration of each of the Nation's past Presidents and their spouses."

"Public Law 109-145, the Presidential \$1 Coin Act of 2005 (the "Presidential Coin Act"). Is "An Act To require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the \$1 coin, to create a new bullion coin."

FACT: The Articles of Confederation were a thirteen state ratified federal constitution forming a "Perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia" with the "Stile of this Confederacy" being "The United States of America"⁴ passed on November 15, 1777, hence the name Constitution of 1777.

FACT: The U.S. Founders' viewed the Articles of Confederation as a federal constitution. The words "**federal constitution**" were exhaustively used in pre-1787 Constitution United States resolutions - "That if therefore individual states undertake, without the previous warrant of Congress, to dispense any part of moneys required for and

¹ *Rebels With A Vision, Historic Documents of Freedom*, Carnegie Institute and Library, Pittsburgh, PA , July 4, 1999: <http://www.youtube.com/watch?v=qxAVBfar0M8>

² Forgotten Founders, Historic Documents and Medallions of Freedom, CivicFest, Minneapolis Convention Center, August 25 – September 4th, 2008, <http://civicfest.org/exhibits.html>

³ Huntington, Samuel and Martha, Re-Entombment Ceremony, Old Cemetery, Norwich, CT, November 24, 2003, <http://www.youtube.com/watch?v=W07X9FW3TFY>

⁴ Journals of the Continental Congress, November 15, 1777

appropriated to the payment of the army, or any other purposes of the union, the **federal constitution** must be so far infringed";⁵ United States treaties - "That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the **federal constitution**";⁶ United States Finances – "The **federal constitution** authorizes the United States to obtain money by three means; 1st. by requisition; 2d., by loan; and 3d., by emitting bills of credit.";⁷ and in United States Delegate debates:

*"A requisition of Congress on the States for money is as much a law to them as their revenue Acts when passed are laws to their respective Citizens. If, for want of the faculty or means of enforcing a requisition, the law of Congress proves inefficient, does it not follow that in order to fulfill the views of the **federal constitution**, such a change sd. be made as will render it efficient? Without such efficiency the end of this Constitution, which is to preserve order and justice among the members of the Union, must fail; as without a like efficiency would the end of State Constitutions, wch. is to preserve like order & justice among its members."*⁸

Founding laws also included a resolution empowering the President of the United States to reconvene the "federal government" in New Jersey after the United States, in Congress Assembled fled to Princeton after being "held hostage" by its own military in Philadelphia:

*"There is not a satisfactory ground for expecting adequate and prompt exertions of this State for supporting the dignity of the **federal government**, the President ... be authorized and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey."*⁹

On a final fact regarding this matter of the Articles of Confederation being the first "**federal constitution**" of the United States of America, I ask that the Honorable Court consider the legislation that led to the second "**federal constitution**" of the United States from which, they draw the authority and hear this case.

In the summer of 1786, President of the United States Nathaniel Gorham's home state of Massachusetts had erupted into rebellion and the nation had no money in its coffers to raise troops to put down Shay's armed insurrection. In November of 1786, the congressional and U.S. Presidential terms expired; and the newly elected delegates could not form a quorum to elect a new President and continue the business of the United States. All throughout December and then January 1787 the delegates failed to form a quorum. War reparations and debt were crushing the economy while the *Constitution of 1777* failed dismally in organizing the thirteen states into an effective federal government. Finally on February 2, 1787, the United States, in Congress Assembled formed the constitutional quorum and elected President Arthur St. Clair whose first major legislative act was to pass:

*Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the **federal Constitution** adequate to the exigencies of Government and the preservation of the Union.*¹⁰

⁵ Journals of the Unites States in Congress Assembled, October 1, 1782

⁶ Ibid, MARCH 26, 1784

⁷ Ibid, FEBRUARY 3, 1786

⁸ Ibid, January 28, 1783

⁹ Ibid, June 21, 1783

¹⁰ Journals of the Unites States in Congress Assembled, MARCH 15, 1787

The record is abundantly clear, even in the resolution that led to the Philadelphia Convention, that there was a federal constitution before the *United States Constitution of 1787*, the Articles of Confederation and the “*Perpetual Union*.”

