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6 Plaintiff *pro se*.

**ORIGINAL
FILED**

FEB 29 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

11 Clifford Johnson,
12 *Plaintiff*

13 v.

15 Department of the Treasury of the United
16 States, and Tim Geithner,
17 *Defendants*

No. CV-11-6684-WHA

FIRST AMENDED COMPLAINT FOR
DECLARATORY RELIEF

[U.S. Const., Amnd. 1; right to petition]

19 **1. Jurisdiction.** Jurisdiction arises under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201
20 (declaratory judgment); and U.S. Const., Amnd. 1 (plaintiff's right to petition impaired by directly
21 dismissive official postings of categorical and financial misinformations).

22 **2. Venue/Intradistrict Assignment.** Venue and intradistrict assignment are proper under 28
23 U.S.C. § 1391(e)(3), per Johnson's below residence.

24 **3. Plaintiff.** Plaintiff Clifford Johnson resides at 45901 Pacific Woods Road, Gualala,
25 Mendocino County, California. Johnson's mailing address, phone number, and e-mail are given in the
26 above caption. Johnson is a citizen of the United States.

27 **4. Defendants.** Defendant Tim Geithner is sued in his official capacity, as Secretary of the
28 Defendant Department of the Treasury of the United States ("Treasury"). Both Defendants are located

1 at 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220, and are represented by Melinda Haag,
2 450 Golden Gate Avenue, Box 36055, San Francisco, CA 94102. Tel: (415)436-7200.

3 **Statement of Facts**

4 **5. United States Currency Petitions. (i) Social Security.** On October 26, 2011 Johnson
5 petitioned the so-called deficit “Supercommittee,” urging that it recommend that a few hundred billion
6 dollars of automatic Social Security payments be made with true United States notes (i.e. notes issued
7 not by the Federal Reserve, but by the United States), thus retiring that debt, instead of rolling it over at
8 reset rates of compounding interest, with dealer fees et alia added. Exhibit A on pages 8-9 is an
9 October 28, 2011 “OpEd” article by Johnson, presenting this petition.

10 **(ii) Lincoln Greenbacks.** All cash (paper notes and coins) is now issued mechanically, to meet
11 demand. In June, 1862, President Lincoln vetoed an issue of irredeemable (fiat) bank notes, based on
12 the large government savings that would plainly accrue from instead issuing fiat United States notes. A
13 united legislature promptly agreed. Johnson has signed the petition at Exhibit B on page 10, which in
14 pertinent part urges that all paper money forthwith issue as United States notes, for the same reason. In
15 2011 alone, this would have reduced the debt held by the public by more than \$250 billion.

16 **(iii) \$1 Coin-Swap Bills.** Exhibit C on page 11 reproduces: **(a)** a February 4, 2012 Chicago
17 Sun-Times article re the January 31, 2012 introduction of bill S. 2049, and re pending bill H.R. 2077,
18 which propose to replace all Federal Reserve \$1 notes with \$1 United States coins; and **(b)** a February
19 23, 2012, supporting petition submitted by Johnson (aka Tom_Paine_II), through the POPVOX.com
20 public forum, to both of the respective congressional committees and to both of his congressmen,
21 based on the \$58 billion taxpayer savings further specified in paragraph 8(iv).

22 **6. Face-Value Seigniorage.** When issued, fiat money extracts for the issuer a “seigniorage” tax
23 equal to its face value, minus production and processing costs which overall are relatively trivial, more
24 \$100 than \$1 bills being printed. By issuing all of the nation’s paper and digital money, the Federal

1 Reserve, which is owned by private member banks, now garnishes almost all of the nation's face value
2 seigniorage tax. Banks at large garnish even greater "seigniorage" revenue by "fractional" banking.

