

The lesson they do not teach in law schools or high school civics classes: the Hoax of Federal Jurisdiction

- **Part 1: Article III federal courts versus United States District Courts**

The Constitution creates the judicial power of the national government at Article 3 § 1 and delineates the character of the controversies to which the judicial power extends at Article 3 § 2(1); to wit, respectively and in pertinent part:

“SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . .

“SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States will be a party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In a judicial sense, “jurisdiction” (from the Latin *jus* right, *dictio* act of saying) means, essentially, the legal power, right, or authority of a court to hear and decide causes and pronounce the sentence of the law within a certain geographic area; to wit:

“forum . . . 2 a : a judicial body or assembly . . . b : the territorial jurisdiction of a court forum before personal jurisdiction may be exercised — National Law Journal” Merriam-Webster's Dictionary of Law (Merriam-Webster, Incorporated: Springfield, Mass., 1996), p. 201.

“—Territorial jurisdiction. Jurisdiction considered as limited to cases arising or persons residing within a defined territory, as a county, a judicial district, etc. The authority of any court is limited by the boundaries thus fixed. . . .” Henry Campbell Black, A Law Dictionary, Second Edition (West Publishing Co.: St. Paul, Minn., 1910) (hereinafter “BLACK’S 2ND”), p. 673.

The true distinction between courts is as to species of jurisdiction, i.e., either *general* or *limited*; to wit:

“General jurisdiction is that which extends to a great variety of matters. General jurisdiction in law and equity is jurisdiction of every kind that a court can possess, of the person, subject-matter, [and] territorial . . .

“. . . Limited jurisdiction (called, also, special and inferior) is that which extends only to certain specified causes.” [Emphasis in original.] John Bouvier, Bouvier's Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn.: 1914) (hereinafter “BOUVIER'S”), p. 1761.

“—*Limited jurisdiction. . . . The true distinction between courts is between such as possess a general and such as have only a special jurisdiction for a particular purpose . . .*” *BLACK’S 2ND*, p. 673.

It is well settled that trial courts ordained and established by Congress under authority of Article III of the Constitution, *supra*, are courts of limited jurisdiction, with authority only over certain controversies; to wit:

- “*The character of the controversies over which federal judicial authority may extend are delineated in Art. III, § 2, cl. 1. . . .*” *Insurance Corporation of Ireland, Ltd., v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 701 (1982).
- “*Federal courts are courts of limited jurisdiction . . .*” *Hart v. FedEx Ground Package System Inc.*, 457 F.3d 675 (7th Cir. 2006).
- “[T]he jurisdiction of the federal courts is limited not only by the provisions of Art. III of the Constitution, but also by Acts of Congress. *Palmore v. United States*, [411 U. S. 389](#), [411 U. S. 401](#); *Lockerty v. Phillips*, [319 U. S. 182](#), [319 U. S. 187](#); *Kline v. Burke Constr. Co.*, [260 U. S. 226](#), [260 U. S. 234](#); *Cary v. Curtis*, 3 How. 236, [44 U. S. 245](#).” *Owen Equipment & Erection Co. v. Kroger*, 437 U.S. 365, 372 (1978).
- “*It is a fundamental precept that federal courts are courts of limited jurisdiction.*” *Id.* at 374.
- “*The courts of the United States are all of limited jurisdiction . . .*” *Ex Parte Tobias Watkins*, 28 U.S. 193, 3 Pet. 193, 7 L.Ed. 650 (1830).
- “[S]tate courts are courts of general jurisdiction By contrast, federal courts are courts of limited jurisdiction” *Gottlieb v. Carnival Corp.*, 436 F.3d 335, 337 (2nd Cir. 2006).

Whereas: Only courts with *territorial jurisdiction* (an aspect of general jurisdiction) can take cognizance of civil and criminal causes; and

Whereas: All Article III federal trial courts are courts of *limited jurisdiction* (certain controversies only),

Wherefore: No trial court ordained and established by Congress under Article III of the Constitution is authorized to take cognizance of civil and criminal causes.

