FEDERAL DISTRICT COURTS
WHAT ARE THEY AND WHAT AUTHORITY DO THEY HAVE

By Ricardo Beas

Dec. 1990

There are two reasons why a judgment by a U.S. District Court cannot be considered to be a judicial determination: (a) such court does NOT have any statutory authority declaring it to possess Article III (U.S. Constitution) judicial power and authority; and (b) the court, before it can proceed to prejudice a natural born free white adult (by common law it may be limited also to males, as it is limited to whites, and I contend those determinations would be arbitrary, capricious and discriminatory) against his life, liberty, or property, should consist of three judges, two of which would form a quorum. This will be the basis of this article. Some other important limitations on the U.S. (sic) district courts will also be discussed.

(a) Article III judicial authority: In United States v. Woodley, 726 F.2d 1328 (9th Cir. 1983), the Ninth Circuit Court of Appeals noted that if a judge lacked Article III powers as defined in the U.S. Constitution, or if the court itself lacked this Art. III judicial authority and power, that neither (i.e., the judge nor court) could proceed against a defendant criminally and prejudice his life, liberty, and property (the court cannot proceed criminally in the first instance either; see my study, "Sequence Of Proceedings Leading To Criminal Actions"). The Appellate Court noted that a court whose judges do NOT have Art. III protection is "incapable of receiving" the judicial power conferred by the U.S. Constitution on the judicial branch of government. See Woodley, supra at 1334, citing American Insurance Co. v. Canter, 26 U.S. (1 Pet.) 511, 545 (1828).

In Ex parte Balekite, 279 U.S. 438, the U.S. Supreme Court noted that the U.S. Court of Customs and Patent Appeals and the U.S. Court of Claims were NOT Art. III courts and proceeded to dispose of that case accordingly, for the U.S. Code sections regarding said courts did NOT grant them such quality and authority. The High Court also noted that Congress could create both Art. I and Art. III courts. Later on, Congress proceeded to clarify its intent as to the power of those courts (supra), and thus modified the language of the involved and pertinent sections of the U.S. Code (28 U.S.C.) so as to authorize those courts to act judicially. Of course, any actions done by Congress then were NOT retroactive as to decisions made by those courts prior to the Congressional amendment. Title 28 U.S.C., sections 171 and 211, which refer to the Claims and the Customs courts, were modified at that time with the following phrase being added to the end of those sections:

> Such court is hereby declared to be
> a court established under Art. III of
> the Constitution of the United States.

See 28 U.S.C. 171, and 28 U.S.C. 211, West's U.S. Code Annoted, 1968 Edition. See also 28 U.S.C. 251, U.S. Customs Court, same edition U.S.C.A.

In West's 1989 paperback edition of Title 28 we now see that the U.S. Court of Claims is called the U.S. Claims Court, but more important than that, we find that the said court is now declared to be an Art. I court, a legislative court (as opposed to an Art. III judicial court); and thus, neither it or the judges sitting in it have judicial power nor authority. Whether Congress decided to limit that court's authority or discovered that it could NOT vest judicial power in that court is something to ponder on. But what is definite is that the U.S. District Courts are NEITHER declared to be Art. I nor Art. III courts in any of the relevant U.S. Code provisions of Title 28.

The establishment of the U.S. District Courts and their power and authority is found in Title 28 U.S.C., sections 81 through 144. Neither section 132 (creation and composition of district courts), section 133 (appointment and number of district judges), section 134 (tenure and residence of district judges), nor any other of the sections noted above make any reference whatsoever that those district courts and the judges sitting in them possess any Art. III judicial power or authority (nor at least Art. I power and authority).

We must assume that Congress legislated with care, and that if Congress intended to vest these courts and judges with Art. III power, it would have said so expressly, and not left it to mere implication, Palmore v. United States, 411 U.S. 392, 395 (1973); an express provision declaring said courts and judges to be vested with Art. III (or Art. I) power and authority "would have been easy," Farnsworth v. Territory of Montana, 129 U.S. 104, 113 (1889).

In determining the scope of a statute, one is to look first at its language — if the language is unambiguous, it is to be regarded as conclusive unless there is a clear expressed legislative intent to the contrary, Dickerson v. New Banner Inst., 460 U.S. 103, 110 (1983); see also Consumer Product Safety Comm'n v. GTE Sylvania, Inc., 447 U.S. 102, 108 (1980); Lewis v. United States, 445 U.S. 55, 60 (1980). In interpreting statutes, it is the established rule NOT to extend their provision by implication beyond the clear import of the language used, or to enlarge their operation so as to embrace matters NOT SPECIFICALLY POINTED OUT. In case of doubt, they are construed MOST STRONGLY AGAINST THE GOVERNMENT. See United States v. Wigglesworth, 2 Story 369; Benziger v. United States, 192 U.S. 38, 55; McCloskey & Co. v. United States, 530 F.2d 374, 376 (Court of Claims, 1976).

Congress, had it so desired, would have added a phrase similar to that found in 28 U.S.C. 251(a) (declaring the Court of International Trade to be established under Art. III of the U.S. Constitution) to section 132, 133, 134, or any other pertinent section of Title 28 (e.g., 28 U.S.C. 81-144) — yet, IT DID NOT (or could not?). If no other section pertaining to other courts had such language declaring them to be either Art. I or Art. III courts, then there might be a reason to believe that Congress was not careful in the creation of such statutes and code provisions. But because there IS such a declaration in some sections as to what type of authority some courts possess (e.g., 28 U.S.C. 171, 211, 251), then there is NO DOUBT that Congress knew perfectly well what it was doing at the time of vesting each court and the judges sitting therein with its/their appropriate authority as Constitutionally allowed. (I note here that the U.S. Supreme Court and the U.S. Courts of Appeals also have NO language in their U.S. Code sections declaring them to be either Art. I or Art. III courts. See Walt Mann's article, "Existing Federal District And Appeal Courts, Like Supreme Court, Are Administrative Courts, And Without Jurisdiction To Handle Criminal Cases," which appeared in the "Justice Times" periodical, page 17, January 1988 issue; and prior article by Mr. Mann in the December issue of said periodical regarding the same subject, page 22. See 28 U.S.C., sections 1 through 5 [U.S. Supreme Court], and sections 41 through 49 [U.S. Courts of Appeals].)

The sections I have referenced above pertaining to the U.S. District Courts (28 U.S.C. 132, 133, 134, 81-144) are jurisdictional in nature, for they express the extent of the power vested in such courts. It is a rule of law that jurisdictional statutes are to be construed "with precision and with fidelity to the terms by which Congress has expressed its wishes, Chen Fan Kwok v. INS, 392 U.S. 206, 212 (1968).