3 **7. Categorical Misinformation.** To preserve this crippling total seigniorage tax drain, the
4 Treasury officially and systematically repudiates, belittles, ignores, and conceals the great financial
5 benefit that would promptly revert to the government by issuing true United States notes. In particular,
6 its website's (treasury.gov) "Legal Tender Status" and "US Notes" pages thrice dismiss United States
7 notes as obsolete since 1971, by the following categorical falsehood:

8 United States Notes serve no function that is not already adequately served by
9 Federal Reserve Notes.

10 In fact, only United States notes adequately serve the functions of: **(a)** large, direct, prompt debt
11 reduction; **(b)** interest-free financing; **(c)** exact economic tailoring; and **(d)** pay-as-you-go, collection-
12 free, flat-tax funding. In particular, Federal Reserve notes cannot serve the function that United
13 States notes serve in Johnson's petitions, of painlessly reducing the national debt held by the public.

14 **8. Financial Misinformation. (i) Coin-Swap Question.** A March, 2011 General Accounting
15 Office report (*U.S. COINS: Replacing the \$1 Note with a \$1 Coin Would Provide a Financial Benefit*
16 *to the Government*, GAO-11-281) answered the following question for Hon. Richard Shelby, ranking
17 member, Committee on Banking, Housing and Urban Affairs, United States Senate:

18 What is the estimated net benefit, if any, to the government of replacing the \$1 note
19 with a \$1 coin?

20 **(ii) Game-Changing Seigniorage.** Answering this question requires costing the seigniorage
21 benefits that automatically readjust when United States currency, coin or note, mixes with and/or
22 replaces Federal Reserve currency. Thus, answering this question on the small scales of coinage
23 implicitly answers it on every scale, including complete conversion of the currency. These benefits are
24 in fact so high that they swamp the benefits that the GAO report instead labors to compute, as follows.
25 Had the face-value seigniorage benefits been properly included in the GAO report, they would have
26 trumpeted the huge and prompt debt reducing advantages of United States currency.

1 **(iii) Model Falsehoods.** The 2011 GAO report trustingly adopts a Federal Reserve model
2 which impertinently presumes that the government must operate in debt, and which misrepresents that:
3 **(a)** when a new \$1 coin is put in circulation, the *only* government benefit is the *relief from interest* on
4 \$1 of debt; and **(b)** there is no government benefit when a \$1 coin replaces a \$1 note, because the
5 interest relief from \$1 is offset by the loss of interest from \$1 in Federal Reserve profits returned to the
6 government. In fact: **(a)** when a new \$1 coin is issued, the government's account is credited with \$1;
7 and **(b)** when a \$1 note is replaced by a new \$1 coin, the government (when in debt) also obtains relief
8 from interest on 81.5 cents, since the Federal Reserve owns only 18.5% of the debt held by the public.

9 **(iv) Understated Totals.** In conclusion, the 2011 GAO report estimates initial *losses* for four
10 years due to start-up costs, and a net benefit after 30 years of only \$5.6 billion, if that. In fact, because
11 coins are *United States* currency, the government would also benefit from: **(a)** an early *gain* of \$13.75
12 billion against the debt held by the public, from replacing the present 9.5 billion dollar bills with 150%
13 as many coins; **(b)** a further gain in excess of \$30 billion from coins added over the 30 years; and **(c)** a
14 further \$14.5 billion gain from 81.5% of the interest relief per note replaced by a coin. Hence, the net
15 government benefit after 30 years would exceed \$58 billion, as a matter of accounting fact.

16 **(v) Treasury Cover-Up.** In 1990, 1993, 1995, and 2000, GAO reports answered the coin-swap
17 question using the same grossly false Federal Reserve model. Throughout, the Treasury provided
18 guidance and comments that approved the Federal Reserve model as reasonably accurate, while
19 knowing better by long rooted, ongoing accounting practice. Exhibit D on page 12 is the Treasury's
20 letter of comment on the 2011 report. By silence, the letter continues and reinforces the 21 years of
21 financial misinformation authoritatively published in the series of five GAO reports.