FACT: Article IX of the Constitution of 1777 states that the Delegates of the United States, in Congress Assembled are “to appoint one of their members to preside, provided that no person be allowed to serve in the *office of president* more than one year in any term of three years.”¹¹ It formed was presided over by the *Constitution of 1777 Presidents*. These Presidents and the Commander-in-Chief actively waged a war, convened in eight different capitol cities/towns (Exhibit A) and forged one independent nation “*stiled*” the “*United States of America*.”

FACT: On March 1, 1781 the last state, Maryland, reported their ratification to the Continental Congress which enacted the Constitution of 1777 dissolving their body and replacing it with the unicameral entity called the United States, in Congress Assembled.¹² (Exhibit B).

FACT: On March 2, 1781 the Journals of the Continental Congress were changed to the Journals of the United States, in Congress Assembled and Samuel Huntington was recorded as the new federal government’s President (Exhibit C).¹³

FACT: Nine Presidents of the United States, in Congress Assembled followed Samuel Huntington: Thomas McKean,¹⁴ John Hanson,¹⁵ Elias Boudinot,¹⁶ Thomas Mifflin,¹⁷ Richard Henry Lee,¹⁸ John Hancock,¹⁹ Nathaniel Gorham,²⁰ Arthur St. Clair²¹ and Cyrus Griffin²² (collectively, the “*Constitution of 1777 Presidents*”).

FACT: Each of the ten Presidents had spouses and their names in order of their husband’s service are: Martha Devotion Huntington, Mary Borden Sarah Armitage McKean, Jane Contee Hanson, Annis Stockton Boudinot, Sarah Morris Mifflin, Elizabeth Eskridge Lee, Dolly Quincey Hancock, Rebecca Call Gorham, Phoebe Bayard St. Clair, and Lady Christine Stewart Griffin.²³

FACT: Virginia, not Delaware, was the first state to ratify the Constitution of 1777 conflicting with the Secretary of the Treasury’s interpretation of the *50 States Commemorative Coin Program Act* direction; “*selected in the order in which such States ratifies the Constitution of the United States.*” The correct ratification order of the *Constitution of the United States* that created its “*Perpetual Union*” is:

¹¹ Ibid

¹² Ibid, March 1, 1781

¹³ Journals of the United States in Congress Assembled, March 2, 1781

¹⁴ Ibid, July 10, 1781

¹⁵ Ibid, November 5, 1781

¹⁶ Ibid, November 4, 1782

¹⁷ Ibid, November 3, 1783

¹⁸ Ibid, November 30, 1784

¹⁹ Ibid, November 23, 1785

²⁰ Ibid, June 6, 1786

²¹ Ibid, February 2, 1787

²² Ibid, January 22, 1788

²³ Klos, Stanley, *The Rise of the U.S. Presidency and Forgotten Capitols of the United States*, pages 62-152, Roi.us Corporation, Palm Harbor, Florida 2008 – ISBN 0-9752627-8-5

US Statehood Order ²⁴
Articles of Confederation - 1 to 13 States
US Constitution - 37 to 50 States

<i>State</i>	<i>State Passes Ratification</i>	<i>Reported to Congress</i>
1 Virginia	16 December 1777	25 June 1778
2 South Carolina	5 February 1778	25 June 1778
3 New York	6 February 1778	23 June 1778
4 Rhode Island	16 February 1778	23 June 1778
5 Georgia	26 February 1778	25 June 1778
6 Connecticut	27 February 1778	23 June 1778
7 New Hampshire	4 March 1778	23 June 1778
8 Pennsylvania	5 March 1778	25 June 1778
9 Massachusetts	10 March 1778	23 June 1778
10 North Carolina	24 April 1778	25 June 1778
11 New Jersey	20 November 1778	25-26 Nov. 1778
12 Delaware	1 February 1779	16 February 1779
13 Maryland	2 February 1781	12 February 1781

The Appellant did try to rectify this error concerning state order as interpreted by the Treasury in the State Quarter legislation. In 2002, after numerous letters challenging the *State Quarter Program* touting Delaware as being the “*First State*” the Treasury wrote the Appellant a letter (Exhibit D). The Treasury, argued that they were correct in their minting order as the *50 State Quarter Act* was “*enacted by the Senate and House of Representatives of the United States of America in Congress assembled*”²⁵ and stated that:

