CAMPAIGN CONTRIBUTIONS

Report Period #

Name (print) Office (if applicable) District (if applicable)

Contributions in Excess of $100 or, When Added Together from One Contributor Exceeds $100

CONTRIBUTOR'S NAME AND ADDRESS	DATE OF EACH CONTRIBUTION	AMOUNT OF EACH CONTRIBUTION	CHECK HERE IF LOAN

This page may be copied or duplicated if additional space is needed.

RECEIVED

SEP 27 2002

SECRETARY OF STATE
ELECTIONS DIVISIONS

State of Frustration

Office of
Merritt K. "Ike" Yochum
Sovereign Citizen of the Nevada

September 26th, in the year of our Lord 2002

Secretary of State Dean Heller
101 N. Carson Street, Suite 3
Carson City, Nevada. 89701

Dear Secretary Heller,

I am writing in response to your letter. Once again you did not answer any of the questions I, or other members of the Independent American Party, have asked you. For your convenience I will be including a form for you to fill out with simple check marks in the appropriate clearly marked spaces to sign under oath and before God so that I may be able to truthfully and without qualifications make a statement that **I know** (not just hope or think) to be true (as required by NRS 199.145). You may or most likely may not have previously attempted to comply with my instructions and redress of grievance as per article I Sec. 10 of the Nevada Constitution but failed to do so.

Thank you for your offer to accept my completed form by September 30, 2002 and that you will consider it to have been filed timely. In section NRS 294A and section NRS 294A.420 specifically I could find no authority for the Secretary of State to extend the August 23, 2002 filing date. Could you please inform me where you were granted the authority to extend this date to September 30, 2002. **Until you can tell me where such authority was given to you by the Nevada Legislature, your offer appears to be without authority so I cannot comply for to do so would be foolish.** But then again if you have such authority, you could extend the date again after answering my question so that I would not be fined until I have your answer. Why not just extend the filing date to September 30, 2099 and end this controversy in its entirety?

I have religious objections to these forms and you have failed to follow the clear and unambiguous words of Nevada law which states; "That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in

person or property, on account of his or her mode of religious worship."

(See the Nevada Constitution) You have failed to secure that perfect toleration. You have also molested me and threaten to punish me with fines if I do not violate my rights as defined in *Lefkowitz v. Turley, 94 S. Ct. 316, 414 U.S. 70 (1973)* (documented in a previous letter) and other clearly defined and unambiguous rights. Refusal to cease and desist from your threats of fines and lawsuits when I am within my rights is a violation of U.S.C. TITLE 42 - CHAPTER 21 - CIVIL RIGHTS § 1983.

A public official that violates the rights of Citizens and/or also his oath of office is subject to civil lawsuits and possible criminal indictment under federal RICO laws. I will not hesitate to push forward prosecution against you if I feel you are violating any law.

I must ask you, therefore, to return the completed questionnaire form to me **immediately.** If you complete and return the form by September 30, in the year of our Lord 2002 then I will be able to understand your "confusing" form (**your word** as per September 9, 2002 LVRJ) and return it signed under oath. If you fail to return the completed and signed form, you will be considered to be in violation of Article I Section 10 of the Nevada Constitution, your oath of office, U.S.C. TITLE 42 - CHAPTER 21 - CIVIL RIGHTS § 1983 and other laws and restrictions on your actions by the courts.

Please note that if you do fail to answer the questions I have enclosed then it will be impossible for me to fill out the form signed under oath as **I will be unable to make an unqualified statement because it will be impossible for me to know it to be true.** To make a qualified statement would be perjury (as defined at NRS 199.145) and, therefore, a felony so I must decline and if need be claim my constitutional protections found in Article I Section 8 of the Nevada Constitution titled Declaration of Rights and Amendment VI of the Constitution of the United States of America against self-incrimination as such a **qualified statement**, being a felony, may be used against me in a criminal case at some later date.

