

SUPREME COURT, STATE OF COLORADO

Court Address:
2 East 14th Avenue
Denver, Colorado 80203

ORIGINAL PROCEEDINGS PURSUANT TO
§ 1-40-107(2), C.R.S. (2005)
Appeal from Ballot Title Setting Board

CHILDREN EX REL.

Petitioners:
PAGE PENK

v.

Respondents:

MIKE COFFMAN, Respondent Superior
Major, United States Marine Corp Reserve
Colorado Secretary of State

Title Board:

DAN DOMENICA, WILLIAM A. HOOBS, DAN
CARTIN.

Page Penk *pro se*
1304 S. Parker, PH 17
Denver, Colorado 80231
Phone Number: 303.283.7913

FILED IN THE
SUPREME COURT

SEP 21 2007

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case No:

0781288

PETITIONER'S EMERGENCY BRIEF
FOR REVIEW OF TITLE BORAD FINAL REHARING REGARDING
WORDING OF PROPOSITION #40, "PEACE IS POSSIBLE"

QUESTIONS PRESENTED

- I. Is Article II, Section I of the Colorado Constitution, which reads in part, "Vestment of political power. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole" valid and enforceable on the defendants?

TABLE OF CONTENTS

Questions Presented	2
Table of Contents	3
Table of Authorities	4
Statement of the Legal Case	5
Findings	7
Requested Relief	9
Conclusion	22
Certificate of Mailing	25
Secretary of State Certificate, Original Title Board Request. Rehearing Request and Final Ballot Title and Submission Clause	Appendix

TABLE OF AUTHORIES

CASES

In re title, Ballot and Submission Clause and Summary for
1999-2000 No. 215, 3 P. 3d 11, 14 (Colo. 2000). 6

CONSTITUTIONS

United States Federal Constitution, Amendments #1 and #14 5

Colo. Const. Article II, Section I. 2,5,6

STATUES

5

§ 1-40-106 (3)(b), C.R.S. (2005)

STATEMENT OF THE LEGAL CASE

1. I want "PEACE IS POSSIBLE" at the front of the ballot title and submission clause. As the proponent of Proposition #40, I went to both Title Board hearings and in both instances, I was the only citizen who voted to have "PEACE IS POSSIBLE" at the front and not the back. That makes the vote to arrange the wording the way I want it:

Citizens- 1

Government- 0

If Article II, Section I of the Colorado constitution is still valid, the Title Board has no authority to arrange the wording of the title contrary to my wishes. To do so is a violation of my First and Fourteenth Amendment rights of the United States Constitution.

2. Actually, the honorable John Suthers is going to get it all wrong in his brief to this Court as filed by his helpful deputy Mr. Knaizer. To begin, he got it all wrong on § 1-40-106 (3)(b), C.R.S. (2005) which reads, in part, the Board must "correctly and fairly express the true intent and meaning" of the proposed initiative and must "consider the public confusion that might be caused by misleading titles."

3. Well, if "Peace is possible" goes at the back of the Ballot Title, that would cause "public confusion" because then they would believe that "peace" goes at the back of the bus, so to speak. And that's not true.

4. In fact, this Court has already ruled in an earlier case that it will reject language of the Board "only if it is misleading, inaccurate, or fails to reflect the central features of the proposed measure." *In re title, Ballot and Submission Clause and Summary for 1999-2000 No. 215*, 3 P. 3d 11, 14 (Colo. 2000). Well, sticking "Peace is possible" at the back of the bus grammatically speaking "fails to reflect the central features of the proposed measure." That central feature of Proposition #40 is that those who believe peace is possible are first class citizens with the right to direct the operations of the institutions we pay for, like those of the Title Board.

5. In addition, in the Attorney General's response in 06 SA 144, he comes right out and says on page 3 that "it is possible to write titles in a different way." Maybe what this really comes down to is a seemingly small fight over the validity of Article II, Section I of the Colorado Constitution, the part that rambles on extensively about the so called power of the "people" and how government really works for said "people" and not the other way around.

FINDINGS

6. Actually, there are three interesting facts that may help guide this Court in reaching a fair decision. First, regardless of what this Court decides, Mike Coffman is going to play a perfectly legal trick on me to insure that this issue never gets anywhere near the ballot. And that trick is that he will fail to approve my signature sheets. Because the last time I went to have signature sheets approved, back in 2006 for Proposition #80, the Secretary of State simply failed to respond to my requests for ballot sheet approval. And I bet Major Mike does the exact same thing this time.

7. The second fact this Court should be aware of is that even as I type this brief, the web pages for the elections division of the Secretary of State's official page is down. And has been since I filed Prop#40. Small point of course, but all of the other pages on his site work. These broken pages make it impossible for any to see Prop. #40 or review other Title Board briefs to this Court. Imagine that.

8. And the 3rd point in Findings? Major Mike serves two masters, unfortunately, one public and one private. His public master is the people. His private master however, is the United States Marine Corp and he'll do their bidding first, always.