22 **9. Impaired Petitions.** Said Treasury.gov website puffs the Treasury's unique status as the
23 nation's definitive source for information re the nation's currency and debt; stresses that reducing
24 financial illiteracy is an urgent Treasury duty; and promises the utmost care and integrity in publishing
25 related facts. Wherefore, said categorical and financial misinformations officially and authoritatively
26 contradict and so greatly impair Johnson's petitions for issues of United States currency.

1 from the use of public notes as far as they could be safe and proper.” Said falsehoods impermissibly
2 suppress the use of public notes as far as they can be safe and proper, contrary to the Framers’ explicit
3 commitment to secure the sovereign’s paper money power against the Monied interest. U.S. Const.,
4 Art. I, Sec. 8, Cl. 4, 11; *Notes Of The Federal Convention* (Aug. 16, 1787); *The Debate On The*
5 *Constitution*, part 2 at 94, 110, 148, 422-423, 476-477, 639-640, 659, 678.

6 (iv) *Prima Facie Capture*. Said falsehoods are the artful product of numerical models and
7 obfuscating mumbo-jumbo designed and promulgated by the Federal Reserve. On their face, said
8 falsehoods secure the one-way bank-government lender-borrower relation inherent in the exclusive use
9 of Federal Reserve notes. The borrower is servant to the lender, wherefore this relation per se renders
10 the government subservient to private bank interests. On its face their mumbo-jumbo hijacks the
11 government, as in the 2011 GAO report’s rationale, which brazenly asserts that the Federal Reserve *is*
12 the government, so as to palm off the conclusion that there is no overall loss to the government when it
13 pays money in any amount into the Federal Reserve’s private account. This outrage boasts the capture
14 of representative government by private banking interests, and loots the Treasury.

15 *WHEREFORE*, Johnson prays that this court:

16 (1) Declare that the above-alleged Treasury made or fostered statements, that “United States
17 Notes serve no function that is not already adequately served by Federal Reserve Notes” and that there
18 is no government benefit when a \$1 United States coin replaces a \$1 Federal Reserve note, impermissibly
19 impair Johnson’s First Amendment right to petition for new issues of United States currency, because
20 and insofar as: (a) they by deception coerce and distort public debate; (b) they are repugnant to the
21 constitution’s tax and money powers under U.S. Const. Art. 1, Sec. 8; and (c) they are attributable to
22 the private banking interests that own the Federal Reserve System.

23 (2) Award the costs of this suit to Johnson.

24 (3) Grant such alternative and additional relief as deemed fit and proper.

25 February 29, 2012

26 _____
Clifford Johnson, Plaintiff in propria persona

The American Crisis: A Common Sense Deficit Reduction Proposal

A painless way to reduce the deficit by a few hundred billion dollars, and incidentally open the public's eye.

By Clifford Johnson

Submitted to the Select Committee on Deficit Reduction, Oct. 26, 2011

I urge the committee to consider, and to prepare for the full consideration of Congress, the option of paying automatic social security (and perhaps other) entitlement dues now held as Treasuries with new issues of *United States* (versus Federal Reserve) notes -- not as a rule going forward, but merely for a deficit-trimming trial, limited to a few hundred billion dollars. Thereby, not only will these dues will be paid, but also that debt will be retired, instead of rolled over as the Treasuries mature, with interest rates reset, and dealer fees *et alia* added. Without impairing private contracts, this action would painlessly mitigate a fiscal crisis commensurate with those imposed by full scale war.

Given the direct and dramatic savings, the public surely deserves at least an explicit statement of the countervailing reasons against such a delimited "public money option" -- if any exist. In the entire congressional record, I find only the puffed and unexamined presumption that:

(a) inept, office-seeking politicians absolutely cannot be trusted to control themselves when printing money to spend at face value for the public good, even though each monetary issue be debated and approved, as an inflationary flat-tax; *whereas*,

(b) private bankers appointed to the FED -- acting largely in secret and independently, albeit with conflicting interests¹ -- can be trusted to print all the nation's currency, for purely private banks to leverage and lend, at interest rates and on terms that they are largely free to define and market anywhere, to whomever they choose.²

¹ See, e.g.: [Federal Reserve Directors: A Study Of Corporate And Banking Influence](#) , House Committee On Banking, Currency And Housing, August 1976.

