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Office of the Clerk,
U.S. Court of Appeals for the Ninth Circuit,
P.O. Box 193939,
San Francisco, CA 94119-3939

July 1, 2013

Re: Appeal No. 12-16775
Johnson v. United States Department Of The Treasury, et al.

Circumstantial Case Update

Dear Clerk,

This letter is pursuant to my duty as appellant in the above appeal to inform the court of new facts that might reasonably color consideration of the issues. Article III standing being at issue, I am mindful that “the Court [must] insist upon that ‘concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.’” *U.S. v. Windsor*, 12-307 (U.S. 6-26-2013), at 10.

In perhaps sharpest part, concrete adverseness herein depended on my allegations re Senate bill S. 2049 (Excerpts of Record, Vol. III at 74), for which I actively petitioned. Known as the Coins Act, S. 2049 proposed to replace all \$1 Federal Reserve bills with \$1 United States coins. This put concretely at issue Treasury-mentored GAO estimates of the net financial benefit that would thereby automatically accrue to the government from “seigniorage.” It is alleged that the estimates are grossly understated, by precise multi-billion dollar amounts. Informational footnotes (opening brief at 12 n. 8; reply brief at 13 n.7) state my intention to add the GAO as a defendant, should the case be remanded, based on its post-filing failure to respond to my direct demands for public correction of the estimates.

S. 2049 of course expired with the last session of Congress. However, all of the pertinent allegations re S. 2049 now apply to the Coins Act, S. 1105, introduced June 6, 2013. In fact, they apply with even greater force, in that, this time around, my directly and publicly communicated challenges to the GAO’s dollar estimates have not only been discounted in responses from congressional representatives, but on June 10, 2013 I received the following terse response from the GAO’s Director of Physical Infrastructure Issues, Ms. Lorelei St. James, who is the official author of and congressional witness for the disputed GAO net benefit estimates:

Mr. Johnson: Thank you for your interest in our work. We feel our estimates are sound and we have no plans for revising them. Thank you, Lorelei St James

Of course, these new facts are not formal evidentiary introductions, and might in no degree affect the court’s considerations. Nevertheless, I deem it fit and proper to fully so inform the court, in good faith. At least, the court could now elect to word its opinion so as to indicate whether amendments based on such facts would be fit or futile.

Yours respectfully,

Clifford Johnson, appellant pro se

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