Appendix Y

Memoranda of Law

Author's Note:

These Memoranda of Law have been adapted and updated from the files FMEMOLAW and 9THAPPEA on Richard McDonald's electronic bulletin board system (BBS). See references to MEMOLAW and FMEMOLAW in Chapter 11.

Richard McDonald has given his generous permission to publish the following versions of these documents as another Appendix in the third and subsequent editions of The Federal Zone.

Editing, minor additions and grammatical clarifications were done by John E. Trumane, also with Richard McDonald's approval.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF _____

	)	NOTICE OF LACK OF JURISDICTION
Plaintiff	)	
	)	AND
	)	
v.	)	DEMAND FOR HEARING
	)	
	)	TO ORDER PROOF
Defendant/Citizen	)	
	)	OF JURISDICTION
	)	

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that a hearing has been requested by the Accused Common Law Citizen [DEFENDANT] to take place on the _____ day of _____, 1994, at _____ hours in Courtroom _____, of the above entitled Court located at _____.

1. This hearing has been called to resolve certain conclusions of law which are in controversy. The demand for this hearing constitutes a direct challenge to the jurisdiction of this Court in the instant matter at bar. The accused Citizen [DEFENDANT] is aware that he has been compelled to participate in this action under threat of arrest and incarceration, should he fail to appear when ordered to do so.

2. The subject matter jurisdiction of this Court is not in question here. Rather, because the matter is criminal in nature and involves a compelled performance to what is essentially derived from Roman Civil (Administrative) Law, the Accused herewith challenges the *In Personam* jurisdiction of this Court. The Accused does so on the ground that the Plaintiff has failed to provide an offer of proof that the Accused is subject to the legislative equity jurisdiction in which this Court intends to sit to hear and determine only the facts of this matter, and not the law, arising from a "Bill of Pains and Penalties".

3. It is well known that jurisdiction may be challenged at any time as an issue of law because, absent jurisdiction, all acts undertaken under the color of statute or under the color of ordinance are null and void *ab initio* (from their inception).

4. Because the Accused was compelled, under threat of further damage and injury, to enter this Court to demand relief, this appearance is SPECIAL, and not general in nature.

5. The argument which follows sets forth the nature of the controversy "At Law". This Court is bound by its oath of office to sit on the Law side of its jurisdiction to hear the controversy in a neutral capacity and to make a fair and impartial determination.

6. This document, and the argument contained herein, is intended to be the basis for further action on appeal, should this Court fail to afford a complete hearing on the law of the matter at the noticed request of the Accused. Furthermore, a failure of this Court to seat on the Law side of its jurisdiction to determine this timely question will give the Accused cause to file for a Writ of Prohibition in a higher Court.

ARGUMENT

1. The Constitution of the United States of America (1787) is the supreme Law of the Land. The Constitution of State of California must be construed in harmony with the supreme Law of the Land; otherwise, the State of California has violated its solemn contract with the Union of States known as the United States of America, and the question raised herein becomes one which is a proper original action before the Supreme Court of the United States, sitting in an Article 3 capacity.

2. An employee of the Internal Revenue Service has submitted allegations in what amounts to a "Bill of Pains and Penalties" alleging that I, [DEFENDANT], have somehow failed to perform according to the terms of some agreement for specific performance on my part.

3. By submitting this Bill of Pains and Penalties, the individual in question has accused [DEFENDANT] of failing to perform specifically to some legislative statute which is being presented as evidence of the law. Statutes are not laws; they are administrative regulations which are civil in nature, even when they carry sanctions of a criminal nature, unless there is an injured party who is brought forward as a *corpus delicti*.

4. Thus, because of this unsupported conclusion of law, and because the Internal Revenue Service has administratively decided that the Accused is subject to the statutes in question, the Accused Citizen holds that a contrary conclusion of law exists to challenge the jurisdiction of this Court. Therefore, this Court must now sit in a neutral position, on the Law side of its jurisdiction, to hear and resolve the question of controversial positions of law as they affect its jurisdiction or lack of jurisdiction *In Personam*.

5. This argument is intended to serve as both a defense "At Law" in this Court, and as the basis of future actions, should it become necessary to appeal the question presented to a higher judicial authority.

6. If the Accused Citizen is correct, and if this Court is sitting to hear the violation of a regulatory statute, then it is possible that the judges of this Court, in hearing this matter, are acting in an administrative capacity rather than a judicial capacity. This issue is discussed in detail in the argument which follows.

7. This Court is placed on NOTICE that, if it fails to sit and hear this issue "At Law" upon a timely request, then you may have violated your oath of office to uphold and defend the Constitutions of the United States of America (1787) and the California Republic (1849). Such an act will serve to place you and the other parties to this action outside the realm of judicial

immunity and subject to future action by this Accused California Citizen. The Prosecutor in this action is specifically placed on NOTICE that s/he carries no shirttail immunity should s/he continue to prosecute, in the absence of a determination "At Law" of the question presented herein before trial.

JURISDICTION

8. In 1849, California became one of the several States in the Union of States known as the United States of America. California is a "Common Law" State, meaning that the Common Law, as derived from the common law of England, is a recognized form of law in the State of California.

9. Article 3 of the Constitution of the United States of America gives "judicial" power to the various courts, among them the District Courts. What is not generally recognized is that the District Courts may seat in different jurisdictions. Judges may wear different hats, so to speak, depending on the nature of the case brought before them.

10. This Court may sit "At Law" to hear crimes and civil complaints involving a damage or injury which is unlawful under the Common Law of a State; or it may seat in equity to determine specific performance to a contract in equity. Alternatively, as a creation of the foreign Corporate State, this Court may seat administratively in a fiction which may be termed "legislative equity", under authority to regulate activities not of common right, such as commerce for profit and gain, or other privileged activities.

11. The Internal Revenue Code is essentially a "civil, regulatory statute" which was enacted in 1939 to tax and regulate employees of the Federal Government and "citizens of the United States" (*i.e.*, of the District of Columbia), and to set forth rules and regulations for the production of revenue for the "United States", as defined in the U.S. Constitution.

12. It is an unlawful abuse of procedure to use civil statutes as "evidence of the law" in a criminal matter, particularly when a United States Code has not been enacted into positive law (see, specifically, IRC 7851(a)(6)(A)).

13. Both civil and criminal matters "At Law" require that the complaining party be a victim of some recognizable damage. The "Law" cannot recognize a "crime" unless there is a victim who properly claims to have been damaged or injured.

14. Regulatory statutes, on the other hand, are enacted under the police power of State and Federal Governments to regulate activities not of common right. All statute law is inferior to, and bound by, the restrictions of the Constitution. These "regulatory" statutes operate as "law" on the *subjects* of those statutes, and violations may carry sanctions of a criminal nature, even in the absence of a victim or injury.

15. A self-evident truth which distinguishes "crimes" under the Law, from "offenses of a criminal nature" under regulatory statutes, is the difference between Rights afforded to a defendant in a *criminal* proceeding,

and "rights" available to a defendant under "due process" in a *statutory* proceeding.

16. In the case of true crimes "At Law", the Common Law Citizen [DEFENDANT] enjoys all his fundamental rights as guaranteed by the State and Federal Constitutions, including both "substantive" and "procedural" due process. In contrast, when regulatory offenses "of a criminal nature" are involved, the statutory defendant cannot demand constitutional rights, since only certain "civil rights" have been granted in these actions, and only "procedural due process", consisting of the right to be heard on the facts alone, is allowed. Constitutional rights and substantive due process are noticeably absent. Therefore, the Court must be seated in some jurisdiction *other than* "At Law", in order to hear an alleged violation of a regulatory statute.

17. The Accused Common Law Citizen [DEFENDANT], hereby places all parties and the Court on NOTICE, that he is not a "citizen of the United States" under the so-called 14th Amendment, *i.e.*, a juristic person or a franchised person who can be compelled to perform under the regulatory Internal Revenue Code, which is civil in nature. Moreover, the Accused Common Law Citizen [DEFENDANT] hereby challenges the *In Personam* jurisdiction of the Court with this contrary conclusion of law. This Court is now mandated to seat on the Law side of its capacity to hear evidence of the status of the Accused Citizen.

18. The Accused Common Law Citizen [DEFENDANT] contends that the Internal Revenue Service made a false conclusion of law in an administrative capacity when it first brought this action before the Court, and in so doing failed to impart jurisdiction upon this Court to seat and hear this matter in a jurisdiction of legislative equity.

19. The Accused Common Law Citizen [DEFENDANT] now demands that the attorney for the Plaintiff in this matter step forward with an offer of proof that the Accused Common Law Citizen [DEFENDANT], has lost his status as a Common Law Citizen of the California Republic, and is now a "resident" of this State who can be compelled to perform to the letter of every civil statute because he is either an immigrant alien, a statutory resident (14th Amendment citizen), a juristic person (corporation), or an enfranchised person (*i.e.*, one who has knowingly, willingly and voluntarily entered into an agreement for the exercise of a privilege or the receipt of a benefit and for the attendant considerations carried with the grant of that privilege or benefit).

