

GRAFTON COUNTY COMMISSIONERS' MEETING

Administration Building
North Haverhill, NH 03774
December 2, 2025

PRESENT: Commissioners McLeod, Piper, Hedberg, County Administrator Libby, Assistant County Administrator Elsholz – via Teams, and Administrative Assistant Norcross

OTHERS: DoC Superintendent Lethbridge, Nursing Home Administrator Labore, Maintenance Superintendent Oakes, Sheriff Myers – via Teams, Representative Barton, Emilie Smith – via Teams, Nick De Mayo – via Teams, Representative Spahr – via Teams, Jessica Saxton, Tanawah M. Downing

Commissioner McLeod called the meeting to order at 9:05 am.

DoC Supt. Lethbridge arrived and gave the following report *(see attached)

Memos for Consideration

1. Classification Standard Operating Procedures – Supt. Lethbridge stated that they have used the new classification system for ten (10) months, and they are looking to make some revisions. He stated that the list of charges counted as assaultive has been reduced and made clearer, and additional guidance related to housing pre-classified inmates was added. He answered questions from the Commissioners.

MOTION: Commissioner Piper moved to approve the Classification SOP.
Commissioner Hedberg seconded the motion, and all were in favor.

2. Admissions and Orientation Standard Operating Procedures – Supt. Lethbridge explained that this policy addresses how they handle inmates who are combative and what property they will or will not accept into the facility. The guidance on ICE detainees complies with NH requirements without volunteering to exceed those requirements at local taxpayer expense. He stated that there are statutory changes taking effect January 1st, 2026, and the revisions to this policy are in line with those changes.

MOTION: Commissioner Piper moved to approve the Admissions and Orientation SOP.
Commissioner Hedberg seconded the motion, and all were in favor.

3. Out of State Travel Request – Supt. Lethbridge stated that he is requesting to attend the American Jail Association Conference in Milwaukee, WI, from May 15th – 20th.

MOTION: Commissioner Hedberg moved to approve Superintendent Lethbridge traveling to and attending the American Jail Association Conference in Milwaukee, WI, from May 15th – 20th, 2026. Commissioner Piper seconded the motion, and all were in favor.

Nursing Home Administrator Labore arrived and gave the following report (* see attached)

1. January 1, 2026, Medicaid Rates – NHA Labore stated that there will be some discussion at Friday’s NHAC meeting about rates and a decrease across the board for all but 12 providers. He reported that the nursing home will see a \$10.69 decrease in the Medicaid rate starting January 1st. He stated that DHHS explained that had they kept rates stable, they would have overspent the state nursing home budget by \$5.2 million.
2. Resumption of State Survey Inspections – NHA Labore stated that now that the government shutdown has ended, state inspection surveys are continuing.

Agenda Items:

1. The Commissioners signed check registers 1065-1069; 2025-11.21.2025.
2. Motorcycle Agreement – CA Libby stated that the current lease agreement expires on June 30th, 2026. She explained that they have done a 6-month agreement from July 1st, 2026, to December 31st, 2026, not knowing what the plans are for the courthouse and the parking lot. The county receives \$200 each weekend a class is held.

MOTION: Commissioner Hedberg moved to authorize CA Libby to sign the Motorcycle Use Agreement with the State of NH. Commissioner Piper seconded the motion, and all were in favor.

Superintendent Oakes arrived.

Supt. Oakes reviewed the attached document with the Commissioners.

CA Libby stated that a new lease is at least three (3) years out, and there are a lot of what-ifs with both parties. The intent is to discuss the pushback the County is receiving regarding the courthouse and the state’s involvement with State officials. Commissioners agree that they would like the Executive Councilors involved in those discussions.

Commissioner McLeod stated that her concern, with regard to the Courthouse Building Committee’s recommendation to have Register Monahan provide the Commissioners with a prioritized list of bullet points listing her facility and security concerns with the Administration Building, is that Register Monahan may not be here in the future, and they are planning for the future. She stated that all they have heard is that the current space has water issues, fire suppression issues, and the environment and temperatures are never correct. The county has spent \$1 million to restore the records, and they need to take care of them. She asked how they protect that investment in this building. Supt. Oakes suggested having a talk with Register Monahan. Register Monahan has changed her position on a number of things over the years and he suggested finding out what her priorities are now. He explained that they would get cost estimates to address valid concerns, and if it is determined that it is less costly to address them rather than moving the department to the new courthouse, they would recommend removing the department from the project. CA Libby noted that the Deeds Surcharge account has over \$300,000, and if there are concerns that need to be addressed specifically in the deeds area of the

Administration Building, they may be able to use some of these funds, which would be almost no cost to taxpayers.

Commissioner Piper stated that she agrees with Commissioner McLeod about the money that has been invested, and she agrees with Supt. Oakes as well that Register Monahan has changed her mind many times. This is a moving target, so to speak. They have had this conversation many times. The Board of Commissioners has responsibility for the oversight of the buildings and personnel, and they had to make the decision to allow free passage in the public hallway that goes through the Register of Deeds Office. Administration has a public hallway, and it is used by nursing home personnel who wish to walk over here without going out into the weather to go to HR. Commissioner Piper stated that she was the chair for two (2) terms, and she had numerous nursing home employees talk to her about treatment that they had undergone from the Register of Deeds. This is a long-standing issue, and she does not think it is going to go away. The decision was made to take the deadbolt off to give access to their own county personnel. She wonders why they are going to have this conversation again. The last time Register Monahan was here, she said she wanted the minutes presented from the past of when she had asked to move. Commissioner Piper stated that she would like to see this as well. Commissioner Piper stated that she remembers saying to the Register of Deeds, so you have changed your mind and she responded yes. Commissioner Piper added that she does not think removing the Register of Deeds from this courthouse project will get it to pass. Commissioner McLeod stated that they are looking at the future of the county.

CA Libby stated that if they look at it from the operation of the Register of Deeds Office, why is it better to have it at the courthouse and not here, where it has been for 25 years? Commissioner Piper stated that Register Monahan made a compelling argument for safety. Commissioner McLeod added concerns about security, environmental controls, and protection of the documents. Commissioner McLeod noted that they are also looking at the treatment of other employees who need to use a public hallway. Supt. Oakes stated that even if they put the Register of Deeds in the new building, they will still see the same behavior, so he feels that is a moot point. CA Libby stated that they need to look at it from the function of the office and not the people involved. Commissioner McLeod stated that there is no security in the administration building, and the courthouse would have security. They hear about the constant threat from the public. Commissioner Piper stated that, in terms of cost, the Register of Deeds has requested that a security office and personnel occupy the first floor of the administration building. CA Libby stated that there are other ways to address some of these issues that do not have to be that comprehensive. Commissioner Piper asked how they objectively validate those concerns because they have not been able to do that in the nine (9) years that she has been here, and therefore, the previous Board of Commissioners made the decision to grant this move that had been requested.