Thus, neither the U.S. District Courts nor the judges sitting therein have Art. III judicial power and authority, for they lack any statutory jurisdiction to so proceed, and any criminal judgment rendered by them against a natural born free white male (?, supra) adult (hereinafter, a "natural person") is NULL AND VOID based on that constitutional and jurisdictional defect alone, as was the judgment rendered against Woodley (supra), for said defect (lack of Art. III authority) is in clear violation of a natural person's constitutional rights, as well as his common law and natural rights, liberties, and immunities. (Note: A natural person not being a party to the contract known as the U.S. Constitution has NO obligations, expressed or implied, as to his actions or inactions and owes nothing to those parties [the signers and the private interests they represented] participating in such commercial [contractual] venture in admiralty/vice-admiralty/inland-admiralty, etc. Yet still, said U.S. Constitution is, especially the first Ten Amendments to it, a unilateral trust in which the involved parties in said instrument agree [and I contend, are bound] NOT to violate the natural person's common law and natural rights, liberties, and immunities, said natural persons being the beneficiaries of the said U.S. Constitution. For example, see the Massachusetts Bay Company Charter of 1620.)

(b) Judicial Courts consist of three judges: When a natural person goes before a U.S. District Court for a criminal trial, he finds himself before one judge who presides over the proceedings. Although such court can be said to be allowed to consist of only one judge, as is noted in 28 U.S.C. 132, the same is inapplicable to a natural person with no nexus (in the form of a contract in intrastate, interstate, or international commerce) with the United States of America (e.g., United States, Inc. et al.), for neither is said person a corporation or corporate-like entity or unit, nor is such person at the time of the alleged offense acting as an agent, official, officer, or other representative of such a legal entity/unit (assuming [and I hope] that is the case), nor could the court lawfully proceed against a natural person under its admiralty jurisdiction absent a special admiralty (supra) contract. See Ramsay v. Allegre, 12 Wheat. 611 (1827); see also my treatise, "Defining 'Person' and 'Individual' In Title 21 Of The U.S. Code."

The West New Jersey Charter of 1677 (see 1677 Concessions and Agreements of West New Jersey) stipulates that "there shall be in every court THREE JUSTICES... to hear all causes... in case of law." The Charter further states that "if any judgment (is) passed, in any case, civil or criminal, by any other person or persons, or in any other way than according to (the Charter) (e.g., a three judge judicial panel), it shall be held NULL AND VOID."

Similar language is found in the Northwest Ordinance of July 13, 1787, section 4, where it reads as follows:

> There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction.

See Northwest Ordinance of July 13, 1787, section 4, by the U.S. Congress assembled. Further in the Ordinance, Article II acknowledges our retained right to a common law proceeding, to wit:

> The inhabitants of the said territory shall always be entitled to proceedings according to the course of the common law.

See Northwest Ordinance, supra, at Article II.

I note here that the above congressional decree (i.e., the Northwest Ordinance) was made prior to the U.S. Constitution, and thus controls. See also the U.S. Constitution, Art. VI, section 1, to the effect that all prior debts contracted and engagements entered into, before the adoption of the U.S. Constitution (finally and fully ratified in 1790), shall be as valid against the United States under the U.S. Constitution, as under the Confederation (i.e., Articles of Confederation).

It appears that in the federal environment natural persons should be tried (if at all, absent any jurisdictional and quasi-jurisdictional defects) by a circuit court, for an appeal was not regarded as a new proceeding but as a removal to a higher court for retrial on the old record below and evidence taken de novo if necessary. See 1789 Statutes at Large, Judiciary Act, Chapter XX, section 5, "The Circuit Courts shall have power to hold... trial of criminal causes." See Shipman, Common Law Pleading, pp. 537-539 (3rd Ed. 1923); J. Sobienski, The Theoretical Foundations Of The Proposed Tennessee Rules Of Appellate Procedure, 45 Tenn.L.Rev. 161, 168-172 (1978); Stern, Appellate Practice In The United States, 1981, pp. 6-7.

(b) Other limitations on U.S. District Courts: In criminal actions the U.S. Attorney and his/her Assistants (i.e., qui tam informers all of them outside the District of Columbia. See my treatise, "U.S. [sic] Attorneys Have No Delegated Authority To Proceed Against Natural Persons") will argue (but only if you bring it up) that the district court has original jurisdiction of the case pursuant to Title 18, section 3231 of the U.S. Code. Said section states that "the district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States." While this may be the case, the offenses against the laws of the United States exist only until a district court determines that one of its injunctions or restraining orders has been violated, thus — the violation of U.S. (court) law. See Marbury v. Madison, 5 U.S. 137 (1803) and United States v. Nixon, 418 U.S. 683 (1974) (only a court can declare what the law is. See also my treatise, "Sequence Of Proceedings Leading To Criminal Actions).

It appears that 18 U.S.C. 3231 has its origins in the 1789 Statutes at Large, Judiciary Act, Chapter XX, section 9, where it states the following:

> The district court shall have, exclusive of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States... where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment NOT EXCEEDING SIX MONTHS is to be inflicted.

See Statutes at Large, supra, section 9; see also the Act of June 5, 1794, Chapter 50, section 6; Act of May 10, 1800, Chapter 51, section 5; Act of February 24, 1807, Chapter 13; Act of March 3, 1823. (Note: The punishment of whipping has been prohibited, see Act of June 25, 1948, c. 645, 62 Stat. 837, 18 U.S.C. 3564, prior to November 1, 1987, when it was repealed by Public Law 98-473, Title II, c. II, §212(a)(2), 98 Stat. 1987. (Then, is it still prohibited as punishment?)

Thus, according to the above section of the 1789 Statutes at Large, the most that a district court can impose as a sanction as regards a term of imprisonment is SIX MONTHS, the same amount which is allowed by 18 U.S.C. 402 for criminal contempt (see section 402, second paragraph).

There are also other jurisdictional limitations of which we are more aware, such as personal, subject matter, and territorial jurisdiction, which limit the authority of the district courts to adjudicate cases, both civil and criminal. Contrary to what some courts have attempted to make us believe, jurisdiction over the PERSON, subject matter, and the place where an alleged crime was committed, can be raised at ANY STAGE of a criminal proceeding, it is NEVER presumed, but must always be proven, and it is NEVER waived by a defendant. See United States v. Rogers, 23 F. 658 (D.C. Ark. 1885).

Another limitation that the district courts have is that of service of the summons or arrest warrants in criminal cases. Title 18, section 5 of the U.S. Code notes that "the term 'United States', (sic) as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone." Many of us have come to the conclusion that this limitation is the same as that imposed in 18 U.S.C., section 7, especially subsection (3), which basically parrots the language used in Article I, section 8, clause 17 of the U.S. Constitution. If we are correct in this (and I contend that we are), then this limitation also exists as regards service of either a summons or an arrest warrant.

In the Federal Rules of Criminal Procedure, Rule 4(d)(2), we read the following, to wit:

> (2) **Territorial limits.** The warrant may be executed or the summons may be served at any place within the jurisdiction of the United States.