20. Once jurisdiction is challenged, this Court must sit on the Law side of its jurisdiction as a neutral arbitrator, before the allegations of statutory wrongdoing can proceed. Failure to do so may subject the judge of this Court to charges of perjury for violating the oath of office by refusing to uphold and protect the rights guaranteed and protected by the Constitutions of the California Republic and of the United States of America.

21. The Accused Common Law Citizen [DEFENDANT] requests that this Court take judicial notice that he has been compelled to enter this Court to answer the allegation, and contends that the allegations are founded upon false conclusions of law. The Memorandum of Law which follows will set forth

the position of the Accused Common Law Citizen [DEFENDANT], and the record will show that no evidence is before this Court which contradicts the position of Citizen [DEFENDANT], except a mere fiction of law. This fiction of law cannot stand in the face of a clear and direct challenge.

Dated , 199__

Respectfully submitted
with explicit reservation of all my unalienable rights
and without prejudice to any of my unalienable rights,

Citizen of the California Republic
In Propria Persona, *Sui Juris*

MEMORANDUM OF LAW

CLASSES OF CITIZENSHIP

1. The Constitution for the United States of America recognizes several classes of people who exist in this Union of States, as described in Article 1, Section 2, Clause 3 (1:2:3).

2. This Court is herewith mandated to take judicial notice of the Constitution for the United States of America, the Constitution of the California Republic, the Statutes at Large of the United States of America, and all case law presented herein, pursuant to the Federal Rules of Evidence, Section 201, *et seq.*, and Article 4, Section 1 (4:1) of the Constitution for the United States of America (1787).

3. Excluding "Indians not taxed", since they are not under consideration in this matter, we are left with two other classes of individuals defined in 1:2:3 of the U.S. Constitution, to wit: "free Persons" and "three-fifths of all other Persons".

4. The term "three fifths of all other Persons" referred to the Black slave population and all others of races *other than* "white" who could not and did not have Common Law Citizenship of one of the several States of the Union, at the time the Constitution was adopted. (For an in-depth analysis of this fact, see the cases of Dred Scott v. Sandford, 19 How. 393 (1856); U.S. v. Rhodes, 1 Abbott 39; Slaughter House Cases, 16 Wall. 74 (1873); Van Valkenburg v. Brown, 43 Cal. 43 (1872); U.S. v. Wong Kim Ark, 169 U.S. 649 (1898); and K. Tashiro v. Jordan, 201 Cal. 239 (1927); *et al.*)

5. The Thirteenth Amendment, officially and lawfully ratified in 1865, served only to abolish slavery within the corporate United States. No race other than the white race could claim Common Law Citizenship of one of the several States, which Citizenship was afforded the protection of the Constitutions. (This is discussed in depth in Dred Scott v. Sandford *supra*).

6. Further proof that this argument applies to the State of California is found in Article 2, Section 1 of the Original California Constitution (1849) which states in part: "Every WHITE male citizen of the United States, and every WHITE male citizen of Mexico ..." [emphasis added]. Obviously, this provision excluded all other races from being Common Law Citizens of California and from having the full protection of the State and Federal Constitutions. This was the case even *before* the famous Dred Scott decision. It is most notable that the California Constitution was altered after the so-called 14th Amendment so as to delete all references to "white" male Citizens, and today it refers only to "persons".

7. Following the decision in Dred Scott *supra*, Congress allegedly enacted and ratified the so-called 14th Amendment to the Constitution for the United States of America to afford "statutory citizenship" status to those who were deemed excluded from this Common Law status under the Supreme Court's interpretations of the Constitution. This event unfolds in detail in the case law surrounding the 13th and 14th Amendments, with a very significant difference which is of great importance to the instant matter.

8. Such cases as the Slaughter House Cases *supra*; Twining v. New Jersey, 211 U.S. 78 (1908); K. Tashiro v. Jordan *supra*; among many others, all declared that under the Law, "there is a clear distinction between a Citizen of a State and a citizen of the United States".

9. A famous French statesman, Fredrick Bastiat, noted in the early 1800's that **if freedom were to be destroyed in America, it would result from the question of slavery and from the failure to equate all races and all humans as "equals"**. The Accused is not responsible for the errors of the past and elects not to dwell at length on this subject. However, the so-called 14th Amendment must now be discussed and, as abhorrent as it may sound, it is a matter of fact and law that this is the position (intentional or unintentional) which forms the basis of the law with which we live today.

10. In brief, as a result of the 13th Amendment, the U.S. Supreme Court decided that the Union of States known as the United States of America was founded *by* "white" people and *for* "white" people, and *only* "white" people could enjoy the Rights, Privileges and Immunities afforded and protected by the Federal and State Constitutions. This fact is most eloquently set forth in Dred Scott v. Sandford *supra*, in stating that "... if a black nation were to adopt our Constitution verbatim, they would have the absolute right to restrict the right of citizenship only to the black population if they chose to do so ...."

11. To overcome the decision in Dred Scott *supra*, the so-called 14th Amendment to the Constitution for the United States of America was allegedly ratified "at the point of a bayonet", and was "declared" to be a part of that Constitution in the year 1868. However, an examination of the ratification by the several States shows that various improper proceedings occurred which, in effect, nullify the Amendment. "I cannot believe that any court, in full possession of its faculties, could honestly hold that the amendment was properly approved and adopted." State v. Phillips, 540 P.2d. 936 (1975); see also Dyett v. Turner, 439 P.2d. 266 (1968) for historical details.

12. Accused Common Law Citizen [DEFENDANT] will not digress into an in-depth dissertation of the bogus ratification of the so-called 14th Amendment, because the only necessary point to be made here is that the so-called 14th Amendment had a profound effect upon the Union of these United States, and this effect continues to the present time.

13. The Original Constitution for the United States of America (1787) refers to Common Law Citizens of the several States in the Preamble, in Article 4, Section 2, Clause 1 (4:2:1), and in numerous other sections. Always, the word Citizen is spelled with an upper-case "C" when referring to this class of Common Law Citizen as a "Citizen of the United States", *i.e.*, as a "Citizen of *one of* the United States". See People v. De La Guerra, 40 Cal. 311, 337 (1870).

14. In contrast, the so-called 14th Amendment utilizes a lower-case "c" to distinguish this class of citizens whose status makes them "subject to the jurisdiction thereof" as a statutory "citizen of the United States". Similarly, "Person" was spelled with an UPPER-CASE "P" prior to the so-called 14th Amendment, as opposed to "person" with a lower-case "p" in Section 1 of the amendment itself.

15. In law, each word and each use of the word, including its capitalization or the lack of capitalization, has a distinctive legal meaning. In this case, there never was the specific status of a "citizen of the United States" until the advent of the 1866 Civil Rights Act (14 Stat. 27) which was the forerunner of the so-called 14th Amendment. (See Ex Parte Knowles, 5 Cal. 300 (1855). The definition of the "United States" is discussed in the next section of this Memorandum.)

16. Before the so-called 14th Amendment was declared to be a part of the U.S. Constitution, there were a number of State "residents" who could not enjoy "Common Law Citizenship" in one of the several States under that Constitution, because they were not "white". The effect of the so-called 14th Amendment was to give to all those residents a citizenship in the nation-state that was created by Congress in the year 1801 and named the "United States". (See 2 Stat. 103; see also U.S. v. Eliason, 41 U.S. 291, 16 Peter 291, 10 L.Ed. 968 (1842); U.S. v. Simms, 1 Cranch 255, 256 (1803).) The original Civil Rights Act of 1866 was not encompassing enough, so it was expanded in the year 1964; but the legal effect was the same, namely, to grant to "citizens of the United States" the equivalent rights of the Common Law white Citizens of the several States. In reality, however, those "equivalent rights" are limited by various statutes, codes and regulations and can be changed at the whim of Congress.

17. Under the Federal and State Constitutions, "... We the People" did not surrender our individual sovereignty to either the State or Federal Government. Powers "delegated" do not equate to powers surrendered. This is a Republic, not a democracy, and the majority cannot impose its will upon the minority simply because some "law" is already set forth. Any individual can do anything he or she wishes to do, so long as it does not damage, injure or impair the same Right of another individual. The concept of a *corpus delicti* is relevant here, in order to prove some "crime" or civil damage.

18. The case law surrounding the 13th and 14th Amendments all rings with the same message: "These amendments did not change the status of Common

Law Citizenship of the white Citizens of *one of* the several States of the Union" (now 50 in number).

19. This goes to the crux of the controversy because, under the so-called 14th Amendment, citizenship is a privilege and not a "Right". (See American and Ocean Ins. Co. v. Canter, 1 Pet. 511 (1828); Cook v. Tait, 265 U.S. 47 (1924).)