² See, e.g., [Money Facts, House Committee on Banking and Currency](#), Sept. 21, 1964, Facts 4, 69:

4. Why was the banking system given the right to create money?

Once the money and credit is created someone must decide whom to give the money and for what purposes. This the banks do. And bank earnings are the return for wise and proper placing of the money supply.

69. If the government can issue bonds, why can't it issue money to avoid the debt and interest?

It has long been one of the political facts of life that private banks must be allowed to create the money, [except coins]... Abraham Lincoln set off a political furor when he insisted upon having the Government issue \$346 million in money (the so-called "greenbacks") instead of issuing interest-bearing bonds and paying interest on the money.

This presumption would now seem squelched by the open vigor of the current fiscal debate in Congress, made necessary by the prolonged, pervasive, elementary, selfish and incestuous idiocy of the supposedly expert and self-disciplined banking community, in causing the current crisis. But in any case, the presumption does not apply to the proposed public money option, because it is limited to automatic, mandated entitlement payouts, and further limited to the trial or "emergency" issuance of just a few hundred billion new dollars. Moreover, given this limitation, neither the FED's authority over monetary policy (i.e. its control over the quantity of money in circulation) is objectionably infringed, nor is any intolerable inflationary effect implied, since the FED would be free to withdraw equal sums from circulation, should it so choose, by reducing its presently bloated balance sheet.³

There is a further benefit from this limited public money option, which I deem of even greater value than the direct fiscal relief that it assures. Is it not compelling that the public should -- and only by such an actual trial *can* -- re-educate itself as to the extraordinary nature of its fiat paper-money power, and of the controlling profits so long gifted to, if not usurped by, a monopoly of private banking interests? Today, popular newspapers, unpopular sovereign credit rating rationales, and obscure academic banking papers, uniformly tell the public that the government has already printed trillions of new dollars, and could print more. In reality, *the government has not printed a single new dollar note since the civil war*,⁴ when Congress, after due debate, approved Abraham Lincoln's request for the limited issues of "the true greenback" that saved the nation from bankruptcy and defeat.⁵

³ As Alan Greenspan observed in a June 30, 2011 [CNBC interview](#): "If it weren't for the psychological effects, we could probably take a trillion dollars off the balance sheet of the Federal Reserve, it would essentially be removing the double counting that is going on."

⁴ There have been a few *reissues* of some of these original greenbacks, most recently by President Kennedy, in \$2 denominations.

⁵ The success of Lincoln's greenbacks rendered ridiculous the prior ridicule of New York bankers, who overplayed their hand by refusing to buy the then losing government's bonds, except at a 36% discount. See: [History Of The Legal Tender Paper Money Issued During The Great Rebellion](#), Senate Subcommittee of Ways and Means, 1869. See also: [The True Greenback](#), 1868, by Alexander Campbell, "father of the [Greenback Party](#)"; and, in a lighter vein, [Treasured Notes](#), by the author.

To: The President of the United States, The U.S. Senate, The U.S. House of Representatives, and Congress and the President

Subject: **Produce debt-free United States Notes**

Money should belong to the people, not the banks, and should be issued in sufficient quantity to meet the productive capacity of the nation, not withheld from circulation by banks that did nothing to deserve it.

Congress is empowered by Article 1, Section 8, of the United States Constitution to produce debt-free United States Notes at any time, for any reason, and actually DID create them under president Lincoln (the original "Greenbacks" - \$450 million) to defeat the South during the Civil War, when New York City banks wanted 24-36% interest.

This is money that would not have to be borrowed (thereby avoiding any debt-ceiling issues), taxed to pay for, or backed by Gold. It is legal tender, acceptable for all payments, including taxes.

This new money need NOT be inflationary if dedicated towards those areas of society which are in deflation, such as infrastructure.