50 States Commemorative Coin Program Act (Public Law 105-124 ...) directs the Secretary of the Treasury to issue quarter dollar coins that shall have designs on the reverse side that are emblematic of the 50 States. The Act also states: “(3) *ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS - (A) IN GENERAL- The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.*”²⁶

After review of their letter, the Appellant realized that the Treasury and perhaps even Congress did not understand that the Articles of Confederation was the first federal U.S. Constitution. The Appellant chose not to pursue this oversight of the Articles of Confederation as a federal constitution in the District Court as which state was first, Delaware or Virginia. The Appellant deemed this historical error of not significant magnitude to harm his children, fellow U.S. Citizens or his rare document and exhibit businesses. The omitting of the *Constitution of 1777 Presidents* on U.S.

²⁴ *The Documentary History of the Ratification of the Constitution: Vol. 1: Constitutional Documents and Records, 1776-1787*, ed. Merrill Jensen, Madison, Wis.: State Historical Society of Wisconsin, 1976; *Encyclopedia of American History: Bicentennial Edition*, ed. Richard Morris, New York; Harper & Row, 1976; *Documents of American History*, ed. Henry Steele Commanger, Englewood Cliffs, NJ; Prentice-Hall, 1973

²⁵ 50 States Commemorative Coin Program Act (Enrolled Bill), --S.1228-- An Act To provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

²⁶ Department Treasury Letter to Stanley L. Klos, May 13, 2002.

\$1.00 Coinage and the keeping of the error that the United States Presidency began with the Second U.S. Constitution is, however, quite a different matter.

The final facts the Appellant brings in this section before the honorable court is first, the Articles of Confederation in Article II places a comma after states “*not by this Confederation expressly delegated to the United States, in Congress assembled.*”²⁷ Second, the Senate and House of Representatives of the United States of America, as evidenced in both the State Quarter and Presidential Dollar Coin Acts, add “*in Congress assembled*” to their legislation.

The point is that the people of the United States do not refer to the Honorable Nancy P. D. Pelosi as the Speaker of the House of Representatives of the United States of America in Congress Assembled but as the Speaker of the United States House of Representatives. The people do not refer to her as the Speaker of United States in Congress Assembled House of Representatives but as the Speaker of the United States House of Representatives.

Likewise, the people do not refer to the Honorable Richard B. Cheney, in his legislative capacity, as the President of the Senate of the United States of America in Congress Assembled but as the President of the Senate of the United States of America. The people do not refer to him as the President of the United States in Congress Assembled Senate but as the President of the United States Senate.

Consequently, Samuel Huntington and the other nine men holding the office of Presidents of the United States in Congress Assembled were often referred to as Presidents of the United States as well as Presidents of Congress in the unicameral federal government. In the current tri-partite system the U.S. House and U.S. Senate in the legislative branch, the Supreme Court in the judicial branch and the President /Commander-in-Chief in the executive branch form the government of the United States of America. Under the first constitution, the United States in Congress Assembled, in its unicameral structure, formed the government of the United States of America.

SUMMARY OF ARGUMENT

The entire core of this case is that the current Congress and sitting President of the United States enacted a \$1.00 Coin program honoring “*each of the Nation's past Presidents*” of the United States and their spouses thereby including the *Constitution of 1777 Presidents*. The case that these *Constitution of 1777 Presidents* were Presidents of the United States and rightfully should be so honored as per the language of the “*Presidential Coin Act*” merits a hearing and oral argument before the 11th District Court of Appeals, a judiciary that derives its very existence from the second United States Constitution forged by these men from failed political systems spanning 15 years.

The Defendant was granted an unhappy resolution of the pivotal issue in this case, interpretation of the term “*president*” within the meaning of the Presidential Coin Act, by the District Court ordering a motion to dismiss stating:

²⁷ Journals of the Continental Congress, Articles of Confederation, March 1, 1781

“Because the Coin Act neither requires nor authorizes the Secretary to issue a coin bearing the image of each “Constitution of 1777 President” the complaints asserts no cognizable right to relief under 28 U.S.C. § 1361 and declaratory relief 28 U.S.C. §2201 is appropriate.” (ER Tab 8:08-cv-00843-SDM-TBM , 07/14/2008 Order pages 3 and 4).