20. It was never the intent of the so-called 14th Amendment to change the status of the Common Law Citizens of the several States. (See People v. Washington, 36 C. 658, 661 (1869); French v. Barber, 181 U.S. 324 (1900); MacKenzie v. Hare, 60 L.Ed. 297). Intent is always decisive and conclusive on the courts.

21. However, over the years, the so-called 14th Amendment has been used to create a fiction and to destroy American freedom through administrative regulation. How is this possible? The answer is self-evident to anyone who understands the law, namely, a "privilege" can be regulated to *any* degree, including the alteration and even the revocation of that privilege.

22. Since the statutory status of "citizen of the United States, subject to the jurisdiction thereof" (1866 Civil Rights Act) is one of privilege and not of Right, and since the so-called 14th Amendment mandates that both Congress and the several States take measures to protect these new "subjects", then both the Federal and State governments are mandated to protect the privileges and immunities of ONLY these "citizens of the United States". (See Hale v. Henkel, 201 U.S. 43 (1906).)

23. Of course, the amount of protection afforded has a price to pay, but the important fact is that the "privilege" of citizenship under the so-called 14th Amendment can be regulated or revoked because it is a "privilege" and not a RIGHT. It is here that the basic, fundamental concept of "self-government" turns into a King "governing his subjects".

24. One can be called a "freeman", but that was a title of nobility granted by a King. To be really free encompasses a great deal more than grants of titles and privileges.

25. Over the years since 1787, because our forefathers would have rather fought than bow to involuntary servitude, the "powers that be" have slowly and carefully used the so-called 14th Amendment and the Social Security Act to force primary State Citizenship into relative extinction, in the eyes of the courts. Nevertheless, this class of Common Law Citizens is not extinct yet; it is simply being ignored, in order to maintain and enlarge a revenue base for Congress.

26. Since the State of California has been mandated by the so-called 14th Amendment to protect the statutory "citizens of the United States", and since the People in general have been falsely led to obtain "Social Security Numbers" as "U.S. citizens", the State of California, under prompting by the Federal Government, has used the licensing and registration of vehicles and people under the "equal protection" clause for the "Public Welfare" to perpetuate a scheme of revenue enhancement and regulation. This scheme has been implemented, in part, by promoting the fiction that the Common Law

"Citizens of a State of the Union of several States" can be regulated to the same degree as statutory "citizens of the United States".

27. I, [DEFENDANT], contend that both the State of California and the Federal Government (known as the "United States") are committing an act of GENOCIDE upon the Common Law State Citizens of the several States by perpetrating and perpetuating the "fiction of law" that everyone is a statutory "citizen of the United States".

This allegation is now discussed by proving exactly what the "United States" means and in what capacity it now operates.

WHAT IS THE "UNITED STATES"?

28. As we begin, it must be noted that this Common Law State Citizen alleges "fraud" by the State and Federal Governments for failing to inform the People that they are all included (through the use of a fiction of law) in that statutory class of persons called "citizens of the United States".

29. The use of this fiction of law is particularly abhorrent in view of the fact that, when arbitrarily applied to everyone, the States lose their sovereignty, the Common Law Citizens of the State lose their fundamental rights, and the "citizens of the United States" lose the guidelines which established their "civil rights". The net effect is that these actions have lowered everyone's status to that of a "subject".

30. There is a clear distinction between the meanings of "United States" and "United States of America". The People of America have been fraudulently and purposely misled to believe that these terms are completely synonymous in every context.

31. In fact, in Law the term "United States of America" refers to the several States which are "united by and under the Constitution"; the term "United States" refers to that geographical area defined in Article 1, Section 8, Clause 17 (1:8:17) and in Article 4, Section 3, Clause 2 (4:3:2) of the Federal Constitution.

32. In 1802, the "Congress Assembled" incorporated a geographical area known as the "United States". The "United States" is, therefore, a nation-state which is separate and unique unto itself. Furthermore, even though the "United States" is not a member of the "Union of States united by and under the Constitution", it is bound by that Constitution to restrict its activities in dealing with the several States and with the Common Law Citizens of those States. Under 1:8:17 and 4:3:2 of the Constitution for the United States of America (1787), Congress has *exclusive* power to legislate and regulate the inhabitants of its geographical territory and its statutory "citizens" under the so-called 14th Amendment, wherever they are "resident", even if they do inhabit one of the 50 States of the Union.

33. The term "United States" has always referred to the "Congress Assembled", or to those geographical areas defined in 1:8:17 and 4:3:2 in the U.S. Constitution. The proof of this fact is found in the Articles of Confederation.

ARTICLES OF CONFEDERATION

> Whereas the Delegates of the United States of America in Congress Assembled did on the fifteenth day of November in the year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the Second Year of the Independence of America agree to certain Articles of Confederation and perpetual union between the States of ....
>
> ARTICLE I. The title of this confederacy shall be "The United States of America".
>
> ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress Assembled.

NOTE: The term "UNITED STATES" as used therein refers expressly to "Congress Assembled" on behalf of the several States which comprise the Union of States (now 50 in number).

34. As can readily be seen from the quote below, with three separate and distinct definitions for the term "United States", it becomes absolutely necessary to separate and define each use of this term in law. It is equally as necessary to separate and define to whom the law applies when there are two classes of citizenship existing side-by-side, with separate and distinct rights, privileges and immunities for each. Such a separate distinction is not made in the Internal Revenue Code. Citizens of the California Republic are nowhere defined in this Code, or in its regulations, but are expressly omitted *as such* and identified *indirectly* at best (see IRC 7701(b)(1)(B)).

> The term "United States" may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in a family of nations. **It may designate territory over which sovereignty of the United States extends**, or it may be the collective name of the States which are united by and under the Constitution.
>
> [Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]
> [65 S.Ct. 870, 880, 89 L.Ed. 1252]
> [emphasis added]

35. The term "United States", when used in its territorial meaning, encompasses the areas of land defined in 1:8:17 and 4:3:2, nothing more. In this respect, the "United States" is a separate Nation which is *foreign* with respect to the States united by and under the Constitution, because **the "United States" as such has never applied for admission to the Union of States known as the "United States of America"**. Accordingly, statutory "citizens of the United States", who are "subject to the jurisdiction thereof", are defined in the wording of the so-called 14th Amendment and of The Civil Rights Acts. At best, this so-called Amendment is a "private Act", rather than a public act, which designates a class of people who are unique to the territorial jurisdiction of the District of Columbia, the Federal Territories and Possessions, and the land which has been ceded by the Legislatures of the 50 States to the foreign nation-state of the "United States" for forts, magazines, arsenals, dock-yards and "other needful

buildings" (see 1:8:17 and 4:3:2). Collectively, this territorial jurisdiction is now termed "The Federal Zone" to distinguish it uniquely from the nation as a whole and from the 50 States of the Union. The "nation" can, therefore, be defined as the mathematical *union* of the federal zone and the 50 States (using the language of set theory).

36. The District of Columbia is technically a corporation and is only defined as a "State" in its own codes and under International Law (*e.g.*, see IRC 7701(a)(10)).

37. The several States which are united by and under the Constitution are guaranteed a "Republican" (or "rule of law") form of government by Article 4, Section 4 of the Constitution. However, the foreign nation-state created by Congress and called the "United States", in its territorial sense, is a "legislative democracy" (or "majority rule" democracy) which is governed by International Law, rather than the Common Law.

38. The U. S. Supreme Court has ruled that this foreign nation has every right to legislate for its "citizens" and to hold *subject matter* and *in personam* jurisdiction, both within (inside) *and* without (outside) its territorial boundaries, when legislative acts call for such effects (Cook v. Tait *supra*).

39. As a foreign nation under International law, which is derived from Roman Civil Law (see Kent's Commentaries on American Law, Lecture 1), it is perfectly legal for this nation to consider its people as "subjects" rather than as individual Sovereigns. The protections of the State and the Federal Constitutions do not apply to these "subjects" unless there is specific statutory legislation granting specific protections (*e.g.*, The Civil Rights Act). The guarantees of the Constitution extend to the "United States" (*i.e.*, the federal zone) only as Congress has made those guarantees applicable (Hooven *supra*).

40. California is a Republic. How does this International Law come into play in the California Republic? The answer to this question is presented in the following section.

FAILURE TO DISCLOSE

41. Because only "white" people could hold primary Common Law State Citizenship under the Constitution, Congress created a different class of "citizen" and then legislated rights, privileges and immunities which were intended to be mirror images of the Rights, Privileges and Immunities enjoyed by the Common Law Citizens of the several States.

42. Unfortunately, the nation-state of the "United States" (District of Columbia) is a democracy and not a Republic. It is governed basically under authority of International Law, rather than the Common Law, and its people hold citizenship by "privilege" rather than by "Right".

43. Certain power-mad individuals, commonly known today as the Directors of the Federal Reserve Board and the twelve (12) major international banking families, have used the so-called 14th Amendment to

commit "legal genocide" upon the class of Common Law Citizens known as the Citizens of the several States. This has been accomplished by the application of Social Security through fraud, deception and non-disclosure of material facts, for the purpose of reducing the Union of States to a people who are once again enslaved by puppet masters, in order to gather revenue for the profit of international banks and their owners.