See F.R.Cr.P., Rule 4(d)(2).

As has been shown throughout this treatise, the U.S. District courts have no judicial authority to proceed against natural persons as they have done. Further, they are courts of limited jurisdiction, there is a presumption against its existence, Weaver v. Haworth, 410 F.Supp. 1032 (E.D. Okl. 1975); City of Lawton, Oklahoma v. Chapman, 257 F.2d 601 (10th Cir. 1958); see also Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 374 (1978) and Sheldon v. Sill, 49 U.S. 441, 445-46 (1850), federal courts, both primary and appellate remain courts of limited jurisdiction.

SEQUENCE OF PROCEEDINGS LEADING TO CRIMINAL ACTIONS

Although most of the statutes cited herein come from Title 21 of the U.S. Code this procedure must be followed in all instances where criminal action is contemplated for violations of any U.S. Code provisions

ADMINISTRATIVE AGENCY ACTION
PRIMARY JURISDICTION ⟶

See 21 U.S.C. 335, 336, 371(c), 875, 883, 5 U.S.C. 554, 555, 558, 559, 551-559.

INITIAL ACCUSATION: Hearings at administrative agency on proof of coverage (jurisdiction) start and is determined. Opportunity to present views and to conform with code provisions is given. Agency, U.S. Attorney, or person interested or affected by any actions or omissions by the accused may request and initiate the said administrative agency proceedings/action. The defendant may request participation of all the administrative agencies that were, could have been, or should have been involved in the action. Head of adjudicating agency must issue a decision in the matter, to contain findings of fact, conclusions of law, basis, reasons, and rationale for its decision, including but not limited to the determination that the agency had jurisdiction over the person of the defendant. If jurisdiction is concluded to exist, then the agency may issue cease and desist orders, "fraud" orders, or other orders to the defendant requiring him to comply with the involved sections of the U.S. Code or other provisions, and to act or omit from acting in the way complained of.

If the defendant, after being so ordered to conform with the code and the agency's order and having signed an agreement to that effect, still persists in violating the mandates of the agency, then the agency can proceed to take the matter to a federal court, where it can request that the court issue an injunction or a restraining order.

At this administrative level is where the exclusive record for review, decision, and enforcement is developed, see 5 U.S.C. 554, 556(e). The agency must prove that the defendant is subject to be regulated by the agency and that the defendant has a contract in commerce (e.g., contract in admiralty, vice-admiralty, inland-admiralty, interstate commerce, international commerce, etc. [in some cases intrastate commerce, see 21 U.S.C. 801]) which would be the subject of the regulatory scheme, and which would create the required NEXUS between the defendant and the United States of America et al. (See basic jurisdictional fact below)

FEDERAL COURT PROCEEDINGS
CIVIL ⟶ (leading to contempt) ⟶ CRIMINAL

Enforcement of injunction: See 21 U.S.C. 332(a), 882(a), F.R.Civ.P. 65, F.R.A.P. 15 (a), 16, 17, 18, 18 U.S.C. 1345, 1509, F.R.Civ.P. 2.

Review: See 21 U.S.C. 371 (f), 877, F.R.A.P. 15(b), 5 U.S.C. 702, 701-706, 28 U.S.C. 1361, 1651, 2201, 2202, 2241, 2255.

INJUNCTIVE ORDER: If the agency's order is violated, an injunctive order is sought by the involved agency (etc.) and if the said injunctive order is called for, the court will compel the defendant to conform to the agency's prior administrative order or be found guilty of contempt for disobeying the court's order. Thus, at this point the defendant has been told what the law is as applies to him/her (noting that such a defendant may or will most probably be an artificial person, such as a corporation or corporate-like legal entity or unit, see 21 U.S.C. 453, 1033, 21 CFR 1301.02), and any violation of the court's order will be seen as an offense against the laws of the United States -- the law in this case being the decree and injunction of the court.

REVIEW: The defendant may challenge the agency's order if the said order is prejudicial to the defendant or is considered unjust, or if issued in want of agency jurisdiction, etc.

See 21 U.S.C. 332(b), 882(b), 18 U.S.C. 401, 402, 3691, 3285, 371, 1509.

CRIMINAL CONTEMPT: Where the defendant enjoined violates the said injunction, the Plaintiff(s) in the instant matter pursues an action by the court against the Defendant under its criminal jurisdiction, invoking the court's jurisdiction under 18 U.S.C. 3231, to obtain such criminal jurisdiction over the defendant. Disobeying the court's injunctive order is in itself the offense against the laws of the United States. This violation is no more than a petty offense or infraction, never raising to the level of a felony nor misdemeanor. 18 U.S.C. 402 provides that where a natural person (e.g., a natural born, free, white, male, adult, with NO NEXUS with the United States and NOT ACTING AS an agent, official, or other representative of any legal entity/unit at the time of the alleged offense) is involved in the said criminal contempt, that a fine not to exceed $1000 dollars will be imposed and/or a term of imprisonment not to exceed SIX MONTHS.

JURISDICTIONAL FACT: Those matters of fact which must exist before the court can properly take jurisdiction of a particular case, Noble v. Union River Logging Railroad Co., 147 U.S. 165.

U.S./U.S.A. et al.
The State/Estate
----------►
BASIC JURISDICTIONAL FACT
CONTRACT IN COMMERCE
(creates required nexus)
◄----------
Corporations, 14th Amendment citizens, legal entities, government agencies and their agents, etc.

Natural Persons (supra) have NO NEXUS

THE SECRET AND ENIGMATIC ILLEGAL QUI TAM BASED SLAVE LABOR SYSTEM
(The Private Corporate Non-Constituional Government In The U.S.A.)

July 1989 -- Under Duress

The United States (sic) District Court (Inc.) and the U.S. Attorney's Office (Inc.) in conjunction with their correspondent sister corporations, the Federal Correctional Institutions (Inc.), Federal Prison Camps (Inc.), Metropolitan Correctional Centers (Inc.), etc. (hereinafter Federal Gulags), appear to be but only a few among many subsidiary or sister corporations[1] operating outside the District of Columbia[2] in an intricate QUI TAM (me too)[3] system of private, commercial, non-governmental corporations[4] whose origin and identity cannot be determined, yet whose defrauding and extorting tentacles extend from coast to coast in the Continental North America, and which are under guise of law engaged in terrorizing and sucking the life's blood (labor and wealth)[5] from natural born free inhabitants that have not knowingly[6] contracted with them,[7] over whom therefore they have NO proven nor otherwise extant jurisdiction.[8]

The Federal Gulags are contracting with the U.S. District Courts through the QUI TAM and associated[9] court system (e.g., all United States district and appellate courts [Inc.] established in all states and territories of the Continental North America, including the District of Columbia) to supply slaves and slave labor for the prisons' (Inc.) factories and installations, all of them illegally enjoying and benefitting from the resultant profits through proceed sharing (booty sharing) arrangements among and between them.[10] These profits then pass through an illegal regional and central money laundering system[11] and racketeering influenced corrupt organizational scheme (organized corporate conspiracy),[12] in and by which the said non-governmental institutions and accounts and funds are kept and managed.