Supt. Oakes stated that in regard to the security issues, they either have a real security issue or a perceived security issue. CISA made some recommendations during their visit that validated some of the concerns. If they are moving one (1) individual to appease her concerns, there is still a building full of people who are exposed to whatever those security concerns are. If there really are issues in the building, they should address the concerns, which would alleviate Register

Monahan's concerns as well. Commissioner McLeod stated that the Register of Deeds office is the reason why people are coming in, which may be a threat. CA Libby stated that Human Resources is located in this building and asked what person could be more upset than a disgruntled former employee. Commissioner McLeod stated that they are talking about the Register of Deeds and their concerns about the security of personnel and the documents themselves.

Commissioner Piper stated that she appreciates what CA Libby said, but she has not heard these concerns brought up by anyone else on the first floor. Commissioner Hedberg stated that what they have heard is that there have been changes made to the department here that have alleviated some of the issues. When the Courthouse Building Committee was charged with looking at the potential size of the building, the two (2) elected officials were the ones mentioned, as well as all other departments. All they are asking for is a prioritized list to look at and see if there is a conversation to be had. This does not say they are doing one thing or another. They will look at it and see if there is a way to change the size of the building. This has been an issue she has heard from both parties of the Delegation. Commissioner McLeod stated that the Commissioners' concerns should be included as well. She appreciates the Delegation's comments, but they are not sitting here every week. Commissioner Hedberg stated that anything that comes out of this review will come back to the Board of Commissioners. She stated that she thinks it would be beneficial to go back and review the minutes.

Commissioner Piper stated that she appreciates what Commissioner Hedberg is saying, but she does not see how this is going to yield results.

Commissioner McLeod stated that they should look at the space needs of that office and whether they need that much space because there are not that many employees who work there. They should look at what the needs are for the documents and the employees. CA Libby stated that they did not have input from the Register of Deeds Office on the design of the space. Register Monahan refused to fill out a questionnaire. She wanted to talk to the architect by herself without the Courthouse Building Committee there, and that was not the process they followed with the rest of the departments. Supt. Oakes stated that Register Monahan refused to participate in that process, and the Commissioners then charged himself and CA Libby with coming up with the space needs to the best of their ability. Commissioner McLeod stated that they should look at getting the Deputy Register of Deeds involved in this. Supt. Oakes stated that Register Monahan was the one who raised concerns about being in this building. She said it enough that the Commissioners adopted her concerns, and this is why she was added to the courthouse project. She has since changed her mind on some of those items. Having her provide a bullet list of her concerns will codify the latest concerns. She would have then had input, and they could narrow down those concerns and figure out what the cost is to address them.

Commissioner McLeod stated that it makes sense to her that if they are building a courthouse for future needs, the Register of Deeds be considered in that building. They need to look at space needs and get Register Monahan's input.

Commissioner Hedberg stated that they are not discounting anything that the Commissioners have said. The Courthouse Building Committee was asked to look at these things, and this is the plan they came up with to revisit the concerns that had been brought to them by members of the Delegation.

Commissioner Piper asked that the administrative staff pull the minutes regarding previous conversations about the courthouse. She stated that if comments from the Register of Deeds did not make it into the minutes, they could pull the audio.

Commissioner McLeod stated that she would like them to talk to the Deputy Register of Deeds about the space needs and look to scale that office down, but also consider the Commissioners' concerns, as evidenced by the minutes. She stated that as Commissioners, through the County Administrator, they are asking the Deputy Register of Deeds to fill in the questionnaire and have a discussion with the Courthouse Building Committee. Asst. CA Elsholz stated that she thinks it is quite unfair to bring the Deputy Register into this and put an employee in that position when their supervisor would not have filled out that questionnaire. It puts the employee in an awkward situation. Commissioner McLeod stated that the difference is that she is a county employee, whereas the Register of Deeds is an elected official. Commissioner Piper stated that department heads were not able to refuse to meet with the building committee because they were county employees; only elected officials could refuse that request. CA Libby stated that the Deputy Register of Deeds is not a department head. She works directly for Register Monahan. If Register Monahan directly tells her Deputy not to talk to the building committee, that is a terrible position that the Commissioners are asking the administrative staff to put one of their employees in, to have to choose to either do what their direct supervisor tells them to do, or what the Board of Commissioners tells them to do.

Commissioner McLeod and Commissioner Piper both felt they needed to ask the Deputy Register of Deeds to be involved. Commissioner Hedberg asked, given the concerns that both CA Libby and Asst. CA Elsholz have raised, if whether it would be reasonable to allow Register Monahan to complete the forms and then revisit if it doesn't happen. Commissioner Piper and Commissioner McLeod agreed.

Supt. Oakes further reviewed the attached document with the Commissioners.

Agenda Items:

1. Commissioner McLeod asked if everyone had a chance to read the minutes from the November 18th meeting. Commissioner Hedberg and Commissioner Piper both had a couple of grammatical edits.

Commissioner McLeod read the following statement in reference to Mr. De Mayo's statements from last week's minutes:

“ I did not make the statements that he said I did.

I have lived in NH all my life and in Grafton County most of that time. I was born and raised in Grafton County, and I live in the house I grew up in, where my parents ran their own business from and raised 5 kids. 4 of the 5 siblings live in Grafton County, so we have deep roots here. I have served in the NH House for two terms and am now in my second term here. I have served on numerous not-for-profit boards in the state and ran a not-for-profit, all of which had the mission to help people in this county and state and make sure people got the health care, housing, and services they need. So, to say that I am unconcerned about the people and their needs is both offensive and insulting.

I do think that people moving to NH from other states need to do their research/homework before they move here and start telling us how to run our state/county. NH runs its government on the back of property taxpayers. We have one of the most regressive tax systems in the country. “More than half of all state and local government tax revenue collected in NH comes from local property taxes,” according to the NH Fiscal Policy Institute. Do I agree with this form of taxation? No, but it is what it is-it is how we provide the necessary services for our people, such as a justice system and safety services.