44. It is a fact so well known and understood that it is indisputable, that "any privilege granted by government is regulatable, taxable and subject to any restrictions imposed by the legislative acts of its governing body", including alteration and even revocation by that governing body.

45. If necessary to do so, the Accused [DEFENDANT] will submit an offer of proof to show that the "Social Security Act" is, in fact, a private act applying only to the territory of the "United States", acting in its limited municipal capacity, and to its statutory "citizens of the United States", under the so-called 14th Amendment. Yet, this Act has been advertised and promoted throughout the several States of the Union as being "mandatory upon the public in general", rather than a "private" act.

46. The effect in law is that, when Common Law Citizens of the several States apply for and receive Social Security Numbers, they voluntarily surrender their primary Common Law Citizenship of a State and exchange it for that of a statutory "citizen of the United States". It is most interesting that any State has the power to "naturalize" a non-Citizen, but today everyone is naturalized as "citizens of the United States" under purview of the so-called 14th Amendment. The long-term effect of this procedure is that the Common Law white State Citizens are an endangered species, on the verge of extinction, and only the "subject class citizens" will survive to be ruled at the whim and passion of a jurisdiction which was not intended by our Founding Fathers or the Framers of the original U.S. Constitution.

JURISDICTION OF THE COURT

47. Section 1 of the so-called 14th Amendment has had a far-reaching effect upon the several States of this Union, because Congress mandated that it would protect its new statutory "citizens" and that each of the States would also guarantee to protect these special statutory "citizens".

48. This Nation was founded upon the fundamental principles of the Common Law and self-government, with limited actual government. In contrast, the "subjects" of the "United States" are considered to be incapable of self-government and in need of protection and regulation by those in authority.

49. The majority of statute law is civil and regulatory in nature, even when sanctions of a criminal nature are attached for alleged violations.

50. Among the rights secured by the Common Law in the Constitution in "criminal" cases are the right to know the "nature and cause" of an accusation, the right to confront an accuser, and the right to have both substantive and procedural due process.

51. It is a fact that the District Court, in Internal Revenue cases, DOES NOT disclose the nature and cause of the accusation, does not afford "substantive" due process, and rarely produces a "*corpus delicti*" to prove damage or an injured party.

52. The final proof is that the rights given to an accused in an Internal Revenue case are "civil rights", rather than Constitutional Rights. The District Court can hear a Constitutional question, but it cannot rule upon the merits of the question, because the Constitution does not apply to regulatory statutes. They are set in place to regulate and protect the statutory "citizens of the United States" who cannot exercise, and are not given, the right of individual self-government.

53. The Federal Constitution mandates that "counsel" be present at all phases of the proceedings. In contrast, District Court often conducts arraignment proceedings without *either* counsel for the defense *or* counsel for the prosecution being present.

CONCLUSION

54. This Court is proceeding under a jurisdiction which is known to the Constitution, but which is foreign to the intent of the Constitution, unless applied to those individuals who do not have Common Law access by "Right" to the protection of the State and Federal Constitutions.

55. Whether this jurisdiction be named International Law, Admiralty/Maritime Law, Legislative Equity, Statutory Law or any other name, it is abusive and destructive of the Common Law Rights of the Citizens of the several States. The Constitutions of the California Republic and the United States of America mandate that these rights be guaranteed and protected by all agencies of government. This is the supreme Law of our Land.

56. The limit of police power and legislative authority is reached when a statutory "law" derogates or destroys Rights which are protected by the Constitution and which belong to the Common Law Citizens of the several States who can claim these Rights.

57. [DEFENDANT] is a white, male Common Law Citizen of the Sovereign California Republic. This declaration of status is made openly and notoriously on the record of these proceedings.

58. As an individual whose primary Common Law Citizenship is of the California Republic, [DEFENDANT] claims all the Rights, Privileges and Immunities afforded and protected by the Constitutions of the California Republic (1849) and of the United States of America (1787), as lawfully amended.

59. [DEFENDANT] has never, to the best of his knowledge and belief, knowingly, intentionally *and* voluntarily surrendered his original status as a Common Law Citizen of the several States, to become a so-called 14th Amendment Federal citizen who is subject to the jurisdiction of the "United States".

60. This Court is proceeding in a legislative jurisdiction which allows a "civil" statute to be used as evidence of the Law in a "criminal proceeding", and affords only "civil rights", "procedural due process" and the right to be heard on the facts evidenced in the statute, rather than the Law *and* the facts.

61. It is now incumbent upon the Court to seat on the Law side of its jurisdiction and to order the plaintiff to bring forth an offer of proof that the Accused [DEFENDANT] can be subjected to a jurisdiction which uses civil statutes as evidence of the fundamental Law in criminal cases, which refuses to afford all Rights guaranteed by the Constitution and available to the Accused in criminal matters, and which practices procedural due process to the exclusion of substantive due process, wherein only the "facts" and not the "facts and Law" are at issue.

62. Should the prosecution fail to bring forth proof that the Accused [DEFENDANT] has surrendered his original status as a Common Law "California State Citizen" for one that is essentially in "legislative/regulatory equity", then this Court has no alternative but to dismiss this matter of its own motion in the interests of justice, for lack of jurisdiction.

Dated , 199__

Respectfully Submitted

Citizen of the California Republic
In Propria Persona, Sui Juris

C E R T I F I C A T E O F S E R V I C E

I, [DEFENDANT], under penalties of perjury, declare that I am a California Citizen, domiciled in the California Republic, and a Citizen of the several States united by and under the Constitution of the United States of America (see 4:2:1). I am not a "citizen of the United States" (District of Columbia) nor a subject of Congress under the so-called 14th Amendment, nor a "resident" in the State of California who seeks, or who is otherwise under, the protection of the so-called 14th Amendment.

It is hereby certified that service of this notice has been made on the Plaintiffs and other interested parties by personal service or by mailing one copy each thereof, on this _____ day of _____, 1994, in a sealed envelope, with postage prepaid, properly addressed to them as follows:

The Solicitor General
Department of Justice
Washington, District of Columbia
Postal Zone 20530/tdc

[others as listed here]

Dated , 199__

Respectfully submitted
with explicit reservation of all my unalienable rights
and without prejudice to any of my unalienable rights,

Citizen of the California Republic
In Propria Persona, *Sui Juris*

[from 9THAPPEA.DIR\APPEAL.DOC]

STATEMENT OF STATUS AND JURISDICTION

The Appellant [DEFENDANT], who enjoys the status of a Caucasian Citizen of the California Republic with Common Law Rights by birth as a member of the sovereign political body (see Dred Scott v. Sandford, 19 How. 393, 404 (1856)) and who enjoys these unalienable Common Law rights by virtue of his birth, is not a "citizen of the United States" under the so-called 14th Amendment. Thus, jurisdiction is invoked per the *Magna Carta*, Chapters 61, 63; the *Declaration of Independence*, July 4, 1776; the *Preamble to the Constitution for the United States of America*, 1787; Article 3, Sections 1 and 2, and Article 6, Section 2 of the *Constitution for the United States of America*, (1787); the *California Civil Code*, Source of Law, Section 22.2; the *California Code of Civil Procedure*, Section 1899; and Marbury v. Madison, 5 U.S. 368 (1803).

ARGUMENT

I

THE 14TH AMENDMENT WAS NOT PROPERLY APPROVED AND ADOPTED ACCORDING TO THE MANDATES OF THE CONSTITUTION
AND THE ACCEPTED MAXIMS OF LAW;
IT DID NOT INCLUDE THE WHITE CITIZENS OF THE SEVERAL STATES,
AND DID NOT AUTHORIZE CONGRESS TO ABOLISH
THE INTENT AND MEANING OF THE ORIGINAL CONSTITUTION (1787)
OR TO CREATE A NEW CONSTITUTION UNDER THE 14TH AMENDMENT,
THEREBY DEPRIVING THE APPELLANT [DEFENDANT],
A WHITE *DE JURE* STATE CITIZEN,
OF HIS UNALIENABLE RIGHTS TO LIFE, LIBERTY AND PROPERTY.

POINT 1

The Appellant [DEFENDANT] was indicted and convicted under the purview of the so-called 14th Amendment. Therefore, the constitutionality and application of this so-called amendment is brought squarely before this Court.

The so-called 14th Amendment is invalid because it was NOT properly approved and adopted according to the provisions of Article 5 of the Constitution (see House Congressional Record for June 13, 1967, pages 15641-15646, incorporated fully herein by reference and attached as exhibit "A").