Since you and only you are authorized under NRS 294A.420 to enforce the questioned statute and to waive the fines for good cause we must know exactly what good cause is and you have failed to clearly define it. As I have the right to know the law and have been unable to get "good cause" defined or to get other terms used on the form defined by your office I must decline to fill out the form and sign it under oath until such reasonable time following the receipt of your definitions of the words and Constitutional questions involved have been fully disclosed with unqualified answers signed under oath as being true and correct, not to the best of your knowledge but true and correct according to law. Please remember that the **Nevada legislature**

gave the Secretary of State, what I consider to be unconstitutional, powers to be the enforcer, judge and jury concerning these fines, as you have the power to waive the fines without judicial review, so the buck stops with you. The buck may have been

transferred to the judiciary if your office had timely pursued the fines against Independent American Party Candidates Jonathan Hansen and Joshua Hansen but neither case has reached the courts following 2000 AD election due to delays that could only be caused by your office or the office of the Attorney General. (Apparently in violation of NRS 294A.410 (b) refer the alleged violation to the attorney general. The attorney general shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the first judicial district court **without delay**.)

I doubt, because I have unanswered questions, so I must not act.

I do all of the above in good faith following several **maxims of law** herein included. If I am in error it is without intent.

"A maxim is so called because its dignity is chiefest, and its authority most certain, and because universally approved by all. Maxime ita dicta quia maxima ejus dignitas et certissima auctoritas, atque quod maxime omnibus probetur."

In other words if I have a question about how I should act under law the best place to consult is the maxims. I have done so and so I have followed their clear and unambiguous directions. I have no intent to violate any Constitutional law but I must follow my religious beliefs which include the following "All acts of the legislature apparently contrary to natural rights and justice are, in our law and must be in the nature of things, considered void... We are in conscience bound to disobey." Robin vs. Hardaway, 1 Jefferson 109, (Va., 1772 AD) This is, of course is the higher law and is also found as our duty in the Declaration of Independence (July 4th 1776 AD)

When you doubt, do not act. Quod dubitas, ne feceris.

The laws consist not in being read, but in being understood. Non in legendo sed in intelligendo leges consistunt.

Where the law is uncertain, there is no law. Ubi jus incertum, ibi jus nullum.

It is a miserable state of things where the law is vague and uncertain. Res est misera ubi jus est vagam et invertum.

The custom of fixing and refixing (making and annulling) laws is most dangerous. Legis figendi et refigendi consuetudo periculosissima est.

To swear is to call God to witness, and is an act of religion. Jurare est Deum in testum vocare, et est actus divini cultus.

He is not deceived who know himself to be deceived. Non decipitur qui scit se decipi.

Every consent removes error. Omnis consensus tollit errorem.

He who uses his legal rights, harms no one. Qui jure suo utitur, nemini facit injuriam.

Impossibility excuses the law. Impotentia excusat legem.

No one is bound to do what is impossible. A l'impossible nul n'est tenu.

The law requires nothing impossible. Lex non cogit impossibilia.

The law forces not to impossibilities. Hob. 96. Lex non cogit ad impossibilia.

The law intends not anything impossible. 12 Co. 89. Lex non intendit aliquid impossibile.

It is to the intention that all law applies. Animus ad se omne jus ducit.

The intention of the party is the soul of the instrument. Animus moninis est anima scripti.

No one is bound to arm his adversary. Nemo tenetur armare adversarum contra se.

We can do nothing against truth. Nihil possumus contra veritatem.

An error not resisted is approved. Error qui non resistitur, approbatur.

Nothing against reason is lawful. Nihil quod est contra rationem est licitum.

Liberty is an inestimable good. Libertas inaestimabilis res est.

No one is bound to expose himself to misfortune and dangers. Nemo tenetur seipsam infortunis et periculis exponere.

It is better to suffer every wrong or ill, than to consent to it. Melius est omnia mala pati quam malo concentire.

It is better to recede than to proceed in evil. Melius est recurrere quam malo currere.

Not only what is permitted, but what is proper, is to be considered, because what is improper is illegal. Non solum quid licet, sed quidest conveniens considerandum, quia nihil quod inconveniens est licitum.

Whatever is against the rule of right, is a wrong. Quicquid est contra normam recti est injuria.