If Mr. De Mayo wants to be listened to, then stop insulting and misquoting people and providing fake news, and instead provide real solutions that fit with the system we live in-solutions that are possible. If he thinks that insults and disparaging remarks are solutions, he is wrong. If he thinks that anyone is listening to the negativity he espouses, I doubt it. If he continues to make a hostile workplace for county employees by disparaging and demeaning them, then he will be the cause of lawsuits that cost more money, not less in his taxes.”

MOTION: Commissioner Piper moved to approve the minutes from November 18th as amended. Commissioner Hedberg seconded the motion, and all were in favor.

2. CDBG Paperwork - Belknap Economic Development Amendment — CA Libby stated that the county is terminating their contract with Belknap Economic Development Council. BEDC lost its Executive Director, and their Board of Directors does not have the capacity to complete the 2025-2026 Micro TA contract requirements. She stated that CDFA is going to require a formal closeout and monitoring of BEDC’s 2023-2025 contract to determine performance with the subrecipient agreement and financial management systems. With the grant funding, there will be an independent financial management consultant hired to do this part of the work. The grant administrator is going to put out an RFP once this amendment is sent back to them. CA Libby submitted a letter formally advising CDFA of the termination of the contract with BEDC, for all three (3) Commissioners to sign.

MOTION: Commissioner Hedberg moved to terminate the subrecipient agreement with Belknap Economic Development due to a lack of staff and the capacity to fulfill the grant requirements. Commissioner Piper seconded the motion, and all were in favor.

3. HB 1064- CA Libby stated that Kate Horgan has asked all County Commissioners to look at HB1064 to give their opinions. The Commissioners reviewed the bill and were in agreement that they are opposed at this point, as there is not enough information.

4. EMS Project Update – Commissioner Hedberg presented the attached update and reviewed it with the Commissioners (* see attached)

CA Libby stated that she has the draft report from MRI and has been asked to review for any technical errors. She will send the Commissioners the draft for them to review as well.

Commissioner Issues:

1. Commissioner McLeod stated that she received a thank-you note from the French Pond School.

Public Comment

1. Representative Barton thanked the Commissioners for resuming the Zoom calls, noting that many of his constituents were concerned about transparency. He stated that he attended one of the informational sessions on the courthouse. Rep. Barton stated that there has not been a meeting in North Haverhill, the county seat, and he wants to know why that is. He further stated that he intends to vote against the bonds, partly after reading all of the information he has received. With respect to the Register of Deeds, he does not think the Commissioners would have suffered any harm by letting her speak to the architect. Rep. Barton stated that he does not think the votes are there to support the bond as it's presented right now. He noted that he supports HB 1064. Rep. Barton stated that he does not know how this body is run, whether it is by Roberts Rule of Order, but typically, before any new business is started, they would adopt an agenda. They would accept minutes from the last meeting, then conduct their meeting. Reports are accepted by the members, and minutes are adopted before the new businesses. Rep. Barton stated that he reiterates the concerns from his constituent in Sugar Hill about the Chair of this commission, one being transparency, and the other with regard to the courthouse.

2. Tanawan Dowing, Civil Rights Litigator and Advocate, Washington D.C – T. Dowing presented the attached document.

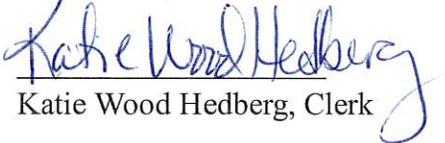
3. Jessica Saxton – J. Saxton stated that she is a Civil Rights Advocate Litigator from Washington D.C, as well, and she represents the family side regarding the items T. Dowing spoke of. She stated that there are law enforcement that accompany CPS, and they are unlawfully removing children. This is a violation as they are depriving families and children of their rights that are protected by the constitution. J. Saxton stated that the second violation is that the state is profiting off the removal of children. This is Title IV and every time the state is receiving federal funds from unlawfully removing a child, it is now more than just the declaration of rights. She stated that she is verbally putting the Commissioners on notice and they need to look into this. Just because they may not have known what Title IV was before she told them, now that they have been made aware they need to look into it and act.

4. Rep. Spahr thanked the Commissioners and staff for their work and efforts in looking at how to save taxpayer money. The question is whether there is a safety, security, or efficiency issue that warrants moving Deeds to the new facility. He stated that they are trying to be stewards of taxpayer dollars, and it is worth looking at.

5. Nick De Mayo stated that it seems every time he speaks, Commissioner McLeod leaves. He has no personal battle with her, and all comments have been regarding her actions regarding duties as a Commissioner. He stated that he has been in New Hampshire for 45 years, and has as much right to speak about what's going on as anyone else. He stated that the taxpayers are not included in this process. The informational meetings around the county were an eye opener for the Commissioners and he does not think they were expecting that. N. De Mayo stated that he has no personal grudge against Commissioner McLeod but as Commissioners, they need to develop a thick skin and have poker face eyes. When they are receiving criticism, they need a poker face. He has a right to speak and a right to have a say in how the county spends their money. N. De Mayo stated that he thinks more people should attend these meetings and keep an eye on what is going on.

11:40 AM With no further business, the meeting adjourned.

Respectfully Submitted,


Katie Wood Hedberg, Clerk

Monthly Department of Corrections Activity Report

October 2025



Major Incidents:

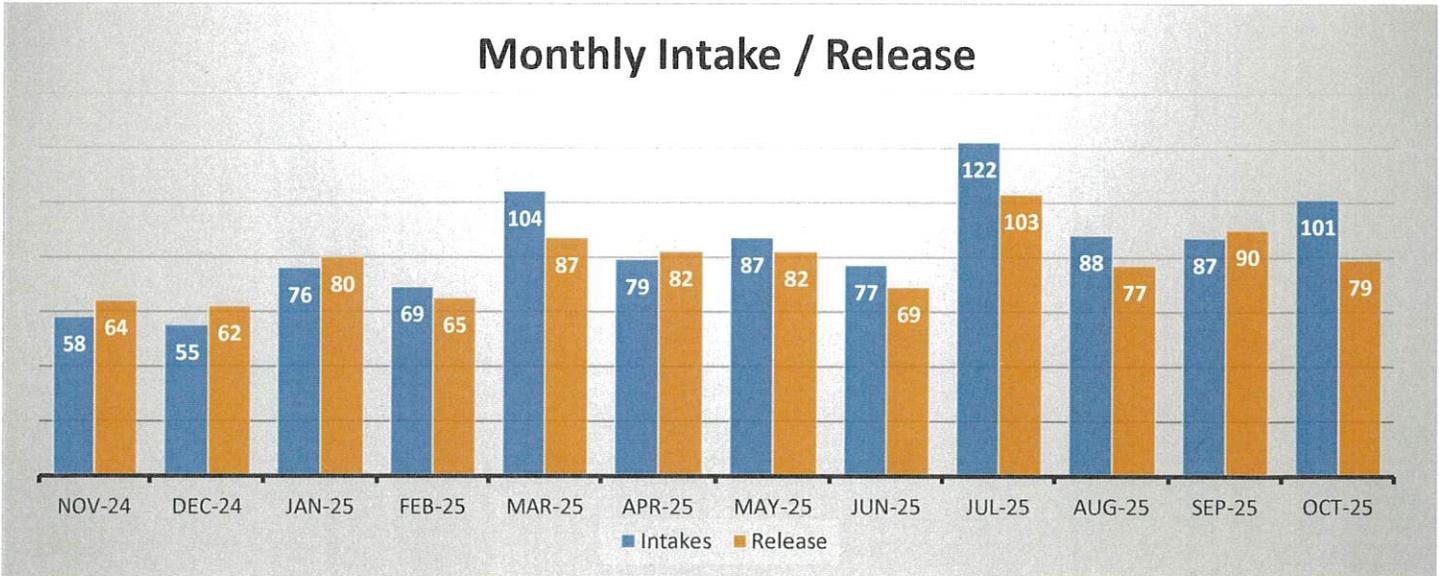
There were no major incidents in the Grafton County Dept of Corrections in October.

Population Data:

Total Intakes for the Month: **101** (Coos County Females:13)

Total Releases for the Month: **78**

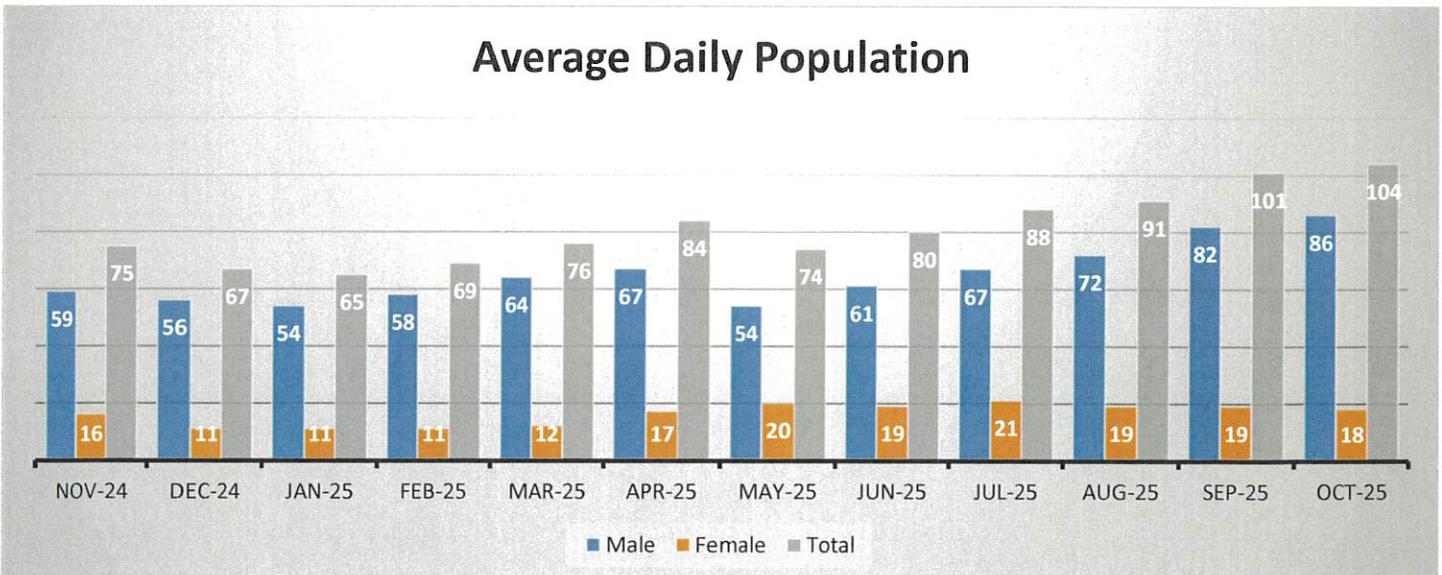
Monthly Intake / Release



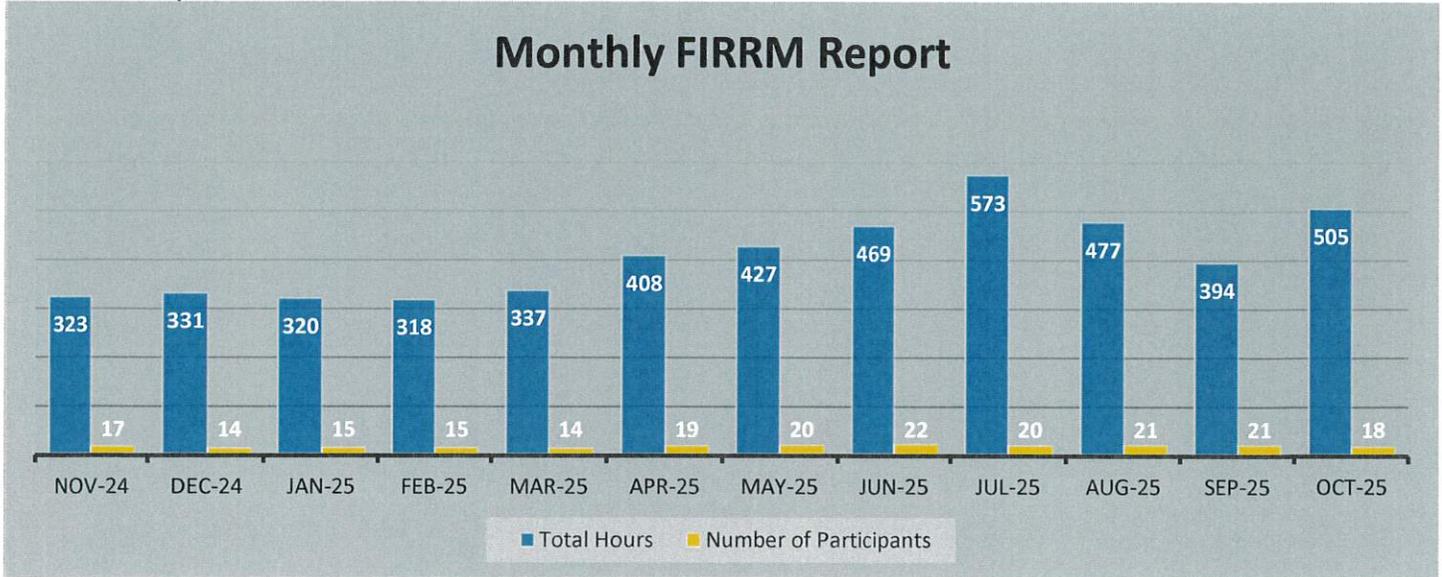
In House Average Daily Population for the Month: **104**