Notwithstanding the above blackletter law,¹ Title 28 U.S.C. *Judiciary and Judicial Procedure* Chapter 176 *Federal Debt Collection Procedure* Section 3002 *Definitions* provides, in pertinent part:

“As used in this chapter:

“ . . . (8) ‘Judgment’ means a judgment, order, or decree entered in favor of the United States in a court and arising from a civil or criminal proceeding regarding a debt. ”

Whereas: No inferior trial court ordained and established by Congress under authority of Article III of the Constitution is invested with territorial jurisdiction; and

Whereas: No Article III federal trial court has the territorial jurisdiction necessary to take cognizance of civil and criminal causes and enter judgments arising from a civil or criminal proceeding; and

Whereas: Every *United States District Court* (28 U.S.C. 132(a)) located throughout the Union takes cognizance of civil and criminal causes and enters judgments arising therefrom; and

Whereas: No Federal trial court can take cognizance of civil and criminal causes and enter judgments arising therefrom unless authorized to do so by the Constitution; and

Whereas: Article III of the Constitution is devoid of such authority,

Wherefore: No United States District Court is an Article III court—and we must look elsewhere in the Constitution for the authority that gives United States District Courts the territorial jurisdiction necessary to take cognizance of civil and criminal causes and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt, as authorized by statute in 28 U.S.C. 3002(8).

- **Part 2: Treason to the Constitution**

The only provision of the Constitution that grants Congress power to create inferior courts with territorial jurisdiction to take cognizance of civil and criminal causes and enter judgments arising therefrom, is an *implied* authority, Article 4 § 3(2), also known as the *territorial clause*; to wit, in pertinent part:

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . . ”

Whereas: As granted in Article 1 § 8(17) of the Constitution (*infra*), Congress have power of exclusive legislation (territorial, personal, and subject-matter) in “Territory or other Property belonging to the United States” (*supra*); to wit:

“SECTION 8. The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, 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;”; and

¹ blackletter law. One or more legal principles that are old, fundamental, and well settled. • The term refers to the law printed in books set in Gothic type, which is very bold and black. — Also termed *hornbook law*. *Black’s Law Dictionary*, Seventh Edition, Bryan A Garner, Editor in Chief, (West Group: St. Paul, Minn., 1999) (hereinafter “BLACK’S 7th”), p. 163.

Whereas: The full extent of the “Territory or other Property belonging to the United States” (*id.* at 4 § 3(2)) today is the collective of:

- the District of Columbia;
- Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, Palmyra Atoll, Wake Atoll, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Midway Atoll, North Island – JACADS, Sand Island, Kingman Reef, and Navassa Island²; and
- any other “*Places purchased . . . for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings*” (*id.* at 1 § 8(17)); and

Whereas: All courts created by Congress under authority of Article 4 § 3(2) of the Constitution are *legislative Article IV territorial courts of general jurisdiction* (territorial, personal, and subject-matter jurisdiction); and

Whereas: Every United States District Court is authorized by statute (28 U.S.C. 3002(8)) to exercise general jurisdiction and take cognizance of civil and criminal causes and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt; and

Whereas: Every United States District Court is authorized at Article 4 § 3(2) of the Constitution to exercise territorial jurisdiction and “*dispose of and make all needful rules and regulations respecting the Territory or other Property belonging to the United States*”; and

Whereas: Every commonwealth united by and under authority of the Constitution and admitted into the Union—numbering 50 at present, the last of which being Hawaii, August 21, 1959—is situate *without* all “*Territory or other Property belonging to the United States*” (*id.*), and

Whereas: There is no constitutional authority for any United States District Court to exercise territorial jurisdiction and take cognizance of civil and criminal causes and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt anywhere within the exterior limits of the geographic area occupied by the 50 respective commonwealths united by and under authority of the Constitution and admitted into the Union; and

Whereas: Every United States District Court doing business within the exterior limits of the Union is a legislative-branch Article IV territorial court of general jurisdiction, under the exclusive control Congress, extending its jurisdiction beyond the boundaries fixed therefor by the Constitution at Article 4 § 3(2) (“*Territory or other Property belonging to the United*

² U.S. Dept. of the Interior, Office of Insular Affairs, (1) “All OIA Jurisdictions,” and (2) “U.S. Territories under U.S. Fish and Wildlife Jurisdiction or Shared with Johnston Atoll Chemical Agent Disposal System (JACADS): (1) <http://www.doi.gov/oia/islands/index.cfm>, (2) <http://www.doi.gov/oia/islands/islandfactsheet2.cfm>, respectively.