The so-called Fourteenth Amendment was forced upon the People "at the point of a bayonet" and by the coercion that resulted from not seating various U.S. Senators who would not vote in favor of the proposed amendment, and by various other improper proceedings too numerous to mention here (for details, see 28 Tulane Law Review 22; 11 South Carolina Law Quarterly 484). It is apparent that, once a fraud is perpetrated, the fraud enlarges from the effort to maintain illegitimate power and to conceal its legal effect upon the invalidity of the so-called 14th Amendment.

The so-called 14th "Amendment" cannot and does not terminate the Constitutional intent of *de jure* State Citizenship of the Appellant [DEFENDANT]. There is ample evidence that no court has ever held that this "Amendment" was properly approved and adopted. See, in particular, State v. Phillips, 540 P.2d 936 (1975); Dyett v. Turner, 439 P.2d 266 (1968).

POINT 2:

THE ACCUSED'S *DE JURE* CITIZENSHIP CANNOT BE TAKEN AWAY

The presumed 14th Amendment is illegally applied to the Appellant [DEFENDANT], a male Caucasian born in the State of Illinois and now a Citizen of California. The Appellant was not within the intent or meaning of the so-called 14th Amendment.

> It may be stated, as a general principle of law, that it is for the legislature to determine whether the conditions exist which warrant the exercise of power; but **the question as to what are the subjects of its exercise, is clearly a judicial question**. One may be deprived of his liberty, and his constitutional rights thereto may be violated, without actual imprisonment or restraint of his person.
>
> [In re Aubrey, 36 Wn 308, 314-314]
> [78 P. 900 (1904), emphasis added]

The most important thing to be determined is the intent of Congress. The language of the statute may not be distorted under the guise of construction, so as to be repugnant to the Constitution, or to defeat the manifest intent of Congress. United States v. Alpers, 338 U.S. 680, 94 L.Ed. 457, 460; United States v. Raynor, 302 U.S. 540, 82 L.Ed. 413, 58 S.Ct. 353 (1938).

Citizenship is a status or condition, and is the result of both act and intent. 14 C.J.S. Section 1, p. 1130, n. 62.

14th Amendment federal citizenship is a political status which constitutes a privilege which may be defined *and* limited by Congress, Ex Parte (Ng) Fung Sing, D.C.Wash., 6 F.2d 670. There is a clear distinction

between federal and State citizenship, K. Tashiro v. Jordan, 256 P. 545, 201 Cal. 239, 53 A.L.R. 1279 (1927), affirmed 49 S.Ct. 47, 278 U.S. 123, 73 L.Ed. 214; see also 14 C.J.S. 2, p. 1131, n. 75.

The classification "citizen of the United States" is distinguished from a "Citizen of one of the several States", in that the former is a special class of citizen created by Congress, U.S. v. Anthony, 24 Fed 829 (1873). As such, a "citizen of the United States" receives *created* rights and privileges from Congress, and thus has a "taxable citizenship" as a federal citizen under the protection and jurisdiction of Congress, wherever such citizens are "resident". Cook v. Tait, 265 U.S. 47, 44 S. Ct. 447 (1924); 11 Virginia Law Review 607, "Income Tax Based Upon Citizenship". This right to tax federal citizenship is an inherent right under the rule of the Law of Nations, which is part of the law of the "United States", as described in Article 1, Section 8, Clause 17 (1:8:17) and Article 4, Section 3, Clause 2 (4:3:2). The Lusitania, 251 F. 715, 732 (1918). The federal government has absolutely no authority whatsoever to tax the Citizens of the several States for their Citizenship. The latter have natural Rights and Privileges which are protected by the U.S. Constitution from federal intrusion. These Rights are inherent from birth and belong to "US the People" as Citizens of *one of* the several States as described in Dred Scott v. Sandford *supra*. Such Citizens are not under the direct protection or jurisdiction of Congress, but they are under the protection of the Constitutions of the States which they inhabit.

The Act of Congress called the Civil Rights Act, 14 U.S. Statutes at Large, p. 27, which was the forerunner of the so-called 14th Amendment, amply shows the intent of Congress, as follows:

> ... [A]ll persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be **citizens of the United States**; and such citizens, of every race and color ... shall have the same right, in every State and Territory in the United States ... to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens ....
>
> [emphasis added]

This was the intent of Congress, namely, not to infringe upon the Constitution or the status of the *de jure* Citizens of the several States. The term "persons" did not include the white *de jure* State Citizens. It was never the intent of the 14th Amendment to subvert the authority of the several States of the Union, or that of the Constitution as it relates to the status of *de jure* State Citizens. See People v. Washington, 36 C. 658, 661 (1869), overruled on other grounds; also French v. Barber, 181 U.S. 324 (1901); MacKenzie v. Hare, 60 L. Ed. 297.

The so-called 14th Amendment uses language very similar to the Civil Rights Act of 1866. Justice Harlan explained his interpretation of its meaning in a dissenting opinion which quoted from the scorching veto message of President Johnson, Lincoln's successor: It "comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, persons of color, negroes, mulattoes and persons of African blood. Every individual of those races born

in the United States is made a citizen thereof." Elk v. Wilkins, 112 U.S. 94, 114, 5 S.Ct. 41, 28 L.Ed. 643 (1884); see also In re Gee Hop, 71 Fed. 274 (1895).

In light of the statement by Chief Justice Taney in Dred Scott v. Sandford *supra* at 422, in defining the term "persons", the Judge mentioned "... persons who are not recognized as citizens ...." See also American and Ocean Ins. Co. v. Canter, 1 Pet. 511 (1828), which also distinguishes "persons" from "citizens". These were the persons who were the object of the 14th Amendment, to give citizenship to this class of native-born "persons" who were "resident" in the several States, and to legislate authority to place races other than the white race within the special category of "citizen of the United States".

It was the intent of the so-called fourteenth Amendment that *de jure* Citizens in the several States were *not* included in its terminology because they were, by birthright, Citizens as defined in the Preamble, and could receive nothing from this so-called amendment. See Van Valkenburg v. Brown, 43 Cal. Sup. Ct. 43 (1872).

Congress has adopted this definition of "person", as previously described, so that the Internal Revenue Code would be constitutional. See McBrier v. Commissioner of Internal Revenue, 108 F.2d 967, Footnote 1 (1939). Thus, Congress has absolute authority to regulate this *de facto* entity created by an Act of Congress, this juristic person who is not given *de jure* State Citizenship by birth.

Since the term "citizen of the United States" was used to create and distinguish a different class of citizen in the 14th Amendment, this term has been widely used in various revenue acts, *e.g.*, Tariff Act of August 5, 1909, Section 37, c. 6, 36 Stat. 11; Act of September 8, 1916, 39 Stat. 756; Revenue Act of November 23, 1921, 40 Stat. 227; the Internal Revenue Code of 1939; and 26 CFR 1.1-1(b). These all had a specific meaning, which did *not* include a Citizen of one of the several States who had no franchise with the federal Government (*i.e.*, the District of Columbia). In fact, the Social Security Act, 49 Stat. 620, Title I, Section 2(b) states:

> The Board ... shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan -- ...
>
> (3) Any citizenship requirement which excludes any citizen of the United States.

This specifically means that the Original Social Security Act, created in 1935, did not change one's Citizenship upon obtaining a SSN. The original Title VIII of the Social Security Act was repealed by P.L. 76-1, Section 4, 53 Stat. 1, effective February 11, 1939. Then the substance was added to the 1939 Income Tax Code at Sections 1400-1425. Currently, the substance of the repealed section can be found in the 1954 Internal Revenue Code at Sections 3101-3126. This repealing, in effect, has voided the original intent and meaning, and replaced it with a new intent and meaning. This new intent is unconstitutionally applied to the Appellant, a *de jure* State Citizen, who is a member of the Posterity as identified in the Preamble to the Constitution

for the United States of America. This new intent has never been addressed by any court, as it relates to the deprivation of State Citizenship.

All changes made after the fact, under the Social Security Act as it relates to Citizenship, are null and void due to fraud (specifically, non-disclosure). Congress does not now, nor has it ever had, the authority to take Citizenship away from the Appellant, a Citizen of the several States, without his knowledge and informed consent.

The error occurs when, through economic duress and the failure to disclose to Appellant [DEFENDANT] the liabilities associated with a Social Security Number, a *de jure* State Citizen is compelled "at the point of a bayonet" to give up a Citizenship that was derived by birth and blood. By obtaining a Social Security Number, such a State Citizen becomes, in effect, a second-class citizen under the so-called 14th Amendment, in order to obtain work to purchase necessities to sustain life.

The so-called 14th Amendment was not intended to impose any new restrictions upon Citizenship, or to prevent anyone from becoming a Citizen by fact of birth within the United States of America, who would thereby acquire Citizenship according to the law existing before its adoption. "An amendatory act does not alter the rights existing before its adoption." Billings v. Hall, 7 Cal. 1 (1857). Its main purpose was to establish the citizenship of free negroes and to put it beyond any doubt that all blacks as well as whites were citizens. U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898); Slaughter House Cases, 16 Wall. (U.S.) 36, 21 L.Ed. 394 (1873); Strauder v. West Virginia, 100 U.S. 303, 25 L.Ed. 664 (1880); In re Virginia, 100 U.S. 339 (1880); Neal v. Delaware, 103 U.S. 370, 26 L.Ed. 567 (1881); Elk v. Wilkins, 112 U.S. 94, 5 S.Ct. 41, 28 L.Ed. 643 (1884); Van Valkenburg v. Brown, 43 Cal. 43, 13 Am. Rep. 136 (1872); (numerous other cites omitted).