The system's courts, officers,[13] and prisons' top officials unlawfully act under direct and/or indirect orders from the district courts and other such corporative (inland admiralty) courts and prisons (Inc.) in this system, etc.,[14] violating our rights and they (and all others involved in the QUI TAM system) share in the profits derived from such kidnapping,[15] imprisonment, enslavement, and involuntary servitude.[16] Therefore and otherwise, the contract (corporative association and agreement in the nature of a CONSPIRACY) which exists between and among these (and other) involved corporations by telephone, electronic services, mail, personal appearances, conventions, meetings, reunions, orders, supplies, purchases, and financing, etc., and which collusion affects and is prejudicial to all those caught in the QUI TAM system, and is illegally contrary to governing and immutable common law and violative of our rights, liberties, and immunities, are unlawful and unconstitutional and constitute a false court/prison, law-enforcement fraud and extortion scheme.

Although the corporation or corporations PARENT to these <u>non-governmental</u> (de facto) private, commercial "agencies" are presently unknown and <u>difficult to describe</u> or may not even exist on paper de jure, this system de facto/ipso facto operates through agreements, understandings, contracts, trusts, monopolies, pools, interlocking directorships, holding companies, and other parasitic and predatory institutions (tangible and intangible, de facto and de jure), and other practices, and like devices of a more modern, <u>hidden</u>, <u>devious</u>, and <u>insidious</u> character and result.[17] The Ollie North gang was its military counterpart.

These federal (sic)[18] corporations include, but are not limited to, the U.S. district and appellate courts (Inc.), the U.S. Attorney's Offices, (Inc.), the Drug Enforcement Administration (Inc.), the Internal Revenue Service (Inc.), the Federal Bureau of Investigations (Inc.), the Bureau of Tobacco, Alcohol and Firearms (Inc.), the Bureau of Prisons (Inc.), Federal Prison Industries (Inc.), Unicor (Inc.), the Central Intelligence Agency (Inc.), the U.S. Marshals (Inc.), etc. — all contracting (conspiring) and ramaining in collusion with each other, creating otherwise non-existing crimes[19] and "convicting" (sic) their victims in their own illegal and fake court system[20] which is run by private corporate officers, stripping their prey of their liberty, property, wealth, good name, families, and lives — under guise of law, and forcing and terrorizing their families with the same ferver and ruthlessness if they do not submit to the corporation's (fake government's) will.

Although the herewith given exposition of the federal (sic) qui tam/de facto/ illegal/corporate court/police/prison system may seem prolix — it is difficult to explain and describe that which is so deviously and meticulously calculated to remain so well hidden, complex, and incomprehensible. This is the secret of its success and proliferation. Precisely these characteristics have allowed all these private corporations to have an appearance of governmental legitimacy, yet having no legal foundation whatsoever, neither legislative nor constitutional nor otherwise, and to escape detection and to evade ease of description.

With the limited resources we have at our disposal, for both Walt and I are in this federal gulag system, but with good faith intentions and thoroughness, we have done our best to describe this invisible enemy, and enslaver, and the worst of social diseases. We are here in the belly and bowels of the beast because it is alive in this dirty river and has swallowed us up, and of this the evidence is irrefutable. We have turned all the stones we found and all of them had the conspiracy's seal. Now, we shift the burden of proof to the contrary to you so you can thus see, and either destroy the beast as Gorbachev did one of her (the beast's) offsprings (see footnote 14) — or convince us that the seal we see is the true seal of the United States and the constitutional government,[21] and that we and all others must thus submit.

F O O T N O T E S

1 E.g., U.S. (sic) Marshals (Inc.), D.E.A. (Inc.), F.B.I. (Inc.), I.R.S. (Inc.), C.I.A. (Inc.), B.T.A.F. (Inc.), Unicor (Inc.), etc., etc. It must be noted here that the law and Constitution provide that the Constitutional Government of the District of Columbia cannot exist or function outside the District of Columbia except in rare circumstances (a) against corporations and legal entities (Art. I:8:3; Hale v. Henkel, 201 U.S. 43 [1905]) and (b) on certain limited federal enclaves (Art. I:8:17; U.S. v. Benson, 495 F.2d 475 (5th Cir. 1974). See Walt's Book.

2 May have links to Federal agencies operating lawfully and in collusion with this corporate and other such corporations as herein referenced. The individuals in the District of Columbia have acquiesced in, covered up, and benefited from this illegal fraud, extortion, assassination, mass murder, and genocidal scheme.

3 See Black's Law Dictionary, "Qui Tam Action," an action brought by an informer under as statute which establishes a penalty for the commission or omission of a certain act, part of the penalty to go to the informer.

[4] The system herein described is totally privately owned, and established on private and Art. I:8:17 property, outside the District of Columbia and in lands not ceded by the States to the United States (e.g., for forts, magazines, dockyards, and other needfull buildings). See U.S. Constitution of 1787/1789, Art. I:8:17 and associated case law, etc.

[5] I.e., perpetrating attacks against life, liberty, and property, by imprisoning, fining, taxing, forfeiting, confiscating, miming, torturing, burning, and murdering, etc.

[6] These private, non-governmental corporations, through deceptive schemes, have attempted to assume a governmental air and jurisdiction over Walt and me and those in our class, see A.M. Rose, works.

[7] See Ramsey v. Allegre, 25 U.S. 611 (1827); Swan v. Fuline, 248 F.Supp. 364; Boyd v. U.S., 116 U.S. 616; New Jersey v. Johnson, 68 N.J. 349 (1975).

[8] See Ramsey v. Allegre, supra, requiring a contract in order to create jurisdiction over the victims/defendants; see also Lytle v. Arkansas, 9 How. 314, 335.5; U.S. v. Rogers, 23 F. 658 (D.C. Ark. 1885).

[9] "Correspondent."

[10] In the form of salaries, business offices and supplies, travelling and entertainment expenses reimburstments, kick-backs, pensions, retirement plans, insurance schemes, housing arrangements, lecturing fees, Federal Reserve credit/debt financing and subsequent debt forgiveness (as the one claimed by Supreme Court Justice W. Brennan [$120,000 dollars worth] in his 1990 financial disclosure form [updated note by writer]), managed and kept in private, non-gopvernmental corporate (non-District of Colombia) accounts and institutions; and are issued as paychecks and payments for goods and services, labeled, deceivingly, "U.S. Treasury," in order to fool all. The United States Postal Service is heavily involved.

[11] Federal Reserve Banks and correspondent banks issuing checks sub nom, "U.S. Treasury," "Treasury Department," etc.