Male: **86** Female: **18**

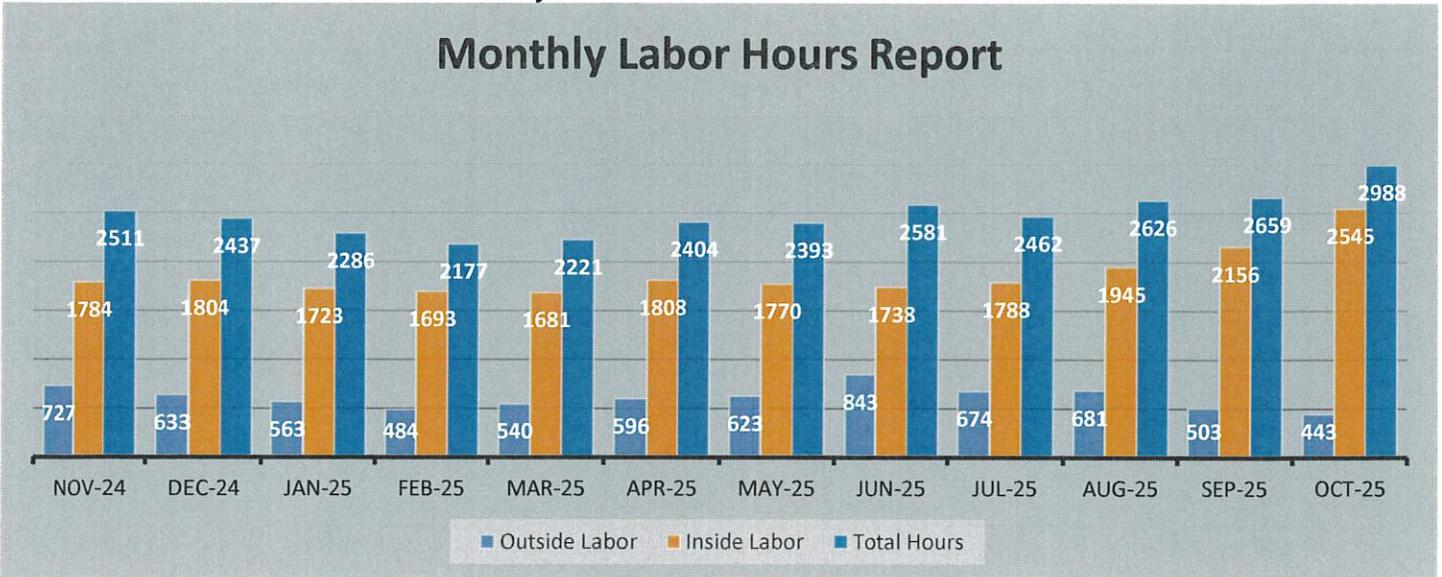
Average Daily Population



Inmates participating in FIRRM program during the month: **18**
 Total Participation Hours: **505**



Hours of inmate labor outside the facility: **443**
 Hours of inmate labor inside the facility: **2545**



Food Service:

Average per meal cost to feed each inmate: \$1.85, matching September's average meal cost. 8442 inmate meals were served during the month of October, for a total food expenditure of \$15,621. The far also received and processed 1,967 pounds of squash from the County Farm in October.

The kitchen has not received any applications for the full time and part time vacant chef positions since those positions were posted in August.

Medical:

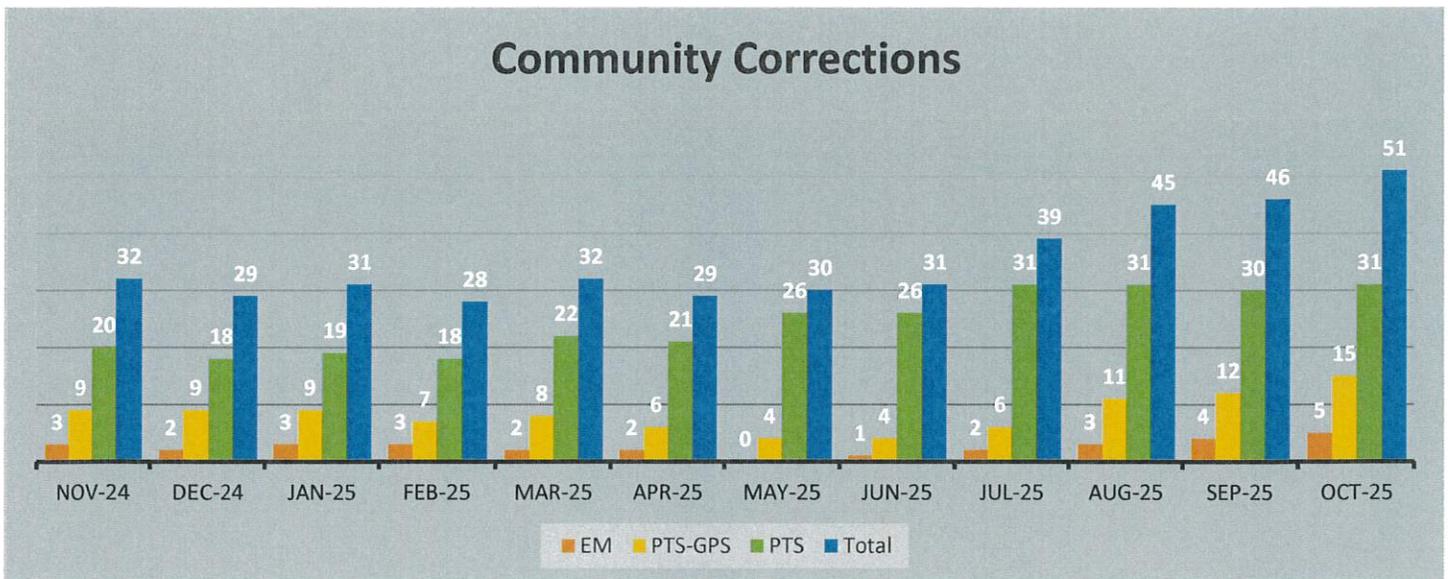
There were no major medical events at the DOC in October. Staffing remains good in this area. Due to the increased census and large number of inmates on medication, the nurses are far busier and medication passes often require two hours of nursing time to complete.