The First Clause of the so-called 14th Amendment of the Federal Constitution made negroes "citizens of the United States" and citizens of the State in which they reside, and thereby created two classes of citizens: one of the United States and the other of the State. 4 Dec. Dig. '06, page 1197; Cory v. Carter, 48 Ind. 327, 17 Am. Rep. 738; and it distinguishes between federal and state citizenship, Frasher v. State, 3 Tex. App. 263, 30 Am. Rep. 131.

Nothing can be found in the so-called 14th Amendment, or in any reference thereto, that establishes any provision which transforms Citizens of any Union State into "citizens of the United States". In the year 1868 or now (1994), the so-called 14th amendment created no new status for the white State Citizens. White State Citizens are natural born Citizens, per Article 2, Section 1, Clause 5 (2:1:5) and, as such, they are fully entitled to the "Privileges and Immunities" mentioned in Article 4, Section 2, Clause 1 (4:2:1), as unalienable rights. These unalienable rights cannot be overruled or abolished by any act of congress.

The birthright of the Appellant [DEFENDANT]'s *de jure* State Citizenship cannot be subordinated merely because Congress desires more power and control over the people, in order to create a larger revenue base for the profit of certain private individuals. Oyama v. California, 332 U.S. 633 (1948).

> State citizenship, as defined, regulated and protected by State authority, would disappear altogether, except as Congress might choose to withhold the exercise of powers. The tendency of Congress, especially since the adoption of the recent amendments, has been to overstep its own boundaries and undertake duties not committed to it by the Constitution.
>
> [16 Albany Law Journal 24 (1877), (Exhibit B)]

A citizen may not have his *de jure* citizenship taken away, Richards v. Secretary of State, (9th Cir) 752 F.2d 1413, (1985); Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed.2d 757 (1967); Baker v. Rusk, 296 F. Supp. 1244 (1969); Vance v. Terrazas, 444 U.S. 252, 100 S.Ct. 540, 62 L.Ed.2d 461 (1980); U.S. v. Wong Kim Ark, 169 U.S. 18 S. Ct. 456, 42 L.Ed. 890 (1898).

POINT 3

In the formation of the Constitution for the United States of America, care was taken to confer no power upon the federal government to control and regulate Citizens within the several States, because such control would lead to tyranny.

By the Constitution, Congress was to be a representative of, and an extension of the Several States *only* for external affairs. Congress was forbidden to pass municipal laws to regulate and control *de jure* Citizens of a State of the Union of the United States of America. This is, without a doubt, the true construction of the intent of the Constitution.

That Congress has no authority to pass laws and bind the rights of the Citizens in the several States, beyond the powers conferred by the Constitution, is not open to controversy. But, it is insisted that (1) under the so-called 14th Amendment, Congress has power to legislate for, and make a subject of, the Appellant [DEFENDANT] through *secret* interpretations of the law and (2) by force of power, laws are enacted in order to control, by force and fraud, the Nation and the People within the several States for the purpose of raising revenue for the profit of the Federal Reserve banks and their private owners.

No rational man can hesitate to believe that the deprivations of Citizenship and the abuses of the Constitution are not derived from the Federal Reserve Act. No one can deny that Congress has thereby attempted to abolish the classification of *de jure* Citizen of a State of the Union of the United States, so that a ever larger revenue base can be maintained.

> ... nor would the government suffer a loss of his withholdings.
>
> [[DEFENDANT]'s Pre-Sentence Report, [DATE], page 10]

This establishes, without a doubt, that the United States government is only concerned about raising revenue under forced extraction by the withholding system, which was prompted by the Federal Reserve banks at the instigation of Beardsley Ruml, former chairman of the Federal Reserve Bank of New York.

Congress, through Social Security and the so-called 14th Amendment, cannot do indirectly what the Constitution prohibits directly. If Congress, by *pseudo* power, can legislate away [DEFENDANT]'s status as a *de jure* Citizen of the several States, so might Congress exclude all of [DEFENDANT]'s unalienable Rights as protected and guaranteed by the Constitution.

Social Security and the Federal Reserve banks, by creating a fictitious debt, have re-instituted an insidious form of slavery. All slavery has its origin in power, thus usurping a jurisdiction which does not belong to them and which is against the unalienable Rights of the appellant [DEFENDANT].

Our Constitution is a restraint upon government, purposely provided and declared upon consideration of all the consequences which it prohibits and permits, making restraints upon government the rights of the governed. This careful adjustment of power and rights makes the constitution what it was intended to be and is, namely, a real charter of liberty which deserves the praise that has often been given to it as "The most wonderful work ever struck off at any given time by the brain and purpose of man." Block v. Hirsch, 256 U.S. 135, 267 Fed. 614 (1920).

Thus, this court must uphold the principles upon which the Constitution was founded; it must be held to guarantee not particular *forms* of procedure, but the very *substance* of individual Rights to life, liberty and property. Basic "State Citizenship" is the absolute bulwark against "National Tyranny" as is fostered and applied through the so-called 14th Amendment. Nowhere in the debates, papers or any court decision written by anyone does it state that the Constitution authorizes Congress to destroy the State Citizenship of the Appellant [DEFENDANT].

Prior to the Federal Reserve Act, no political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American People into one common mass of slaves. Yet, this is exactly what has happened under Social Security, by creating a revenue base for the collection of interest on a fictitious national debt owed to the Federal Reserve banks, in other words, slavery to the national debt under the so-called 14th Amendment.

The status of "*de jure* State Citizen" is [DEFENDANT]'s property. When the application of Social Security annihilates the value of any property and strips it of its attributes, by which alone it is distinguishable as property, the Appellant [DEFENDANT], a *de jure* State Citizen, is deprived of it according to the plainest interpretation of the 5th Amendment, and certainly within the Constitutional provisions intended to shield [DEFENDANT]'s personal Rights and liberty from the exercise of arbitrary government power.

This is a case of "suspect classification" in that the Appellant [DEFENDANT] is "saddled with such disabilities ... as to command extraordinary protection from the majoritarian process ...." 411 U.S. 2, 28.

Thus, the devolution of [DEFENDANT]'s *de jure* State Citizenship into the classification of a *de facto* juristic person under the so-called 14th Amendment is such a "suspect classification" and must be reviewed in the

light of the original intent of our Founding Fathers in establishing the Union of several States in the first place.

Citizenship under the so-called 14th Amendment is a privilege granted by Congress, *i.e.*, a civil status conferring limited rights and privileges, not a birthright that is secured by the Constitution. [DEFENDANT], a white *de jure* State Citizen, by virtue of his birth in one of the several States, received that which cannot be granted by Congress, nor can Congress make void a Citizenship status which he derived by birth and by blood.

> ... [A]nd no member of the state should be disfranchised, or deprived of any of his rights or privileges under the constitution, unless by the law of the land, or judgment of his peers.
>
> [Kent's Commentaries, Vol. II, p. 11, 1873, 12th ed.]

There can be no law, statute or treaty that can be in conflict with the intent of the original founding Constitution. For, if this were permitted to occur, the founding Constitution would be a nullity. **The original Constitution of 1787 is perpetual, as is the Citizenship that is recognized by it.** See Texas v. White, 7 Wallace 700 (1869). If any legislation is repugnant to the Constitution, this Court has the eminent power to declare such enactments null and void *ab initio* (from their inception). See Marbury v. Madison, 5 U.S. (1 Cranch) 137, pages 177-180 (1803).

The rule that should be applied is that laws, especially foundational laws such as our Constitution, should be interpreted and applied according to the plain import of the language used, as it would have been the intent and understood by our Founding Fathers. The so-called 14th Amendment has been used to distort and nullify the purposes and intent of the foundational Constitution, for the ulterior motive of giving *pseudo* power where no such power was ever granted or intended, and where such *pseudo* power was specifically denied in the Constitution.

This has resulted in the complete annihilation of the balance of checks so desired by our Founding Fathers. One of these was the sovereignty of the People. At the present time, the "United States", under Article 1, Section 8, Clause 17, has extended its *pseudo* authority to abolish the status of *de jure* State Citizens, and to render [DEFENDANT] a "federal" citizen under the so-called 14th Amendment who is more apply described as a subject of Congress and a "federal" resident within one of the several States. This has had the unlawful effect of denying [DEFENDANT]'s birthright to be a free born *de jure* State Citizen, as was the intent of the original Constitution.

