



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

December 13, 2006

Mr. Bret W. Ogilvie

Reno, NV

Dear Mr. Ogilvie:

Senator Ensign referred your letter regarding dollars to the Federal Reserve for response. In your letter, you request the legal definition of a dollar in light of Article I, Section 8, clause 5 and Article I, Section 10, clause 1 of the United States Constitution.

Article I, Section 8, clause 5 of the Constitution gives Congress the power to "coin money and regulate its value." Article I, Section 10, clause 1 states, "No State shall . . . coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts" The Supreme Court of the United States has determined that the term "bills of credit" refers to a paper medium of exchange amounting to "currency" and that states cannot issue currency. Craig v. Missouri, 4 Pet. 29 U.S. 410, 425 (1830); Byrne v. Missouri, 8 Pet. (33 U.S.) 40 (1834). The Supreme Court also determined, in the Legal Tender Cases (Juilliard v. Greenman), 110 U.S. 421 at 436 (1884) that Article I, section 10 applies only to the states and not to the Federal Government. Consequently, while no state government may "emit bills of credit" or make anything other than gold or silver coin a legal tender in payment of debts, the federal government is not limited in what it may designate as legal tender. In Hagar v. Reclamation Dist. No. 108, 111 U.S. 701 (1884), the Supreme Court held that, while Congress has the power to declare currency a legal tender in payment of taxes, Congress had not exercised its power. After the Hagar decision, Congress amended the statutory description of legal tender to correct the challenged defect, and enacted a predecessor version to 31 U.S.C. 5103, the "Legal Tender Statute." 31 U.S.C. § 5103 currently states:

United States coins and currency (including Federal Reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes and dues. Foreign gold or silver coins are not legal tender for debts.

Congress exercised its power to coin money and regulate its value by delegating those functions to the Federal Reserve through the Federal Reserve Act in 1913.

Mr. Bret W. Ogilvie

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Since then, it has become well settled as a matter of law that the Federal Reserve System is legal under the U.S. Constitution

“Money” is not defined in the Federal Reserve Act or elsewhere in the United States Code. “Money” is generally understood to mean any medium of exchange that freely circulates from hand to hand. A “dollar” is the standard unit of money in our monetary system, just like the English call their standard unit of money a “pound” and the Japanese call their standard unit of money a “yen.” A dollar is defined at 31 U.S.C. § 5101, which currently states:

United States money is expressed in dollars, dimes or tenths, cents or hundredths, and mills or thousandths. A dime is a tenth of a dollar, a cent is a hundredth of a dollar, and a mill is a thousandth of a dollar.

In the United States today, there are only two kinds of money in use in significant amounts: currency or “cash” (primarily Federal Reserve notes and coins in the pockets and purses of the public), and demand deposits or checking accounts. These deposits, bills, and coins all are properly referred to as “money.” Both “cash” (currency and coin) and demand deposits are “money” to an equal degree for economic purposes, since \$1 in currency/coin and \$1 in demand deposits are freely convertible into each other. Milam v. U.S., 524 F.2d 629 (9th Cir. 1974), is typical of numerous federal court cases rejecting the proposition that the Constitution requires “money” or “dollars” to be either gold or silver. In that case, the U.S. Court of Appeals for the Ninth Circuit observed: “While we agree that golden eagles, double eagles and silver dollars were lovely to look at and delightful to hold, we must at the same time recognize that time marches on Appellant is entitled to redeem his [Federal Reserve] note, but not in precious metal. Simply stated, we find his contentions frivolous.” Id.

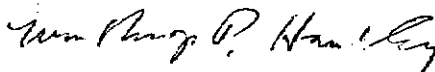
At earlier times in history, the dollar was legally defined to the extent of its value in terms of a set amount or weight of silver or gold. The dollar has not been “defined” in terms of a set amount of gold or silver, or in terms of a set value of some other kind, for many years. The legal tender value of a dollar is the same regardless of whether the dollar is a currency note or coin of any kind of metal. For example, a one-dollar currency note issued at some point in the 1800’s would probably have a numismatic value well in excess of its face value because of its historical age and rarity. Nevertheless, its legal tender value is that of its face value: one dollar. Similarly, gold or silver one-dollar coins have the same legal tender value as a one-dollar Federal Reserve note, even though their value in terms of their weight in precious metal is typically greater than their face value. The Secretary of the Treasury is authorized by law to mint the gold and silver coins currently issued and to sell the coins so minted at a price equal to the

Mr. Bret W. Ogilvie
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market value of the bullion at the time of sale plus the cost of minting, marketing, and distributing such coins. 31 U.S.C. § 5112. These same coins are, however, legal tender as defined in Section 5103 of Title 31. 31 U.S.C. § 5103. For this reason, most people choose not to make payments with gold or silver coins, or with currency notes that have great numismatic value, since they have value that exceeds their legal tender value, and creditors cannot be compelled to consider them as payment in amounts greater than their face value.