U.S. Notes would function as a "Public Option for Money."

A bill sponsored by Representatives Dennis Kucinich and John Conyers, the N.E.E.D. Act, HR 2990 (formerly HR6550), would produce U.S. Notes, specifically for infrastructure, Social Security, and universal healthcare, and make the Federal Reserve a department under Treasury - for the first time, a true branch of government.

Even if you don't believe in the full measure of HR 2990, our current debt-ceiling crisis, which comes on the heels of the Federal Reserve pumping \$16 trillion into the banking system, leaving most Americans struggling with over 9% unemployment, and asking "Where is my bailout?" points to the need for a real, meaningful - and immediate - solution that would provide jobs and opportunities.

United States Notes were our country's longest-living currency, lasting until the mid-1990s. They were accepted everywhere and were widely embraced when they first came out in the late nineteenth century. It is time again for America to take back its sovereign right to "coin Money" - Article 1, Section 8 of the U.S. Constitution.

Support the True Greenback, United States Notes!

Sincerely, [signatories]

Changing the dollar will weigh down our pockets

Chicago Sun-Times, February 4, 2012

Paul Sassone, Columnist

I have nothing against the dollar bill. My only complaint is that I don't have anywhere near enough of them. But the government doesn't share my fondness. It wants to eliminate dollar bills.

On Jan. 31, a bipartisan bill (S 2049) was introduced in the U.S. Senate to replace the dollar bill with a dollar coin. There is complementary bill (HR 2977) in the U.S. House of Representatives. So, it could happen that the dollar bill is on the road to extinction.

Getting rid of the dollar bill is touted as a cost-saving measure. Being made of paper, dollar bills wear out a lot faster than metal coins. The General Accounting Office estimates using coins instead of dollar bills will save the government \$5.6 billion over 30 years.

The thing is, we Americans have not shown a fondness for dollar coins. Remember the Susan B. Anthony dollar? First issued in 1979, it was issued for only four years. People didn't like it, confused it with quarters, for one thing. And nobody wanted to lug around a pocketful, or pocketbook full, of coins.

The latest such attempt — the Presidential Dollars — hasn't done so well either. The government suspended issuing these dollars last year for lack of public interest. It has in storage \$1.4 billion Presidential Dollars and, it is estimated, would have had \$2 billion piled up by 2016, the year there were no more presidents to commemorate. From now on, Presidential Dollars will be minted only on demand for collectors. The next president to be honored will be Chester Arthur, so hurry up and get in your orders.

With bipartisan bills in both houses of Congress, dollar coins may become a reality whether we citizens like them or not.

If that happens, I bet the most noticeable result will be a big increase in the cost of everything. The dollar will become the new quarter. Instead of being able to park for an hour for four quarters, motorists will now be instructed to deposit four dollars for an hour. Eight quarters for a load of wash at the laundromat? Nope. Eight dollars. And a newspaper? Well, a newspaper is a bargain at any price.

And since no one will want to lug around a bunch of heavy dollar coins, the \$5 bill will be the basic bill of exchange. And that also will facilitate upping prices. People will use credit cards and electronic devices to pay for things even more than they do now.

So, perhaps what we're seeing is not just the end of the dollar bill, but the beginning of the end of money in general.

.....
<https://www.popvox.com/bills/us/112/hr2977/report#nation>

February 23, 2012 petitions of Johnson (aka Tom_Paine_II) to the congressional committees and to his respective congressmen, submitted as supporting comments via the POPVOX.com public forum.

The change to U.S. currency will restore to the government seigniorage tax vastly in excess of the amount that GAO has been reporting for the last 21 years. I wrote an Op Ed article showing this, "To Free A Lender-Owned Nation." You can download it from my website commondada.com, from the "Treasury" submenu.

To summarize. The General Accounting Office last year estimated that using coins instead of dollar bills will save the government \$5.6 billion over 30 years, after five years of initial losses.