The so-called 14th Amendment did not authorize Congress to change either the Citizenship or the status of Citizens of the several States. "They are unaffected by it." U.S. v. Anthony, 24 Fed. Cas. 829 (1873). Yet, through deliberate misinter-pretation of the Act, Congress has by statute overruled and voided the Constitution. This was done at the prompting of the Federal Reserve banks and their private owners.

In application, Congress and the Federal Reserve banks have utilized the so-called 14th Amendment as a totally new Constitution, solely for the

benefit of the Federal Reserve banks, and to the detriment of Appellant [DEFENDANT], a sovereign Citizen of the California Republic.

This Union of the United States of America was founded upon the principles of the Christianity and the common law. Force and fraud cannot prevail against the will of the People and the Constitution. The legislative intent of the so-called 14th Amendment was only to grant statutory citizenship to a distinct class of people, not to create a new constitution. This court must determine whether the "act" was properly approved and adopted. State v. Phillips, 540 P.2d 936, 942 (1975). If it was properly approved and adopted, this court must also determine if it is also being unconstitutionally applied against the Appellant [DEFENDANT], a *de jure* State Citizen of California.

The abuses heaped upon the Appellant, a California State Citizen, only foretell the impending doom and downfall of a centralized government. Our Founding Fathers understood this, and the Constitution was written so that this would not occur. But, to the great shame of the judicial system, they have let the thirst for power prevail over the Constitution. (Exhibit A)

Hitler used National Social Insurance to control and enslave the people of Germany. Likewise, the "United States" (Article 1, Section 8, Clause 17) is doing the same thing here in America. (Perhaps now it should be spelled "Amerika".) When is enough enough? When will the courts quit playing "ostrich", pull their heads out of the sand, see what is happening and correct the situation before it is too late? The camel of tyranny now has its nose *and* its two front legs under the tent.

Congress has passed the 14th Amendment under force of arms, included the municipal codes of the District of Columbia into the United States Codes, and made various secret interpretations of the acts, never inquiring whether they had authority to proceed. But, can this Court also undertake for itself the same sundry constructions? The Executive, Legislative and Judicial Branches have all repeatedly acknowledged that our particular security is in the possession and adherence to the written Constitution. Yet, by various and sundry constructions and the wrongful application of the acts of Congress, the House and Senate are attempting to turn the Constitution into a blank piece of paper, with complete judicial approval.

[DEFENDANT], a *de jure* natural State Citizen, is in full possession of all personal and political Rights, which the "United States" (Article 1, Section 8, Clause 17) did not give and cannot take away. Dred Scott v. Sandford *supra* at 513; Afroyim v. Rusk, 387 U.S. 253 (1967); U.S. v. Miller, 463 F.2d 600 (1972). Nor is the Appellant, a *de jure* State Citizen, restrained by any enumeration or definition of his Rights or liberties. The so-called 14th Amendment did not impair or change the status of the *de jure* Citizens of the several States in the Union of the United States of America. **To imply that an act of Congress supersedes and makes null and void the Constitution for the United States of America, is blatantly and demonstrably absurd. This construction cannot be enforced or adopted by any legal authority whatsoever.**

The municipal jurisdiction of Congress does not extend to the Appellant or to his private property. This is the case because he is a *de jure* State

Citizen of one of the several States. The municipal jurisdiction of Congress only extends to the limits as defined in the Constitution itself (see 1:8:17 and 4:3:2).

> Where rights are secured by the Constitution there can be no legislation or rule making which would abrogate them.
>
> [Miranda v. Arizona, 384 U.S. 436]

Thus, the Citizenship of the Appellant as a Citizen of California must be upheld by the preceding positive statement and decree by the U.S. Supreme Court. This court must uphold this principle of law.

II

THE PREAMBLE AND THE UNITED STATES CONSTITUTION ARE IN FULL FORCE AND EFFECT. THEREFORE, CONGRESS CANNOT DEPRIVE A WHITE STATE CITIZEN OF HIS *DE JURE* STATE CITIZENSHIP AS A MEMBER OF THE POSTERITY, AS WAS THE INTENT DEFINED IN THE PREAMBLE.

POINT 1

The Preamble to the Constitution for the United States of America declares the intent and purpose of the covenant:

> We, the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.
>
> [Preamble]

Justice Story, in his Commentaries on the Constitution, expounded on the importance of this Preamble:

> The importance of examining the preamble, for the purpose of expounding the language of a statute, has been long felt, and universally conceded in all judicial discussions. It is an admitted maxim in the ordinary course of the administration of justice, that the preamble of a statute is a key to open the mind of the makers, as to the mischiefs, which are to be remedied, and the objects, which are to be accomplished by the provisions of the statute. We find it laid down in some of our earliest authorities in the common law; and civilians are accustomed to a similar expression, *cessante ratione legis, cessat et ipsa lex*. Probably it has a foundation in the exposition of every code of written law, from the universal principle of interpretation, that the will and intention of the legislature is to be regarded and followed. It is properly resorted to, where doubts or ambiguities arise upon the words of the enacting part; for if they are clear and unambiguous, there

> seems little room for interpretation, except in cases leading to an obvious absurdity, or to a direct overthrow of the intention expressed in the Preamble.
>
> [Commentaries on the Constitution of the United States]
> [Joseph Story, Vol. 1, De Capo Press Reprints (1970)]
> [at pages 443, 444]

With the authority of Justice Story, then, we examine the wording of the Preamble as to the term "Union". The term "Union" as used in the Preamble is evidently the one declared in the Declaration of Independence (1776) and organized in accordance with "certain articles of Confederation and Perpetual Union between the States" which declared that "the Union shall be perpetual." See Texas v. White, 7 Wallace 700 (1869).

> The Union of the States never was a purely artificial and arbitrary relation. It began among Colonies, and grew out of common origin, mutual sympathies, kindred principles, similar interest, and geographical relations. It was confirmed, strengthened by the necessities of war, and received definite form, and character, and sanction from the Articles of Confederation. By these the Union was solemnly declared to "be perpetual." And when these Articles were found to be inadequate to the exigencies of the country, the Constitution was ordained "to form a more perfect union." It is difficult to convey the idea of indissoluble unity more clearly than these words. What can be indissoluble if a perpetual Union, made more perfect, is not?
>
> But the perpetuity and indissolubility of the Union, by no means implies the loss of distinct and individual existence, or of the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though, the powers of the States were much restricted, still, all powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively or to the people. And we have already had occasion to remark at this term, that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in union, there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.
>
> When, therefore, Texas became one of the United States, she entered into a indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was

> final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution, or through consent of the States.
>
> [Texas v. White, 7 Wall. 700, 723-726 (1869)]

Similarly, the term "establish", as used in the Preamble, means to fix perpetually:

> STAB'LISH ...
>
> 1. To set and fix firmly or unalterable; to settle permanently.
>
> I will establish my covenant with him for an everlasting covenant. Gen. xvii
>
> 2. To found permanently; to erect and fix or settle; as, to establish a colony or empire.
>
> 3. To enact or decree by authority and for permanence
>
> 4. To settle or fix; to confirm.
>
> 5. To make firm; to confirm; to ratify what has been previously set or made.
>
> Do we then make void the law through faith? God forbid: yea, we establish the law. Rom. iii.
>
> [An American Dictionary of the English Language]
> [Noah Webster (1828), reprinted by]
> [Foundation for American Christian Education (1967)]

> ESTABLISH. This word occurs frequently in the Constitution of the United States, and it is there used in different meanings:
>
> 1. to settle firmly, to fix unalterable; as to establish justice, which is the avowed object of the Constitution ...
>
> 2. To settle or fix firmly; place on a permanent footing; found; create; put beyond doubt or dispute; prove; convince ...
>
> [Black's Law Dictionary *supra*, at page 642]

Thus, if the Union is perpetual, then so too is the founding law upon which that Union was predicated in the first place, and so too is the Sovereign and unalienable Citizenship recognized therein.

POINT 2

THE ORGANIC LAW
AND THE UNION FOUNDED THEREON
ARE PERPETUAL

The founding Law of the nation is the perpetual authority upon which the continued existence of the nation itself is predicated. As such, the founding Law carries universal authority and cannot be overthrown or subverted without repudiating the very existence of the nation established thereby.

> ORGANIC LAW. The fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization of its government. St. Louis v. Dorr, 145 Mo. 466, 46 S.W. 976, 42 LRA 686, 68 Am St Rep 575
>
> [Black's Law Dictionary, 4th Ed., West Pub. (1968), p. 1251]

The authority of the organic law is universally acknowledged; it speaks the sovereign will of the people; its injunction regarding the process of legislation is as authoritative as are those touching the substance of it. Suth. Statutory Construction, 44, note 1. "This Constitution ... shall be the supreme Law of the Land ...." Article 6, Constitution of the United States (1787).