Community Corrections:

Inmates supervised on Electronic Monitoring: **5**

Inmates on Pre-Trial Services with GPS: **15**

Inmates on Pre-Trial Services supervised and checked by Community Corrections: **46**



Staff:

New officer hires during the month: 1

New officer/supervisor vacancies during the month: 0

Total vacant officer positions at the end of the month (including supervisory rank): 2

Promotions during the month: None

Significant Developments and Achievements:

The new visitation scheduling system developed by Lt. Allaire and Jean Sutherland went live in October. It provides considerably more flexibility to inmate's friends and families to select a visitation time convenient to them. This change was urgently needed as the census in the jail is now higher than the old system could support visits for.

The DOC sent Sgt Balch to assist in Plymouth during the Pirate Party. This was the second year the DOC sent a supervisor to assist. Sgt Balch assisted managing the arrest and detainee area, coordinating with the bail commissioner, and helping find alternative safe locations for treatment and service detainees. This benefited the DOC as safe alternatives were located for all but one treatment and service detainee (who was delivered to the DOC), significantly reducing work volume and liability at the jail. Chief Buffington of the Plymouth Police Department relayed his department's appreciation for the assistance Sgt. Balch rendered during this large operation.

The Grafton County Chiefs of Police met at the DOC in October for their bi-monthly meeting.

Sgt. Griffin and Lt. Harness assisted the County Farm with organizing and putting on Pumpkin Day. 168 students from Woodsville participated in the event and another 50 pumpkins were delivered to pre-schoolers.

Significant Problems:

The increasing census and high medical needs of the inmate population remain the most significant challenge facing the GCDOC.

Grafton County Nursing Home Commissioner's Report: December 02, 2025

Census

Medicare: 3
NH Medicaid: 64 (7 Pending)
VT. Medicaid: 20 (1 Pending)
VA: 9
Hospice: 1
Private: 28
Total Census: 125

FY '26 Budgeted Census

Medicare: 4
NH Medicaid: 73
VT. Medicaid: 21
VA: 8
Hospice: 0
Private: 18
Budgeted Census: 124

Monthly Admissions/Discharges

Admissions: 7
Deceased Residents: 2
Discharges: 5

Other Topics:

- 1) January 1, 2026 Medicaid Rates
- 2) Resumption of State Survey Inspections

New Courthouse

On November 17, 2025 the Grafton County Delegation Executive Committee identified three objectives they wanted the commissioners to consider to move the courthouse forward.

Objective 1: Engage the judicial branch to produce a longer-term lease with more specific terms

Objective 2: Shrink the proposed building size (Deeds was specifically mentioned)

Objective 3: Determine the effect of the reductions in terms of plan changes and cost reductions

The commissioners asked our committee to review the objectives and report back to the commissioners with recommendations to address these objectives. The following action items encompass our recommendation to the commissioners.

Objective 1:

- Invite Charlie Arlinghouse, Sarah Lineberry and other relevant judicial branch members to Grafton County to explore longer lease terms (10+ years), the processes involved and seek more specific terms.

Objective 2:

- Deeds: Have Kelley provide the commissioners a prioritized list of bullet points listing her facility & security concerns with the Administration Building. The commissioners shall meet with her to review those concerns and objectively validate them. Get cost estimates to address valid concerns and determine if it is less costly to address them vs. moving her department. If it less costly, we recommend removing her department from the project.
- Sheriff: Have Jill provide a prioritized list bullet points listing her facility & security concerns with the new design. Have LBA and building committee meet with her to see if we can reconcile her concerns to garner project support.
- Courthouse department heads and the judicial branch: Provide the building committee with proposed reductions to reduce the size of the conceptual design.
- LBA: Find out if building code dictates having to use excessively expensive category 4 construction for the sheriff department's section of the building or if it is a subjective recommendation based on best practices. If it is the later, I suggest using category 3 construction for the whole building and eliminating excessively expensive things like the bullet-proof generator enclosure.

Objective 3: Once the processes of objective 2 are complete, then we can have LBA update the drawings and provide an updated cost estimate.

Grafton County EMS Project Update

12/1/25

- 1) A village district will need to be set up and this takes a vote at 2026 town meeting to determine interest and 2027 meeting to fund.
 - a) This will be governmental, taxing district
 - i) Parallel 45 and Wentworth/Warren agencies are (were) nonprofits
 - b) Plymouth will continue to cover towns through July 2027 but will be able to launch as soon as 2027, if approved
 - c) Rumney and Plymouth will increase staffing for summer coverage
 - d) Building may start in 2026
- 2) When proposal was given to DRA it was determined that the initial EMS District plan had too much liability on Plymouth
 - a) District will need to be set up as a Village District as per RSA 52:1, n
<https://gc.nh.gov/rsa/html/III/52/52-1.htm>
 - b) A meeting is set with Primex on 12/11 to discuss insurance.
 - i) 5 towns already work with Primex
 - c) Any chance the county can take the hold the liability insurance?
 - d) Plymouth attorneys agreed the liability was too great for the town to hold
 - e) The Committee can contract with Plymouth but
- 3) The District will need its own bookkeeping (per DRA)
 - a) Joe Chivell, Rumney Town Manager is exploring options for bookkeeping
 - b) Rumney has agreed to hold the donations that have been offered. At this point they are getting letters of intent
 - c) Katie was contacted by NH Charitable Foundation about a potential donation of \$5,000 and where to send the check
- 4) Starting at the December meeting of the towns, the committee will take the lead, not Chief Pierce
 - a) Dorchester has pulled out of agreement
 - b) Glencliff will be part of it but because it is a state entity will do a yearly bulk payment
- 5) Hebron/Groton are in a tough spot and may not be able to continue the EMS service through July 2027. Plymouth will cover if they close



TANAWAH M. DOWNING
CIVIL RIGHTS LITIGATOR & ADVOCATE

Subject: Notice of Constitutional Non-Conformance and Action Item request

Honorable Commissioner or Councilman,

I'm writing to you today to inform you of a situation that is of the utmost urgency and asking that you immediately take action to investigate the non-conformance of Constitutional obligations that I have outlined below. Be advised that this dispute has been submitted to the United States Supreme Court and Article III has been invoked by a United States Citizen demanding that the Court fulfill the obligation of Original Jurisdiction, as codified within the United States Constitution. As a Constitutional obligation, when Article III is invoked, because a State is named a Party, the obligation is not discretionary and non-delegatable and must be performed. Failure to do so would be a breach of Constitutional obligation resulting in a public wronging. Unfortunately, the Clerk of Court is obstructing the administration of Justice by refusing to docket the case, which is of course a crime and intentional refusal to enforce the body of laws governing this nation, by an agent obligated to do so as a result of the Oath or Affirmation taken upon entry into their Office. The intent of this letter is to bring to your attention crimes being committed by the Agents whom you pay. It is unlawful to pay someone to commit a crime and as a result, continuing to pay these public officials to abridge their Constitutional obligations after having been provided with this notice, can result in criminal sanctions brought against the members of this legislative body.