[12] The law provides stricktly that a governmental institution must act as a buffer between the judge who assesses/enforces fines, penalties, taxes, assessments, and forfeitures, and that NO private, non-governmental entity can constitute that buffer, see Tummey v. Ohio, 273 U.S. 510 (1927); Ward v. Monroeville, 409 U.S. 57 (1972); Marshal v. Jerico, 446 U.S. 238 (1980); U.S. v. Mussry, 726 F.2d 1448 (9th Cir. 1984); U.S. v. Woodley, 726 F.2d 1328 (9th Cir. 1983); see also 18 U.S.C. 1951 et seqq., 1961 et seqq., racketeering and RICO statutes.

[13] Including clerks, and the heads of other related private qui tam agencies, etc.; e.g., administrators, directors, wardens, superintendent, etc.

[14] E.g., U.S. (sic) Marshals, D.E.A., I.R.S., Bureau of Prisons, U.S. (sic) courts, U.S. (sic) Attorneys and Assistant Attorneys, etc., etc.

NOTE: It must be noted that the U.S.S.R. has recently admitted "discovering" an illegal and unconstitutional and fake court fraud and extortion scheme instituted by past leader Breshnev and his son-in-law, who modeled theirs after America's. It is amazing and apalling that the same thing exists here, but which in its insidiousness and breadth — makes the Russian version look like a picnic, and which was instituted by a past leader in America, F.D. Roosevelt through his nazi-like, communist-like, fascist-like, corporative state, mercantilism scheme, in the "New Deal," the N.R.A./N.I.R.A. era which effectively turned government over to the corporations. This scheme of fake law, fake judges, fake jurisdictions, fake crimes, fake trials, fake fines, false imprisonment in fake prisons in America must be exposed and neutralized — just as in Russia, and you are the one which must do it. (See history of Roosevelt's fake court system recorded in part in West's 1986-7 paperback Ed. of the U.S. Judicial Code, 28 U.S.C. 44, 88, and Appendix I. See also R.N. Current, T.H. Greer, W. Adams, F.O. Bonkovsky, E. Mullins, R. Epperson, etc., works.)

[15] Shanghied.

[16] Impressment, see 6 Anne. 37 c. 1701-1709 prohibition against impressment (slavery) in America.

[17] See R.N. Current, Henry Adams, etc. (supra) works.

[18] Refers to the corporations that operate outside the District of Colombia and whose "business names" mislead others into believing that they have substantial ties with governmental agencies in the District of Columbia with names similar to theirs. No such substantive (constitutional) ties nor authority exists, however.

[19] E.g., unlawfully "creating new crimes in unchartered fields," Faohey v. Mallone, 332 U.S. 245 (1947), discussed in professor Bernard Schwartz's Administrative Law, case book, page 113.2, L.B. Co., Boston, Mass., 1983; see U.S. v. Eaton, 144 U.S. 677 (Mass. 1892); U.S. v. VonWert, 195 F. 974 (Iowa 1912); U.S. v. Buster, 195 F. 657, 115 C.Ca. 463 (Minn. 1912).

[20] See article by U.S. Senator Steve Symms (D-Ohio) in the Justice Times, April 1988, titled, "Separation Of Powers Essential To Liberty," and articles in same periodical by W. Mann, Dec. 1987, Jan. and Feb., 1988.

[21] Peace on earth and the cleaning up and protection of our exploited and polluted natural and man-made environments cannot be realized while America retains this unlawful system of enslavement. Individuals, Russia, China, and even our allies cannot, dare NOT trust America while the fake government remains in place. Ollie North's, Admiral Poindexter's, and William Casey's military facet of the unlawful government has been escised, and now its time to expose the healing light, and excise the civil and criminal sides of this unlawful government — which we and the U.S.S.R. thus have a natural and legitimate right to fear, see Readfield v. Fisher, 292 P. 813 (Ore. 1930).

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

JUL 17 1989

In re)
)
on)
) D
Habeas Corpus)
)
) (Super. Ct. No.)
)

THE COURT:

The petition for writ of habeas corpus has been read and considered by Justices Wiener, Todd and Nares. Petitioner's allegations that he was kidnapped by informers, tried in an impostor court and is being held in an impostor prison engaged in slave trade, if proven, entitle him to relief. However, this court has no means of investigating the matter. The petition is denied.

Nares

NARES, Acting P.J.

Copies to: All Parties

I, STEPHEN M. KELLY, Clerk of the Court of Appeal, Fourth Appellate District, do hereby certify that the preceding is a true and correct copy of Order as shown by the records of my office.

WITNESS my hand and the Seal of the Court this 23rd day of August A.D. 1989

STEPHEN M. KELLY, Clerk

By J. Miller
Deputy Clerk

ORDER DENYING WRIT OF HABEAS CORPUS

No. _

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

IN RE

ON

HABEAS CORPUS

Petition for writ of habeas corpus DENIED.

Lucas

Chief Justice

APPENDIX "C"

PROPER METHOD OF ENFORCEMENT OF CRIMINAL LAW*

1. IN AMERICA IT IS, IN EFFECT, AN CONTRARY TO CURRENT PRACTICE -- UNLAWFUL TO HOLD FIRST INSTANCE CRIMINAL TRIALS OR TO INFLICT CRIMINAL PUNISHMENT IN THE FIRST INSTANCE[1] AND WITHOUT A JUDICIAL (THREE JUDGE PANEL)[2] INTERVENING AND SANCTIONING THE TRIAL AND PUNISHMENT.[3] FIRST INSTANCE CRIMINAL TRIALS OCCUR, INVOLVING MERE PARKING TICKETS TO CAPITAL MURDER AND TAXES, DRUGS, ASSAULT, BATTERY, ETC. IN-BETWEEN, ONLY DUE TO JUDICIAL INERTIA BOOTSTRAPPING,[5] QUI-TAM, AND DEFENSE LAWYER INCOMPETENCE[6] AND collusion WITH THE QUI-TAM COMMON INFORMER (PRIVATE, COMMERCIAL, CORPORATE, NON GOVERNMENTAL), INFORMER PROSECUTORS AND COMMERCIAL (ADMIRALTY, VICE-ADMIRALTY) INLAND ADMIRALTY "JUDGES" (sic), NONE OF WHOM HAVE EVER HAD, AND NEVER HAVE, CANNOT PROVE, EVEN GIVEN THE CHANCE, THAT THE SUPPOSED JURISDICTION EXISTS, YET WHICH IS THEIR DUTY (SEE POINTS AND AUTHORITIES HEREIN REFERENCED).

---

1 UNITED STATES v. HARRIS, 106 U.S. 629; BALDWIN v. FRANKS, 120 U.S. 678; U.S. v. RYAN, 109 U.S. 835 (1883).

2 SEE THE 1677 WEST NEW JERSEY CHARTER, CITED AS THE LAW OF THE LAND IN R.N.A. v. VIRGINIA, 448 U.S. 555 (1980).

3 28 U.S.C. 2284, 2341 ET SEQ., F.R. CIVIL P. 15, 16, 17, 18.