The District Court erred as it failed to interpret the meaning of the term *“president”* in the Presidential Coin Act before it determined whether mandamus would lie by merely relying on the clause *“in the order of the period of service of each President, beginning with President George Washington.”* (ER Tab 8:08-cv-00843-SDM-TBM , 07/14/2008 Order pages 3). Additionally, this issue was determined in the context of a motion to dismiss by the District Court noting the defendant’s insistence that the *Constitution of 1777 Presidents* were not *“Chief Executives.”*

The Appellant maintains that the term *“Chief Executive”* doesn’t appear anywhere in the Coin Act and, therefore, the inference made by the Treasury and embraced by the District Court as a proof supporting its decision to dismiss this case with prejudice is wrong. Additionally, the only portion of the Bill that supports the treasury contention that these men were to be excluded as Presidents of the United States as defined in the Act itself is the phrase referring to the minting of \$1 Coins *“beginning with President George Washington.”*

The Appellant sees this *“beginning with President George Washington”* clause as not conflicting with the Appellant’s request for relief, namely ordering the Secretary of the Treasury to include the *Constitution of 1777 Presidents* into the \$1.00 Coin minting. Additionally, supporting the Appellant’s case is that the legislation was ultimately designed to correct the fact that *“Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in the proper time period of American history.”* (Public Law 109-145 SEC 101 Findings (8)). Since George Washington was both a President and Commander-in-Chief and the Coin Act’s language *“beginning with President George Washington”* places him in the proper lineage of history at the head of the *Constitution of 1777 Presidents*.

George Washington was not only the first President under the 1787 Constitution of the United States (1789 to present) but he was also the first Commander-in-Chief (1775 to 1783) of the United Colonies of America under the 1774 Articles of Association as well as the First Commander-in-Chief under the Constitution of 1777. The Constitution of 1787 added melded this office into the Presidency of the United States:

“The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. that is part of the current presidential office Congress seeks to so honor.”²⁸

It is therefore proper, especially under the Constitution that melded both offices, to begin with the minting of the \$1.00 Coins with George Washington as Commander-in-Chief.

²⁸ Constitution of the United States, Article II, Section 2.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-14645
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 29, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 08-00843-CV-T-23-TBM

STANLEY LOUIS KLOS,

Plaintiff-Appellant,

versus

HENRY M. PAULSON, JR.,
in his capacity as Secretary
of the Treasury,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(January 29, 2009)

Before TJOFLAT, DUBINA and HULL, Circuit Judges.

PER CURIAM:

Stanley Klos filed a pro se complaint seeking a declaration, pursuant to 28 U.S.C. § 2201, that the term “Presidents of the United States” within the meaning of the Presidential \$1 Coin Act of 2005, Pub. L. No. 109-145, 119 Stat. 2664, codified at 31 U.S.C. § 5112(n) (“the Coin Act”), includes the ten men who served under the Articles of Confederation as the President of the United States in Congress Assembled. Pursuant to the Mandamus Act, 28 U.S.C. § 1361, Klos’s complaint also sought an order directing the Secretary of the Treasury to issue one dollar coins bearing the names and likenesses of these ten men.

The district court granted the government’s motion to dismiss for failure to state a claim, filed pursuant to Federal Rule of Civil Procedure 12(b)(6). The district court concluded that the Coin Act does not require the Secretary to issue such one dollar coins and, thus, Klos had no cognizable right to relief under § 1361 or § 2201.

We agree with the government that the allegations in Klos’s complaint, taken as true, do not establish Article III standing. See Stalley ex rel. United States v. Orlando Reg’l Healthcare Sys., Inc., 524 F.3d 1229, 1232 (11th Cir. 2008) (explaining that plaintiff’s complaint must allege, inter alia, “an injury in fact – a harm suffered by the plaintiff that is concrete and actual or imminent, not

conjectural or hypothetical” to establish Article III standing).¹ Accordingly, we do not address the merits of Klos’s claims. We vacate the district court’s July 14, 2008 dismissal order, however, with instructions to dismiss Klos’s complaint without prejudice. See id. (explaining that a dismissal for lack of standing has the same effect as a dismissal for lack of subject matter jurisdiction under Rule 12(b)(1) and thus is entered without prejudice).