As an Advocate for the People, I hereby submit this Action Item request to you asking that you immediately take action to address these direct, willful deprivation of rights secured by and enumerated in, the Constitution for the United States of America, by states subjected to the jurisdiction thereof.

Let me be clear, I am not trying to change the laws, rather I am pointing out what the laws state and that the ways in which they are being enforced directly contradict with what is specified. Therefore, I am not trying to change the laws, rather, I am asking that we enforce them. If the laws state that something will be done, in a certain way, then we must follow that way. Laws do not change arbitrarily, that is tyranny. Constitutionalism demands that the laws evolve only through suffrage therefore, it is up to the People to decide whether or not the Constitution applies to them and not a judge or a State. If in the opinion of the People of the United States, any of the provisions or guarantees of the United States Constitution be in any particular way wrong, then let it be corrected by an amendment in the way in which the Constitution so designates. Until, if and when that time comes, every single United States Citizen is entitled to every single right secured by and enumerated in the United States Constitution, regardless of where they choose to reside within the jurisdictional United States of America.

NOTICE OF CONSTITUTIONAL NON- CONFORMANCE

The Constitution for the United States of America provides the overarching requirements that every state must follow. States cannot enact their own alternative legislation, substitute it for the guarantees of the Constitution and then go out and enforce that as though it is Constitutional.

Clause 1 of Amendment 5 to the United States Constitution states, "No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment by a Grand Jury." That is clear, no person can be arrested and held to answer for a capital or infamous crime unless upon a presentment or indictment by a grand jury. Title 18 USC §4083 defines an infamous crime as, "Any crime punishable by more than 1 year imprisonment in a penitentiary." However, your state has enacted its own alternative legislation that permits prosecuting attorneys or police officers to charge by way of "Information" and not by Indictment, as required by law. This is unconstitutional.

An "Emolument Violation" is when you pay someone to break the law. There are 2 areas of the Constitution that reinforces this. The first is Article I. Section 10. where it states, "No State shall create any law that shall impair the obligation of contracts." Police officers, prosecuting attorneys, judges, are all under a contract, that is a contract to perform, based upon the Oath or Affirmation that they took to support and defend the Constitution. The terms or obligations of the contract can be found within the Contract itself, which is the Constitution. When a State creates a law that directs its agents to disobey the Constitution, that would obviously be a violation of Article I. Section 10.

The second place that you find the reinforcement of this issue is within the Fourteenth Amendment, where it states, "No State shall create or enforce any law which shall abridge the privileges or Immunities of United States Citizens." The privileges and immunities of United States Citizens are, at a minimum, those enumerated within the Bill of Rights (first 10 Amendments). These limitations of power placed upon the State by the Constitution cannot be impaired and as a result, there are tens of thousands of people currently imprisoned within your State illegally and unconstitutionally.

Currently, there are more than 700,000 people across the United States of America who are imprisoned on direct, facial Constitutional violations, because their judgements derive from breaches of Constitutional obligations by numerous states that are acting in direct, willful defiance of the procedures and processes codified within the Constitution for the United States of America for the adjudication of crimes. Unfortunately, any judgement rendered as a result of a breach of Constitutional obligation is unconstitutional because such judgements are tainted by the illegality of the way in which they were obtained. No judgement can be Constitutional if they derive from an unconstitutional act.

There are 13 states that outright do not conduct a Grand Jury proceeding at all, including the State of Washington. These states are choosing to charge persons for infamous crimes by information and not by indictment, as Constitutionally required, however, according to Title 18 USC §555, "Information can only be used for other than infamous crimes (misdemeanors)." As a result, millions of United States Citizens have been deprived of Due Process and are now unlawfully imprisoned because the states failed to adhere to the procedures and processes required for the adjudication of crimes, resulting in judgements that are void and completely without force or effect under Civil Rule 60.

This systemic failure of the Justice System to adhere to the agreed upon code of conduct established by the majority goes far beyond those 13 states that are acting in direct, willful defiance of the Constitution because most other states permit the Prosecuting Attorney to charge by Indictment or Information, as required by law, such as the State of Oklahoma or the State of Florida. Unfortunately, states do not have the power to substitute their own alternative legislation for the provisions and guarantees of the United States Constitution and if they do, then the "Judges in every state are bound thereby to anything in the Constitution" (Article VI). According to the Rules of Civil Procedure, "Rules must not conflict with statutes, nor impair the rights of the parties involved in the dispute, thus a court has no power to create a rule which would constitute a waiver of a Constitutional right." Or as stated by the United States Supreme Court in the case *Miranda v. Arizona*, "Where rights secured by the Constitution are involved, there can be no legislation created nor rule made which would abrogate them." Furthermore, sedition is defined as, "The speaking or writing of words, such as law established, to cause disaffection to the Constitution in order to procure its alteration in an other than lawful manner." Our Constitution is a rigid Constitution that can only be altered in accordance with the Special Amending Procedures found within Article V. Any attempt to alter it in any other manner, such as by legislation enacted by a State, or by a judicial ruling from any court, would be an act of sedition committed by a body of men attempting to procure the alteration of the Constitution in an other than lawful manner. There is only one way to change the Constitution and that is through an authentic and explicit act of the People and until that happens, the Constitution is wholly with force and effect on all persons, both individually and collectively.

I have in my possession over 500,000 criminal affidavits from actual victims, in every single State, who have been charged by way of information and not indictment, as Constitutionally required. These affidavits identify two particular crimes committed by government officials, who, this legislative body, pay for the work that they perform.