That the people have an original right to establish, for their future government, such principles as, in their opinion, shall be most conducive to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of the original right is a very great exertion, nor can it, nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

The original and supreme will organizes the government, and assigns, to different departments, their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined, and limited; and those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are the powers limited, and to what purpose is that limitation committed to writing, if the limits may, at any time be passed by those intended to be restrained? The distinction, between a government with limited and unlimited powers, is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary act.

> Between these alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.
>
> If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter be true, then written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature illimitable. Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void ....
>
> If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply.
>
> Those then who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that the courts must close their eyes on the constitution, and see only the law.
>
> [Marbury v. Madison, 1 Cranch 137, at pages 176 to 178] [(1803)]

III

AN INDICTMENT IS INSUFFICIENT TO SUSTAIN A CONVICTION,
IF IT USES WORDS OF NUMEROUS MEANINGS,
SO AS TO BE VAGUE AND AMBIGUOUS,
SO THE DEFENDANT IS UNCERTAIN OF
SECRET AND SPECIFIC MEANINGS,
THEREBY BEING DENIED A DEFENSE.

1. The indictment utilizes the term "resident" as its jurisdictional statement, without any further clarification.

"The jurisdiction of a federal court must affirmatively and distinctly appear and cannot be helped by presumptions or by argumentive inferences drawn from the pleadings." Norton v. Larney, 266 U.S. 511, 515, 45 S. Ct. 145, 69 L.Ed. 413 (1925). Accord, Bender v. Williamsport Area Schools District, 475 U.S. 534, 106 S.Ct. 1326, 1334, 89 L.Ed.2d 501, rehearing denied, 106 S.Ct. 2003 (1986); Nor can a contester's allegations of jurisdiction be read in isolation from the complaint's factual allegations, Schilling v. Rogers, 363 U.S. 666, 676, 80 S.Ct. 1288, 4 L.Ed.2d 1478 (1960), nor can jurisdiction be effectively established by omitting facts which would establish that it does not exist. Lambert Run Coal Co. v. Baltimore & Ohio R. Co., 258 U.S. 377, 382, 42 S.Ct. 349, 66 L.Ed. 671 (1922). Nor can jurisdiction be "gleaned from the briefs and arguments" of the Plaintiff. Bender *supra*, 106 S.Ct. at 1334. The burden fully to demonstrate

jurisdiction clearly falls on the Plaintiff, and a failure fully to define the conditions creating some nexus under the ambiguous term "resident" is an error.

The requirement to prove jurisdiction is particularly important when the government of a foreign state (the "United States") brings criminal charges against a Citizen of another State.

Where jurisdiction is denied and squarely challenged, jurisdiction cannot be assumed to exist "*sub silentio*" but must be proven. Hagans v. Lavine, 415 U.S. 528, 533, n. 5; Monell v. N.Y., 436 U.S. 633. Mere "good faith" assertions of power and authority (jurisdiction) have been abolished. Owen v. Indiana, 445 U.S. 622; Butz v. Economou, 438 U.S. 478; Bivens v. 6 unknown agents, 403 U.S. 388.

An indictment is "vague" if it does not allege each of the essential elements of the crime with sufficient clarity to enable the defendant to prepare his defense. U.S. v. BI-CO Pavers, 741 F.2d 730 (1984). Where the defendant must guess at its meaning, it is vague and violates the first essential element of due process. See Connolly v. General Construction Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322 (1926).

> It is an elementary principle of criminal pleading, that where the definition of an offense, whether it be at common law or by statute, "includes generic terms, it is not sufficient that the indictment shall charge the offense in the same generic terms as in the definition; but it must state the species; **it must descend to the particulars**. 1 Arch. Cr. Pr. and Pl. 291.
>
> [U.S. v. Cruikshank, La. 92 U.S. 542, 558 (1872)]
> [emphasis added]

IV

IRC SECTION 7203, IN AND OF ITSELF,
IS INSUFFICIENT TO SUSTAIN AN INDICTMENT AND CONVICTION,
WHEN NO OTHER STATUTE IS ALLEGED TO HAVE BEEN VIOLATED.

IRC 7203, in and of itself, does not describe a triable offense, nor does it state any basis for any crimes or public offenses, so as to confer jurisdiction for any issue that is triable as a "misdemeanor". On the contrary, as will be shown, **jurisdiction is absent**.

> Sec. 7203. Willful Failure to File Return, Supply Information, or Pay Tax.
>
> Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information at the time or times required by law and regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $25,000 ($100,000 in the case of

> a corporation), or imprisoned not more than 1 year, or both, together with the costs of the prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under section 6654 or 6655 with respect to such failure.
>
> [IRC 7203]

IRC 7203 fails to provide any definition of any offense by failing to charge any statutory crime in any language of any statute.

The language of IRC 7203, in and of itself, and any alleged violation as propounded in Appellee's indictment, fails to be fully descriptive of any offense or crime. It is, therefore, fundamentally impossible to violate Section 7203 since this Section, in and of itself, does not include or refer to any specific statute that could provide a nexus for prosecution, as is clearly shown in U.S. v. Menk, 260 F. Supp. 784:

> But, rather, all three sections referred to in the information, sections 4461, 4901, and 7203, must be considered together before a complete definition of the offense is found. Section 4461 imposes a tax on persons engaged in a certain activity; section 4901 provides the payment of the tax shall be a condition precedent to engaging in the activity subject to the tax and Section 7203 makes it a misdemeanor to engage in the activity without first having paid the tax, and provides the penalty. It is impossible to determine the meaning or intended effect of any one of these three sections without reference to the others.
>
> [U.S. v. Menk *supra*, emphasis added]

Contrary to the accusatory pleadings, IRC 7203, in and of itself, is not a statute subject to violation since it is nothing more than a penalty clause for some undefined franchise obligation. Section 7203, upon which the Appellee's indictment is based, fails to provide a complete definition of any offense, and therefore, in and of itself, it fails to state properly a claim upon which probable cause could predicate. As the Court stated in U.S. v. Menk *supra*:

> The Court of Appeals for the Seventh Circuit has repeatedly held that an indictment or information is sufficient which defines a statutory crime substantially in the language of the statute if such language is fully descriptive of the offense.
>
> [U.S. v. Menk *supra* at 786]

Section 7203 contains no such descriptive language, nor does it identify any other statutes.

It cannot be said that Section 7203 imposes a tax on persons engaged in a certain activity, nor can it be said that 7203 provides that the payment of the tax shall be a condition precedent to engaging in the activity subject to the tax. However, 7203 makes it a misdemeanor to engage in the activity without having first paid the tax, and provides the penalty. In addition, 7203 makes it a misdemeanor not to file a return, keep records or supply

information that may be required by several other statutes and regulations, which specifically determine that activity and crime.

Because the activity in the Appellees' indictment is undefined, Section 7203 is not, in and of itself, a basis for prosecution, and there is no probable cause of action against the Appellant. Similarly, it is impossible to determine the meaning or intended effect of Section 7203 without having reference to other possibly applicable and as yet undefined sections of the Internal Revenue Code.

Plainly and simply, Section 7203 is only a penalty statute, and by itself cannot stand without reference to other statutes and or regulations. An IRS agent stated on the record that no other statutes were violated or identified as such before the grand jury (CR June 28, 1988, p. 13, lines 5-12).

Thus the indictment is vague and the court is in error in sustaining the indictment and conviction.

V

THE DEFINITION OF THE WORD "PERSON" USED IN SECTION 7203, AS DEFINED IN 7343 FOR CHAPTER 75, WHICH INCLUDES 7203, CANNOT BE EXTENDED TO INCLUDE SOMEONE OTHER THAN THE INDIVIDUALS DESCRIBED IN SECTION 7343.

The words used in a statute cannot be extended beyond the clear meaning and intent of the legislative body which created the statute.

The courts, in construing the words of any statute, cannot include someone other than the ones described in that statute; to do so would be like extending the law that controls the speed of an airplane propeller to include a pedestrian walking along a path in a forest.

Chapter 75, which contains Section 7343, carries the heading "Crimes, Other Offenses, and Forfeitures". Section 7343 states:

> Section 7343. Definition of term "person."
>
> The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs.
>
> [IRC 7343]

This section was previously found in Section 150, which referred only to corporation tax returns. This was the original intent of Congress. Thus, Section 7806 is brought to bear upon the application of this section. Section 7806 States:

Sec. 7806. Construction of title.

(b) Arrangement and Classification.

No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the various prints of this Act before its enactment into law.

[IRC 7806(b)]

Thus, IRC 7203 does not apply to the Appellant, a California State Citizen, because such individual Citizens are not within the purview of Chapter 75. Therefore, the indictment must fail.

CONCLUSION

For the forgoing reasons, the Accused's conviction must be reversed, with an affirmative declaration that the Accused is a *de jure* California State Citizen, and a member of the Posterity, as defined in the Preamble to the Constitution for the United States of America.

Respectfully submitted
with explicit reservation of *all* my unalienable rights
and without prejudice to *any* of my unalienable rights,

[DEFENDANT]