4 HODGSON v. CONSOLIDATED F. INC., 503 F2d. 797 (C.A. CAL. 1979)

5 GRIFFIN v. UNITED STATES, 802 F2d. 146 (5TH CIR. 1986)

6 SEE REQUIRED PLEAS, UNITED STATES v. HOPKINS, 228 F 175 (N.Y. 1912); SEE CONSEQUENCES IF NO PROPER PLEAS FILED, TOLAND v. SPRAGUE, 12 U.S. 355 (1838); F.E.C.R. v. PETERS, 80 FLA. 582, 86 So. 217 (1916). STINSON v. E.I.W., 53 F.SUP. 864; McKARING v. BULL, 16 N.Y. 297, 298, 299, 69 AM. DEC. 696, 697, 704 (1857)

2. THE CURRENT "U.S." (SIC) CRIMINAL CODE, TITLE 18, U.S. CODE FOR THE MOST PART IS FROM PRIOR CIVIL AND ADMINISTRATIVE CODES, AND IRRESPECTIVE OF ITS LABEL, REMAINS A CIVIL CODE. FURTHER, IT IS NO MORE THAN, FOR THE MOST PART DEFINES ACTS AND OMISSIONS (E.G., "OVERT ACTS") WHICH CONSTITUTE 18 U.S.C. 371 CONSPIRACIES OR FRAUDS OR VIOLATIONS WHICH CAN FIRST BE CIVILLY ENJOINED IN THE FIRST INSTANCE CIVILLY, AND WHERE FURTHER PERPETRATED IN THE SECOND (SUPPLEMENTARY) INSTANCE, PUNISNED ONLY AS CRIMINAL CONTEMPT, AS FOLLOWS:

3. 18 U.S.C. 401 (POWER OF THE COURT CRIMINAL CONTEMPT ONLY), F.R. CIVIL P. 1, 2, 3, 65 (ONE FORM OF ACTION: CIVIL [INJUNCTION]), 28 U.S.C. 1651, 1361, 28 U.S.C. 2201, 2202; ETC., RESULTING IN A ONE JUDGE (ADMINISTRATIVE) OR MORE PROPERLY A JUDICIAL (THREE JUDGE) DECREE OF INJUNCTION/MANDATE CONSTITUTING A "LAW OF THE UNITED STATES, SEE MARBURY V. MADISON, 5 U.S. (1 CR.) 137 (1803) STATING THAT (A) NO LEGISLATIVE ACT CONSTITUTES LAW, AND (B) THAT ONLY A COURT CAN DECLARE THE LAW; VIOLATION OF WHICH CIVIL INJUNCTIVE CONSTITUTES AN OFFENSE AGAINST THE LAWS OF THE UNITED STATES" (SEE 18 U.S.C. 3231) FOR WHICH ONLY A CRIMINAL CONTEMPT CITATION (E.G., INDICTMENT OR INFORMATION) AND PROSECUTION CAN RESULT (18 U.S.C. 402, "CONTEMPTS CREATING CRIMES"), 18 U.S.C. 3691 (JURY TRIALS OF CRIMINAL CONTEMPTS) -- THE ONLY ACT SUBJECT TO SUCH INJUNCTION BEING AN 18 U.S.C. 371 CONSPIRACY TO (A) DEFRAUD THE UNITED STATES, OR (B) VIOLATE SUCH AN INJUNCTIVE DECREE ("LAW OF THE UNITED STATES") -- THE OTHER PROSCRIBED ACTS AND OMISSIONS IN THE CODE CONSTITUTING FACTS MAKING OUT THE CONTEMPTS ---

E.G., FAILURE TO FILE IN INCOME TAX RETURNS AS COMMANDED (26 U.S.C. 7203), FAILURE TO PAY AN INCOME TAX AS COMMANDED (26 U.S.C. 7201) THE CONSPIRACY SO TO DO POSSIBLY INVOLVING USE OF THE MAILS TO SO DEFRAUD (18 U.S.C. 1341) OR WIRE (18 U.S.C. 1343, E.G., TELEPHONE) ETC. FURTHER, **NO** INDIVIDUAL IS BOUND TO KNOW CODE PROVISIONS, VON ANTWERP V. UNITED STATES, 92 F2d. 871 (Cal. C.C.A. 1938), AND **CANNOT** BE HELD LIABLE ON ANY SUPPOSED LAW IF HE DOES **NOT** KNOW OF THE LAW, LAMBERT V. CALIFORNIA, 395 U.S. 225 (1957), OR IF **NOT** INFORMED THEREOF PERSONALLY, DEELUMS V. POWELL, 566 F2d. 167 (D.C. 1977), AND **NO** SUCH PERSON AT NOTICE CAN BE ACQUIRED EXCEPT IN A CIVIL IN PERSONAM JUDICIAL EQUITABLE CIVIL INJUNCTION/MANDATE TRIAL, AND THEREFORE **NO** FIRST INSTANCE CRIMINAL TRIAL CAN BE HELD, **NOR** PENALTY (E.G., FINE, IMPRISONMENT) IMPOSED IN THE FIRST INSTANCE NISI-PRIUS, BUT MUST BE PRECEDED BY SUCH A FIRST INSTANCE, NISI-PRIUS CIVIL INJUCTIVE TRIAL AND ORDER.

APPENDIX "D"

SEVERELY LIMITED POWER OF THE UNITED STATES OF AMERICA.[1]

No government agent can commit the institution of the United States of America[2] or any institution thereof[3] to any position[4] except the Attorney General and/or the Chief Administrative officers of those agencies[5] lawfully established in, and whose powers[6] and jurisdiction are limited to, the District of Columbia. Regardless of how many of these agencies are involved in the regulation of the crimes I was charged with, no such commiting recommendation or order for

---

[1] See page 14, footnote 1, of this instrument.

[2] E.G., United States; United States, Inc.; United States of America; United States of America, Inc.

[3] E.G., executive departments, administrative agencies, bureaus, offices, or branches thereof, etc.

[4] E.G., any position as to substance, rights, duties, liabilities, penalties, forms of procedures, etc., etc., ad infinitum; e.g., as to whether or not I should have been prosecuted civilly or criminally or administratively, etc., or penalized, e.g., sentenced to imprisonment.

[5] Those agencies which were involved: should have been involved, or could have been involved to my advantage, United States v. Creswell, 515 F.Supp. 1268 (E.D.N.Y., 1981), which states in effect that if the agencies involved would have been involved there is a great likelyhood that I would not have bee prosecuted or that a lesser or no sentence would have been imposed (see Title 5, sections 558(b), 554(b)(2), 551(10) and (15), 706 to (c), etc. See page 14, footnote 1, supra.

[6] E.G., see 18 U.S.C. 401 (injunctions); F.R.Civ.P. 2 (one form of action, civil, injunction).