In fact, merely because coins are true United States currency, the government will also benefit from: (a) an early reduction of \$13.75 billion in debt held by the public, from replacing the present 9.5 billion dollar bills with 150% as many coins; (b) a further reduction in excess of \$30 billion from coins added over the 30 years; and (c) a further \$14.5 billion reduction from 81.5% of the interest relief per note replaced by a coin. Hence, the net benefit after 30 years would exceed \$58 billion.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 18, 2011

Mr. David Wise
Director, Physical Infrastructure Issues
Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Mr. Wise:

Thank you for the opportunity to review and comment on the General Accountability Office's (GAO) draft report "Replacing the \$1 Note with a \$1 Coin Would Provide a Financial Benefit to the Government" (GAO-11-281).

The Treasury Department has reviewed the report in consultation with the Bureau of Engraving and Printing and the U.S. Mint and would like to provide feedback for clarification. In this review, several technical issues were cited concerning certain assumptions, definitions, and statements. The attached document highlights these concerns and is provided for your consideration in preparing the final report.

As noted in the draft report, GAO's study did not consider some factors that were outside the scope of the financial benefit to the Government, such as environmental impacts. Furthermore, we note that GAO acknowledged that societal costs would accompany any such transition, but these costs were not included because GAO could not quantify them adequately. The government, of course, must consider these more holistic factors in any broader discussion of the report's recommendations.

Additionally, please note that the Federal Reserve will be revising its processing methodology for \$1 notes shortly after the publication of this report. The new process is expected to significantly reduce the premature destruction of fit (acceptable) \$1 notes when they are processed at the Federal Reserve Banks. As a consequence, the life of a \$1 note in circulation is expected to increase significantly, reducing the estimated savings from replacing the \$1 note with the \$1 coin.

Sincerely,

Rosie Rios
Treasurer of the United States

Attachment 1: Technical Comments

Clifford Johnson
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Tel: (707) 884-4066

Mr. Tim Geithner, Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

November 8, 2011

Dear Mr. Geithner,

As specified below, this is to demand the immediate correction of misinformation prominently posted on the Treasury's website, because it officially contradicts and so implicitly impairs a common sense deficit reduction proposal, *sized at a painless few hundred billion dollars*, that I submitted to the Joint Select Committee (JSC) on October 26, 2011. Please take notice that, if a correction to the website is not made within 10 days of your receipt of this demand, my intention is to file a legal action seeking a remedial writ before the final congressional vote on deficit reduction measures, by December 23, 2011.

As touted on its website, *the Treasury stands alone as the nation's definitive source for precisely such information, and promises the utmost integrity in publishing it, as a high public duty*. In these crisis circumstances, what might otherwise be a humdrum correctional request to junior staff, properly assumes the form of an immediate and enforceable demand, addressed to the Secretary.

My proposal is that mandatory, automatic social security dues (held in trust as treasuries) be paid with a new issue of United States Notes, instead of with Federal Reserve Notes -- not as a rule going forward, but merely for a deficit-trimming trial, limited to a few hundred billion dollars. Thereby, the payments would be made *and that debt retired*, instead of rolled over with interest rates reset, and dealer fees et alia added. As explained in my OpEd article at <http://www.opednews.com/articles/The-American-Crisis--A-Co-by-Clifford-Johnson-111027-384.html>, this would mitigate the fiscal crisis without impairing private contracts or impertinently interfering with the FED's effective authority and capacity to control the quantity of dollars in circulation. And it would importantly open the public eye.

However, a reader pointed me to the "US Notes" (<http://moneyfactory.gov/usnotes.html>) and "Legal Tender Status" (<http://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx>) pages on the Treasury website, which *thrice* dismiss United States Notes as long discontinued, because:

"United States Notes serve no function that is not already adequately served by Federal Reserve Notes."

In fact, Federal Reserve Notes are *incapable* of serving the national deficit reducing function that in my proposal is served by United States Notes. Besides correcting the website, I request that you so inform the JSC directly, with respect to my October 26, 2011 proposal.

Yours sincerely,

Clifford Johnson