When the law fails to serve as a rule, almost everything ought to be suspected. Ubi non adest norma legis, omnia quasi pro suspectis habenda sunt.

No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Invito beneficium non datur.

He who errs is not considered as consenting. Non videntur qui errant consentire.

What is otherwise good and just, if sought by force or fraud, becomes bad and unjust. Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur.

Your demand that I sign your form under penalty of perjury **when you know** that I cannot sign it **without qualification** because of your failure to answer my, and/or other members of the Independent American Party, questions appears to a subornation of perjury as defined at NRS 199.150.

"Attempt to suborn perjury. Every person who, without giving, offering or promising a bribe, **shall incite or attempt to procure another to commit perjury,** or to offer any false evidence, or to withhold true testimony, though no perjury be committed or false evidence offered or true testimony withheld, shall **be guilty of a gross misdemeanor.**"

The statute defining perjury is clear on this issue and is found at NRS 199.145

Statement made in declaration under penalty of perjury. A person who, in a declaration made under penalty of perjury:

1. Makes a willful and false statement in a matter material to the issue or point in question; or

2. Willfully **makes an unqualified statement of that which he does not know to be true,**or who suborns another to make in such a declaration a statement of the kind described in subsection 1 or 2, is guilty of perjury or subornation of perjury, as the case may be, which is a category D felony and shall be punished as provided in NRS 193.130.

As the Secretary of State knows that any statement I would make would be **with qualifications** until I fully understand the meaning of words used within NRS 294A.120 and how the lawmakers and enforcers claim they can bypass the Nevada and USA Constitutional restrictions any statement I would make would be a **willful qualification** and therefore a felony since, "He is not deceived who know himself to be deceived. Non decipitur qui scit se decipi."

It appears that even though you state in your latest letter that, "Failure to sign under penalties of perjury is also a violation of NRS 294A.120(2)(b) and 294A.200(1)(c)," these statutes cannot supersede Constitutional limitations on such laws.

As I wrote in my previous letter:

Lefkowitz v. Turley, 94 S. Ct. 316, 414 U.S. 70 (19 73).

"The Fifth Amendment provides that no person shall be compelled in any criminal case to be a witness against himself. The Amendment not only protects the individual against being *involuntarily* called as a witness against himself in a criminal prosecution *but also privileges him not to answer official questions put to him in* ***any other proceeding*** *civil or criminal* ***formal or informal****, where the answers might incriminate him in future criminal proceedings."*

I do hereby, on this the 26th day of September in the year of our Lord God, Jesus Christ 2002, in good faith, swear in the Name of God, Jesus Christ, and in doing so call Jesus Christ as a witness, that the foregoing is true and correct to the best of my knowledge and legal understanding.

Merritt K. "Ike" Yochum
4837 E. Nye Lane
Carson City, NV 89706

4b. Does the Secretary of State have the authority to grant me immunity from prosecution before I again your from under penalties of perjury that may be later used against me in a criminal court of law?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

5. Can any of the information I give on the form be used against me in a court of law at some later date?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

6. Does the Constitution of the United States of American allow the State of Nevada to make something other than Gold or Silver as tender in payment of debt?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

6a. Is a fine a debt?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

7. When the Declaration of Candidacy is signed does the elector sign a contract?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

8. Since there are no criminal penalties for failing to file is this Declaration of Candidacy contract the only means of enforcing the NRS 294A statutes against a candidate?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

9. Is the definition of "good cause" defined in law or regulations?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

10. Did you Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and ensure that the record created is available for review by the general public in the case of Independent American Candidate Joshua Hansen and your assessed $1475.00 fine from the 2000 AD election?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

11. Can the Secretary of State determine what good cause is without reference to law or regulations?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

12. Is NRS 294A Constitutional in all sections and sub-sections?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

13. Must I waive my rights against self-incrimination in order to run for a State political office in Nevada?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

14. Have you secured a perfect toleration of my religious beliefs?

_____ _____ _____ _____
Yes No Unsure Answered in writing (see attached)

I do hereby swear an oath that the forgoing answers and attachments are true and correct.

_____
Dean Heller