PROSECUTION APPEARS IN THE EXCLUSIVE RECORD FOR REVIEW AND DECISION[1] IN THE INSTANT CASE WHERE ISSUED BY SUCH EMPOWERED OFFICERS[2] OR AGENCIES OF THE UNITED STATES REFERENCED ABOVE[3], AND THUS, THE JUDGMENT, SENTENCE AND PRESENT IMPRISONMENT TO WHICH I HAVE BEEN SUBJECTED ARE ILLEGAL.

CHECK.

---

1 SEE 5 U.S.C. 101 TO 559, 701 TO 706.

2 E.G., SEE BUCKLEY V. VALEJO, 424 U.S. 1 (1976); UNITED STATES V. LASALLE BANK, 437 U.S. 298 (1979).

3 THERE SHOULD HAVE BEEN ONE OR MORE AND CERTAINLY MANY AGENCIES BEFORE WHICH I SHOULD HAVE BEEN AFFORDED FORMAL HEARINGS ON ALL ISSUES INCLUDING COVERAGE (JURISDICTION) AND MERITS, ETC. (SUPRA, AS A MATTER OF OVERLAPPING AND CONCURRING REGULATORY JURISDICTION, THOMPSON MEDICAL CENTER V. F.T.C., 791 F2J 189 [D.C. 1986]; F.T.C. V. TEXAS, 555 F2J 862 [D.C.], C.DEN. 431 U.S. 974 [1977]; F.T.C. V. C.I., 335 U.S. 685, 694-5 [1949]).

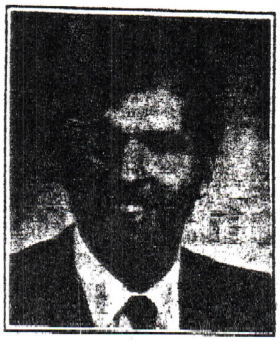
Separation of power essential to liberty

Steve Symms
ted States Senator

During the heated public debate in early 1788 over ratiation of the Constitution, James Madison wrote in Fedlist No. 51, "What is government itself but the greatest ill reflection on human nature? If men were angels, no vernment would be necessary."
In this, the conclusion of his five papers on the separation powers, Madison argued that human nature created the cessity for *limited* government, because the tendency of n to abuse power is as real among rulers as it is among ruled.
He went on: "In framing a government which is to be ninistered by men over men, the great difficulty lies in it you must first enable the government to control the

> *"You must first enable the government to control the governed; and in the next place oblige it to control itself."*
>
> – James Madison

verned; and *in the next place oblige it to control itself.*" mphasis added.)
This premise — that human nature is the greatest threat human freedom — laid the foundation for limited gov-



SENATOR STEVE SYMMS

ernment in the United States with clearly defined powers delegated to distinctly separate branches of government. It also gave birth to the view that only a written Constitution could secure the rights of Americans from the ambitions of men, that only a document spelling out delegated power could restrict that power and thus restrain those holding office from abusing it.

This is the way Thomas Jefferson viewed the Constitution. "Let no more be said of confidence in man," he wrote in an early draft of the Kentucky Resolutions, "but bind him down from mischief by the chains of the Constitution." If power corrupts and absolute power corrupts absolutely, the Founders thought, then governmental authority should be limited and divided. And so the separation of limited powers became the core of the Constitution drafted and signed 200 years ago.

The principle of dividing limited power was no historical quirk; it prevailed in the Constitution because by

See DIVIDING, page 14

Dividing power blocks

rom page 3

e time of ratification, it had become an integral part of the merican political fabric.

As early as 1783, four years before the Constitution was afted, Jefferson wrote that the three powers of government — the legislative, executive and judicial — "must be divided and guarded as to prevent those given to one from ding usurped by the other; and if properly separated, the rsons who officiate in the several departments become ntinels in behalf of the people to guard against every ssible usurpation."

One year later, Madison called "the Union of powers" othing less than "tyranny." But the roots of the separation powers doctrine go back further yet, into European history and — in its primitive form — even into antiquity.

The Baron de la Brede de Montesquieu, 18th century olitical philosopher and jurist, propounded in his *Spirit of e Laws* the doctrine followed by the American Founders. Book XI, Montesquieu wrote of the danger in concentrating "three sorts of power" — again, the legislative, executive and judicial. "When the legislative and executive owers are united in the same person, or in the same body magistrates," he said, "there can be no liberty," and here is no liberty, if the judiciary power be not separated om the legislative and executive."

Montesquieu had observed and studied English government as the divine right of kings gave way to parliamentary authority. He learned that oppression under monarchy was made possible by the centralization of power in the hands of one man. Kings, with the help of their privy councils, could make the law, execute it, *and* judge those accused of violating it, enabling the crown to totally subjugate the people according to its every whim.

The Founders of the American republic, also students of history, agreed with Montesquieu. So they divided the functions of the national government among the Congress, the Presidency and the Supreme Court — each distinctly separate, and each given powers to check potential excesses of the two others. While the Founders had already ruled out monarchy as the new form of government, abuse of power was still a problem.

They knew the danger of concentrating power in one governing body was always present, whether that body be made of one man or many — or as Jefferson put it, "173 despots would surely be as oppressive as one."

Along with the separation of government functions, the Founders also built into the Constitution a jurisdictional type of separation in power, which involved the principle of federalism. Federalism reserved to the national government limited jurisdiction in national and international affairs and secured to the states a portion of sovereignty that

EXHIBIT "A"

usurpation

kept the bulk of government power on the local level, where it can best be controlled.

Madison saw the wisdom of this. In Federalist No. 45, he wrote that "the powers of the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite." Defining the various realms of jurisdiction, he wrote, "The former (federal power) will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce. . . . The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

Jefferson agreed. "Let the national government be entrusted with the defense of the nation, and its foreign and federal relations; the state governments with the civil rights, laws, police, and administration of what concerns the state generally," he wrote. "It is not by the consolidation or concentration of powers, but by their distribution that good government is effected."

He also warned of allowing power to concentrate in the federal government. "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated (Britain)."

Here, Jefferson sounds more like a prophet than a statesman. For in the last five decades, the separation of powers has broken down significantly, allowing the power of the federal government to far exceed its Constitutional limits.

> *The only limit to the size of government and the number of laws to be made is the number of bureaucrats that can be hired.*

Today the bureaucracies in the executive branch of government do far more than execute the laws passed by Congress; *they make law.*

In 1986 alone, more than 4,500 new regulations were added to the Code of Federal Regulations, which already contains more than 109,000 pages of regulations promulgated by executive agencies since 1949. And they all have the force of law, as if Congress passed each one in the regular course of the legislative process.

This breakdown in the separation of power has eroded the "limited" nature of the federal government envisioned by the Founders. Because Congress has delegated its exclusive authority to make law to agencies in the executive branch — something the Constitution forbids, the only limit to the size of government and the number of laws to be made is the number of bureaucrats that can be hired.