I hope this information is helpful. Please let me know if I can be of any further assistance.

Sincerely,



Winthrop P. Hambley
Assistant to the Board

JOHN ENSIGN
NEVADA

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October 17, 2006

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Mr. Donald J. Winn
Federal Reserve
20th & C Streets, NW
Washington D.C. 20551


CLO: #185
CCS: 06-9092
RECVD: 10/27/06
Legal

Dear Mr. Winn:

I have received the enclosed letter from Mr. Bret Ogilvie. Due to the desire of my office to be responsive to all inquiries, your consideration of -- and response to -- the enclosed letter will be greatly appreciated. Please reply directly to the constituent, and forward a copy of the responses to me, marked to the attention of Courtney Albregts in my Washington office.

Thank you in advance for your assistance with this matter.

Sincerely,


JOHN ENSIGN
United States Senator

iawrmmsg.txt
Capitol Correspond
Incoming Email Message

Constituent ID: 321830

Mr. Bret Ogilvie

Reno, NV

Email:

Phone(s): (H)

Activity Created: 10/16/2006

File Location: 372196

Interest Code(s): BUCK

Incoming Message:

Pls. buck to the federal reserve.

RSP: Yes.

Date Received: 10/16/2006 11:56:36 PM

Topic/Subject Desc: Budget

I am currently running for the Office here in Nevada. A question has arisen that I have been unable to answer. The current Nevada Secretary of State and the Office of the Attorney General of Nevada have been unable to answer it. On the campaign finance statements it says that candidates must report the number of dollars they receive and spend. The problem is that there appears to be several types of dollars in the United States today.

1.
http://www.usmint.gov/mint_programs/american_eagles/index.cfm?action=American_eagle_Silver_Proof

"The American Eagle Silver Proof Coin contains 99.9% silver. The one ounce coin has a \$1 face value and is 1.598 inches in diameter, contains 0.999 silver troy ounces and weighs 1.0000 troy ounces."

2.
http://www.usmint.gov/mint_programs/american_eagles/index.cfm?action=American_eagle_Gold_Proof

All American Eagle Gold Proof Coins are legal tender and contain 91.67% (22kt) gold. The gold weight, and diameter will vary with each coin denomination, as specified below. Each coin is backed by the U.S. Government for weight and content.

3.
Naturally there is also the regular Federal Reserve Note.

The problem is that it takes between 15 and 30 Federal Reserve Notes to exchange for one silver dollar. Several candidates for office this year paid their filing fee with at least one silver dollar and they received only face value for that silver dollar. If you buy stamps from a United States Post Office or pay a filing fee to a United States District Court they accept the Federal Reserve Notes or the silver or gold dollars at their face value. This seems to be odd to say the least. How can it cost 30 Federal Reserve Notes to "buy" a silver dollar from the government but the government does not give you credit for 30 Federal Reserve Notes if you pay with silver or gold.

The Bible says in Prov. 20:10 Divers weights, and divers measures, both of them are alike abomination to the Lord.

iawrmmsg.txt

I would like to know the legal definition of a dollar. since the word dollar is found in the Constitution any change in its original meaning would seem to need a Constitutional amendment. If a dollar does not mean the same as a dollar in 1789 then we could also jst change the meaning of any word in the Constitution like the word navy or state to mean something different and then the Constitution would be meaningless.

According to the Constitution of the United States of America, Article 8, Congress shall have the power "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;"

Since Congress has this power please tell me what a "dollar" is. It cannot mean two things with different values or it would be a violation of the Constitution to "fix the Standard of Weights and Measures."

The Constitution also states: Section. 10. No State shall.. make any Thing but gold and silver Coin a Tender in Payment of Debts;

Since the United States Mint is now coining gold and silver dollars with face value denominations can you please explain to me how Nevada can "make any Thing but gold and silver Coin a Tender in Payment of debts...?"

Thank you for your help.

Sincerely

Bret W. Ogilvie

DOWNLOADED FROM:

Family Guardian Website

<http://famguardian.org>

Download our free book:

The Great IRS Hoax: Why We Don't Owe Income Tax