VACATED AND REMANDED.

¹Because standing is a jurisdictional requirement we must address sua sponte, the government’s failure to raise the standing issue in the district court does not impede our ability to consider the issue for the first time on appeal. See Region 8 Forest Serv. Timber Purchasers Council v. Alcock, 993 F.2d 800, 807 n.9 (11th Cir. 1993). “[W]hen standing is questioned for the first time by an appellate court, standing must affirmatively appear in the record.” Id. at 806 (quotation marks omitted). In response to the government’s standing argument, Klos did not move to supplement the record or amend his complaint (or even contend that he has standing). Thus, the only allegations of standing in the record are found in Klos’s complaint.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STANLEY KLOS,

Plaintiff,

v.

CASE NO: 8:08-cv-843-T-23TBM

HENRY M. PAULSON, JR., in his capacity
as Secretary of the Treasury,

Defendant.

_____ /

ORDER

Pursuant to the mandate (Doc. 19) of the United States Court of Appeals for the Eleventh Circuit, the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

ORDERED in Tampa, Florida, on April 1, 2009.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

Forgotten Founders Corporation

The nonprofit corporation, Forgotten Founders, was formed solely for general charitable purposes pursuant to the Florida Not for Profit Corporation Act set forth in Part I of Chapter 617 of the Florida Statutes.

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2. To secure national and international founding recognition for the six men who served as Presidents of the United Colonies and States of America.
3. To secure national and international founding recognition for the U.S. Founding delegates, commissioners, judges, ministers, boards, military officers and other government officials serving the United Colonies and States of America from 1774 to 1788.
4. To operate for the advancement of U.S. Founding education, research and other related charitable purposes.
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About The Author

Stanley L. Klos (born January 18, 1954) is a historian, author, entrepreneur, and former Italian basketball player. Klos was the West Virginia United States Senate Republican Nominee in 1994.

Stan began acquiring and researching historic documents in 1983 upon discovering the 18th Century shipping records of Philadelphia Shipping merchant John Imlay in the attic of his home. Since then, he has written numerous publications and assembled exhibits that have headlined a plethora of universities, national historic sites, libraries, museums and special events. His most recent exhibits were featured at both the 2008 DNC and RNC Conventions. Stan has keynoted numerous historical events including the Franklin D. Roosevelt American Heritage Center Museum Grand Opening, and entombment of Martha & President Samuel Huntington www.youtube.com/watch?v=W07X9FW3TFY. His work has appeared in hundreds of print and digital publications including *U.S. News & World Report* 2006 cover story, "Washington? Get In Line" and the Discovery Channel's "Unsolved History: Plots To Kill Lincoln." Mr. Klos is an author of two books, *President Who? Forgotten Founders* and *The Rise of the U.S. Presidency and the Forgotten Capitols*.



Stan is a real estate historic preservationist who has acquired, preserved and re-developed 32 historically significant properties ranging from Vaudeville theaters to Revolutionary War Taverns in four states. Additionally, he is a co-founder of various historic pursuits including the James Monroe Birthplace Commission and Dinosaur Safaris, Inc., in Shell, Wyoming. Stan also established an innovative Internet education company, Virtualology.com, in 1999 with page views topping 70,000 per day by its 4th year.

As a real estate entrepreneur Stan acquired the RE/MAX of Pennsylvania n/w sub-franchise, expertly managing a marketing mix that increased yearly commission revenue from \$240K to \$36 million in twelve years. He was one of a select group of Regional Owners who masterminded (1987 – 1999), RE/MAX's expansion into the world's largest real estate entity.

Stan was a professional basketball player for Amaro Harrys of the Italian Basketball Association competing out of Bologna. He was also the captain of the United States Basketball Team, which participated in European International Tournaments in 1978. He has served on the Mount De Chantel, Pittsburgh YMCA Deer Valley, and West Virginia Independent Colleges & Universities Board of Directors.

Klos has a BA in American Studies, BS in Zoology, MA in Speech Communications and was a Ph.D. Communications Candidate attending St. Peter's College, Idaho State University and Pennsylvania State University. Stan was an adjunct professor at Wheeling Jesuit University and lecturer at Idaho State University, Georgian Court College and The Pennsylvania State University. For more on go to Wikipedia.