In addition, the bureaucracies have set up their own administrative courts in which to judge the violation of their own regulations. Notwithstanding the letter and spirit of the separation of powers clearly outlined in the Constitution, the executive branch of government is exercising legislative and judicial powers.

Similarly, the federal courts — the supposed designated guardians of the Constitution — have breached the separation of powers by making law and executing it through judicial orders. For example, in the recent past the federal courts ordered the integration of public schools by compulsory busing of school children, in the absence of any Constitutional legislative action by Congress. They then administered their quasi-law to see that the orders were carried out.

This abrogation of the separation of powers, which has taken place over the last five decades, has allowed the federal government to grow enormously, now consuming nearly one-fourth of the gross national product and regulating virtually every aspect of life.

In short, Jefferson's prophesy has come true. "All government, domestic and foreign, in little as in great things, (has been) drawn to Washington as the center of all power, (and) it (has) render(ed) powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated." It will, that is, if the separation of powers doctrine of the Constitution is not re-imposed on the federal government.

The 200th Anniversary of the Constitution is a good time to do so.

In the words of William Gladstone, the Constitution is "the most wonderful work ever struck off at a given time by the brain and purpose of man"

But if it is to endure in preserving freedom for ourselves and our posterity, its principles — including the separation of powers — must be understood and kept alive by the people it serves.

Steve Symms is a United States Senator from Idaho.

On Guard

By Claire Kelley

"He that ruleth over man must be just, ruling in the fear of God." —II Samuel 23:3

The Feds usurped their jurisdiction

It is axiomatic that the prosecution must always prove territorial jurisdiction over a crime in order to sustain a conviction therefor."

U.S. v. Benson, 495 F.2d at 481 (1974)

The above legal mandate applies to all federal prosecutions, but let's examine more specifically its relation to taxation. I cannot recall any criminal tax prosecution where the *territorial* jurisdiction of the federal government has been challenged.

Title 18 of the U.S. criminal code says that "the district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States" (sec. 3231).

But the laws of the United States do not apply to every square inch of the country known as the "United States." Federal jurisdiction is explicitly set forth in Art. I, sec. 8, cl. 17 of the U.S. Constitution and is very limited. It grants that "The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over such district (not exceeding ten miles square) as may be, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-yards, and other needful Buildings."

These are the places over which the federal district courts have original jurisdiction of all crimes committed thereon.

In criminal prosecutions, where the federal government is the moving party, it must not only establish ownership of the property upon which said crime was committed, but they must also produce documentation that the State has *ceded* that property to them, thereby waiving all State jurisdiction over said property. The U.S. Supreme Court has addressed this issue and has held that "Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor." *Fort Leavenworth Ry. Co. v. Lowe*, 114 U.S. 525 (1885).

The federal government can buy land in a state, but unless that state approves the sale or signs a document ceding that property to them, there is no federal jurisdiction on the property. Any crime committed on property owned by, but not ceded to, the federal government would have to be tried in a state court. This applies to common law crimes as theft, murder and the like, because the federal crimes contained in Title 18 can only apply to places within federal jurisdiction, which includes Washington, D.C., U.S. Territories and possessions and all federally-owned property ceded by the states to the federal government — and nothing else.

"Without proof of the requisite ownership or possession of the United States, the crime has not been made out." *U.S. v. Watson*, 80 F. Supp. 649 (1948, E.D.-Va.). Federal criminal charges against Watson were dismissed.

Such a system is guaranteed to keep the federal government from getting too big, because money is power, and the less money the government has, the less power it has.

In *Pendleton v. State*, 734 P.2d 693 (1987 Nev.), the state court was held to have jurisdiction over a drunk driving case committed on federal land because the federal government failed to establish their territorial jurisdiction over the land.

One of the most important cases on the subject was *U.S. v. Bevans*, 16 U.S. (3 Wheat.) 336 (1818), which established the principle that only where the federal government had the power of "exclusive legislation" did it have jurisdiction. The exclusive legislation principle is not addressed to subject matter, but to geographical location. The power to prosecute federal crimes is confined to those crimes committed within federal jurisdiction.

In 1819, the New York Supreme Court quoted U.S. Supreme Court Chief Justice John Marshall, saying, "Chief Justice John Marshall observed, that to bring these offenses within the jurisdiction of the courts of the union, it must have been committed out of the jurisdiction of any state; it is not (he says) the offence committed, but the *place* in which it is committed, which must be out of the jurisdiction of the state." *People v. Godfrey*, 17 Johns. 225, at 233.

It is also important to know that the U.S. Supreme Court has held that such a jurisdictional challenge could be raised in a Petition for Habeas Corpus. (*Bowen v. Johnston*, 306 U.S. 19 (1939)).

Federal criminal law can only apply within federal jurisdiction. Even if the Sixteenth Amendment wasn't fraudulent, the excise tax it purports to establish would only be collectable from persons living within federal jurisdiction, i.e., Washington, D.C., Territories and possessions, and state-ceded lands.

It is quite clear from a study of our early history that the Founding Fathers of this nation intended the national government to be run with monies collected from the duties, imposts and excises within the federal jurisdiction, and that if any further revenues were needed, *then* the Congress was to go to the states with an apportioned, direct tax. *That* is our constitutional system of taxation, notwithstanding the fraudulent Sixteenth Amendment.

Such a system is guaranteed to keep the federal government from getting too big, because money is power, and the less money the government has, the less power they have.

Each of the United States was — and is today — a separate and sovereign state. This sovereignty extends over all property and persons within the borders of each state, except over land ceded to the federal government and those persons living in it, both of which are subject to federal jurisdiction.

Not only does this throw grave doubts as to the levies on wages and salaries for income taxes claimed by the federal government from people who are not under federal jurisdiction and to whom the tax legislation cannot possibly apply, but it throws serious doubt on the seizures of people's homes and business property for alleged back taxes.

In a case where someone tried to will a parcel of land to the United States, the U.S. Supreme Court held such a transfer of real property invalid. In their ruling, they had some pertinent things to say about real property and federal jurisdiction.

"It is an established principle of law, everywhere recognized, arising from the necessity of the case, that the disposition of immovable property, whether by deed, descent, *or any other mode*, is *exclusively* subject to the government *in whose jurisdiction the property is situated* . . . . The power of the state in this respect follows from the sovereignty within her limits, as to all matters over which jurisdiction has not been expressly, or by necessary implication, transferred to the Federal Government." *U.S. v. Fox*, 94 U.S. 315, at 320-21 (1877).

It appears to me that the federal government cannot seize real estate within the jurisdiction of the state for alleged taxes, or for any other reason, even if the taxes were owed, but federal taxes cannot be owed by persons not within federal jurisdiction.

People outside of federal jurisdiction are beyond the legislation of Congress and are subject only to the legislation of the states. This is the limited government established under the Constitution, like it or not.

EXHIBIT "B"