The first crime is Title 18 USC §242, Deprivation of Rights under Color of Law. That statute states, "Any person who, under color of any statute, ordinance, custom or regulation, deprives any person of any right guaranteed by the United States Constitution," commits that crime. This statute provides the enforcement function against government depriving any persons of rights guaranteed by the Constitution for the United States of America and it applies to police, judges, prosecutors, or any other agent of government invested with law. When a Prosecuting Attorney chooses to rely upon a state statute to deprive a person of a right secured by and enumerated in the Constitution for the United States of America, that prosecuting attorney has committed the crime of Deprivation of Rights under Color of Law (Title 18 USC §242).

The second crime is Title 18 USC §241, Conspiracy to Deprive of Rights. That statute states, "When two or more persons conspire with the purpose of depriving any person of any right guaranteed by the United States Constitution," commits that crime. When a state judge chooses to hold a person over for trial without having the proper charging instrument, as Constitutionally required, that judge has entered into a Conspiracy to Deprive of Rights (Title 18 USC §241) by and between himself and the prosecuting attorney. When that judge then orders law enforcement or the Sheriff's Department to perform an arrest on that individual without the proper charging instrument, as Constitutionally required, those performing the arrest are complicit in the criminal conspiracy, have also deprived of rights under color of law and the crime of kidnapping has then occurred (Title 18 USC §1401).

Anytime that the crime of Deprivation of Rights under Color of Law occurs in conjunction with a kidnapping, the penalty is death, as prescribed by law. This is a very serious matter that happens in every single state across the nation, every single day affecting millions of United States Citizens and it is imperative that the Legislative Branch immediately take action to correct the criminal acts of those enforcing and administering the laws of our nation.

Understanding that you will consult your attorney upon receipt of this notice and that attorney will point to a case from 1884 called *Hurtado v. California* from the United States Supreme Court, I would be remiss if I do not remind you that the Constitution for the United States of America is the foundation and not a judge made ruling. The Supreme Court has no constituted authority to alter, amend or destroy any of the provisions or guarantees of the Constitution, because that must be done by an explicit and authentic act of the People, in accordance with the Special Amending Procedure of Article V. Furthermore, judges cannot legislate (create or amend law), we know this because of Clause 1. Article I. of the Constitution states, "All legislative power is vested in a Congress of the United States consisting of a Senate and House of Representatives." Do not make the foolish mistake of relying upon a judge's ruling or inferior state statute, as though it is Law in deciding how you will proceed in this matter. The Constitution for the United States of America is the object of which your fidelity is bound, by the Oath or Affirmation that you took upon entering your Office. I understand that this is a tough decision that you will have to make, but the difficulty of the decision does not remove your obligation to make it. You must decide whether to follow a judge's ruling, or the Constitution for the United States of America, the object of which your fidelity is bound. I pray that you will make the right decision, because the alternative is that I will have to convert these criminal affidavits into criminal complaints and I do not want to have to do that, as I am sure that you don't want me to do that either.

The last point that I would like to make is, the United States Circuit Court has identified a two-part test used to determine if an "abuse of discretion" by a public official has occurred. The second part of that test states, "Any erroneous view of the Law is an automatic abuse of discretion." An erroneous view of the law would be that in your legal contemplation in considering this matter, that the lowest form of law, a judge made ruling, is in your opinion superior to the clear limitations of power contained within the Constitution for the United States of America. That would be an obvious erroneous view of the law. Therefore, if you continue to pay these public officials to commit these crimes, after having been served this notice publicly on the record, an automatic abuse of discretion will have occurred and according to Blackstone, "Any public official who abuses any discretionary authority with which they are invested in law, are guilty of the crimes of perjury, extortion and oppression." You are now obligated by law to report these crimes to the proper authorities, failure to do so, willfully or negligently, will result in your complicity in the criminal conspiracy, as well as other crimes, such as Misprision of Felony and official misconduct.

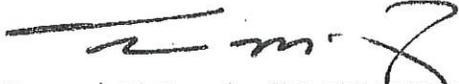
In light of the evidence raised, as well as the supporting evidence that I can provide, upon request, for the deprivation of Constitutional rights for millions of United States Citizens, I again implore you and appeal to your honorable nature to immediately initiate a public investigation of these criminal acts to ensure that those tasked with administering and enforcing the laws of this nation are doing it in compliance with the authority with which they are invested by law and when it is determined that there was an abuse of delegated authority, that any and all liberties be immediately restored to all affected parties without delay or obstruction. Any person who pays any public official to act unlawfully, are subject to criminal sanctions, which carry a possible punishment of death, as prescribed by law. I would

advise this commission to immediately cease any further payment, benefits, or programs which allow any public official to act contrary to the Supreme Law of the Land.

While it is not the duty of a servant to question the motives of his superior, if he has reason to believe that his acts are unjust, he should obey his conscience and refuse to comply. Ultimately, the servant of a tyrant cannot take refuge in the excuse that he was just "following orders". Therefore, in the wise words of President Abraham Lincoln, "I do suppose that it will be much safer for all, both in private and public stations to abide by and conform to, all those acts which stand un-repealed, than to violate any of them trusting to find impunity in their absolute immunity." Absolute immunity only covers civil liability and not criminal liability, so any deprivation of Constitutional rights under the authority of an inferior law or ruling is a crime that no public official can avoid liability for violating and the punishment, as required by law, is one which none of them want to be enforced. The United States Supreme Court ruled in the case *Imbler v. Pachtman* (1978), "Even judges cloaked with absolute civil immunity for centuries, can still be held criminally liable for willful deprivations of Constitutional rights." Absolute immunity provides no protection from criminal liability resulting from breaches of Constitutional obligations.

I am available for discussion, should this governmental body desire my professional guidance in further understanding or addressing this matter, as I am currently actively engaged in bringing this matter to the attention of the public and preparing to present this debate to the United States Supreme Court. Your timely response to this matter is in the best interests of your constituents and this nation.

Respectfully and Peacefully a Servant of Justice,



Tanawah M. Downing CPP, PSP, PMP, CPO

Advocate, Sui Juris

Chief Legal Strategist

The We Shall be Free Tour

~~(843)-834-8964~~ cell **202-941-2828**

tanawahdowning@gmail.com

www.tanawah.com

www.JusticeWithoutLimits.org



TANAWAH M. DOWNING
CIVIL RIGHTS LITIGATOR & ADVOCATE

Introducing the We Shall Be Free Tour: Embrace Equality and Empowerment

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If you are interested in joining or learning more about the tour, please contact:

Tanawah M. Downing, Advocate, Sui Juris

Chief Legal Strategist

We Shall be Free Tour

~~(843)-834-8964~~ cell **202-941-2828**

tanawahdowning@gmail.com

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