General Peter Pace

May 21, 2007

[REDACTED]

The Honorable Reggie B. Walton
United States District Court
1225 E. Barrett Prettyman
United States Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001

Dear Judge Walton,

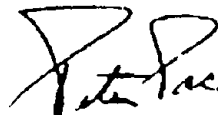
At the request of Mr. Scooter Libby, I am writing you to provide my opinion of Mr. Libby's professional character for your consideration. I am the Chairman of the Joint Chiefs of Staff, and have served in this position since October 1, 2005. I served as the Vice Chairman of Joint Chiefs of Staff from October 1, 2001 until assuming the position of Chairman, and it is during my tenure as Vice Chairman that I came to know Mr. Libby.

The Vice Chairman of the Joint Chiefs of Staff assists the Chairman in his role in providing independent military advice to the President of the United States, Secretary of Defense, the National Security Council, and the Homeland Security Council regarding national security issues facing our nation. During my service as the Vice Chairman, I regularly attended Deputy National Security Council meetings, which included Mr. Scooter Libby, who served as assistant to the Vice President for national security affairs and later as Chief of Staff for the Vice President. The issues we addressed during these meetings involved national security concerns facing the United States Government at the time.

I know Mr. Libby in a professional capacity, and my opinion of him is based on our professional interactions. From this perspective, I was always very impressed with Mr. Libby's professionalism and his focus and attention to the matters at hand. He impressed me as a team player when addressing issues and with his selfless approach to his wide-ranging responsibilities. I especially recall during my meetings with Mr. Libby, that when considering options and courses of action, he always looked for not just what was in the best interests of the country, but also for the right way to proceed - - both legally and morally. From my perspective dealing with Mr. Libby on national security issues, he served the United States Government extremely well.

I hope you find this information helpful.

Sincerely,



Peter Pace

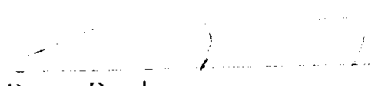
General, United States Marine Corps

REQUESTED RELIEF

9. The reason Mike Coffman needs to be on this suit is that he's the Title Board's supervisor and being a Marine who understands the chain of command, he's responsible for everything the Board does. Like getting the wording for Proposition #40 all backwards. As such, he should answer this brief as well. Now this Court can't do anything about Marine Corp General Peter Pace interfering with the functioning of the U.S. District Courts, but it can signal disapproval of Major Mike Coffman not keeping his people on the Title Board under control and respectful of the law of Article II, Sec. I of the Colorado Constitution by overturning the Board's September 19th, 2007 decision and putting "PEACE IS POSSIBLE" as close to the front of the Title sentence as possible.

CONCLUSION

10. I ask the respect of this Court in hearing my pleas for justice. This is all the truth. Respectfully submitted September 21st, 2007.


Page Penk

CERTIFICATE OF SERVICE

I hereby certify that on September 21st, 2007, a true and correct copy of the
forgoing **PETITIONER'S EMERGENCY BRIEF**
FOR REVIEW OF TITLE BORAD FINAL REHARING REGARDING
WORDING OF PROPOSITION #40, "PEACE IS POSSIBLE"
was placed in the United States mail, postage prepaid, to:

Maurice G. Knaizer, Esq.
Deputy Attorney General
Coloraod Department of Law
1525 sherman Street, 5th Floot
Denver, Colorado 80203

Page Penk



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **MIKE COFFMAN**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the text, motion for rehearing, titles, and the rulings thereon of the Title Board on Proposed Initiative "2007-2008 #40".

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 21st day of September, 2007.

SECRETARY OF STATE

NO changes from original

BE it Enacted by the People of the State of Colorado:

RECEIVED

AUG 30 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

"PEACE IS POSSIBLE" shall be the soul words of Article XXX of the Colorado Constitution."

August 6th, 2007

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1304 S. Parker Rd. PH 17
Arapahoe County, Colorado
80231
303.283.7913

Chester Penk
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AUG 20 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

10:04am

kl

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#40 R Jones
COLORADO
LEGISLATIVE COUNCIL

FROM THE DESK OF: Mr. Page Penk

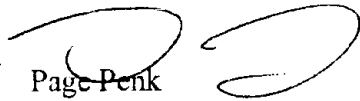
1504 S. Parker Rd PH 17, Denver, CO 80231
303.283.7913

September 11th, 2007

To the Colorado Secretary of State and the Colorado Title Board,

As the proponent of Proposition #40, I respectfully request a rehearing by the Title Board in response to the incorrect title they set on September 5th, 2007 at the original hearing.

Respectfully submitted,


Page Penk
citizen/taxpayer

RECEIVED

SEP 11 2007

ELECTIONS / LICENSING
DEPARTMENT OF STATE

*William
C*

Ballot Title Setting Board

Proposed Initiative 2007-2008 #40¹

The title as designated and fixed by the Board is as follows:

An amendment adding "Peace is Possible" to the Colorado constitution.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment adding "Peace is Possible" to the Colorado constitution?

Hearing September 5, 2007:

Single subject approved; staff draft adopted; titles set.

Hearing adjourned 9:17 a.m.

Hearing September 19, 2007:

Motion for Rehearing granted to the extent Board amended titles.

Hearing adjourned 3:26 p.m.

¹ Unofficially captioned "Peace" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.