States”), and usurping exercise of jurisdiction in extra-constitutional geographic area (the Union), under color³ of law, office, and authority, and therefore a kangaroo court⁴; and

Whereas: “We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution,” *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821),

Wherefore: Every single Congressman, Federal bench officer, and Department of Justice attorney is in violation of his oath of office and culpable for, among numerous other crimes and high crimes: fraud; misfeasance, malfeasance, and nonfeasance in public office; misprision of felony; misprision of treason; and treason to the Constitution.

- **Part 3: Legislative fraud on the part of Congress; connivance therewith on the part of Federal bench officers and Department of Justice attorneys**

The only 26 U.S.C. 7701(a)(10) “State”⁵ of the 26 U.S.C. 7701(a)(9) “United States”⁶ whose residents are liable to tax under Title 26 U.S.C. *Internal Revenue Code* is the Title 26 U.S.C. State of District of Columbia.⁷

Notwithstanding the above statutory fact, bench officers in the Federal judiciary and attorneys in the Department of Justice treat virtually every American as a resident of the District of Columbia: liable to tax under Title 26 U.S.C. *Internal Revenue Code* and subject to all other Federal rules and regulations.

Said Federal officers justify this by construing / interpreting any of an unknown number of “acts and statements” (26 C.F.R. 1.871-4(c)(2)(iii)) arising in the course of normal and ordinary interaction between individual Americans and government agencies / programs, as evidence of “a definite intention to acquire residence in the [26 U.S.C. 7701(a)(9)] United States” (26 C.F.R. 1.871-4(c)(2)(iii)), i.e., the District of Columbia.

Such “acts and statements” include evidence created through the application of one’s signature to a driver’s license application, voter registration form, tax return, application for Social Security benefits, IRS Form W-4, passport application, and any other of the myriad government

3 COLOR. An appearance, semblance, or *simulacrum*, as distinguished from that which is real. A *prima facie* or apparent right. Hence a deceptive appearance; a plausible, assumed exterior, concealing a lack of reality; a guise or pretext. . . . Henry Campbell Black, *A Law Dictionary* (West Publishing Co.: St. Paul, Minn., 1891) (hereinafter “BLACK’S 1st”), p. 222.

4 kangaroo court. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. . . . 2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. BLACK’S 7th, p. 359.

5 The 26 U.S.C. 7701(a)(10) *States* are the bodies politic of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and no other. Memorandum of Law, August 10, 2015, pp. 8–14.

6 The 26 U.S.C. 7701(a)(9) *United States* is the collective of the geographic area occupied by the bodies politic of the six respective 26 U.S.C. 7701(a)(10) *States*, *supra*, fn. 5. *Id.*

7 *Id.* at 15.

forms one encounters in the course of his life—and require that the applicant certify that he is a citizen or resident of the (statutory) *United States* or resident of a (statutory) *State*.⁸

Americans who make such “*acts and statements*” are deemed to have made a general election (comprehensive choice) to be (1) treated as a resident of the District of Columbia under general legislation at 26 U.S.C. 6013(g)(1) or (h)(1), (2) liable to tax under Title 26 U.S.C. Chapters 1 *Normal taxes and surtaxes* and 24 *Collection of Income Tax at Source on Wages*, and (3) subject to all legislation within the 26 U.S.C. 7701(a)(9) “United States” (District of Columbia only), not just income-tax statutes; to wit:

“Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda. When the law is special, but its reason is general, the law is to be understood generally.” BOUVIER’S, p. 2156.

We learn from the Supreme Court, however, that such “legislation” is legally fatally flawed, and therefore ultimately unenforceable—because no one can *elect* (choose)—or *appear to elect*—to be treated as a resident of a particular place for the purpose of taxation (or any other purpose) without also having a factual presence in that location; to wit:

“When one intends the facts to which the law attaches consequences, he must abide the consequences whether intended or not. 13. One can not elect to make his home in one place in point of interest and attachment and for the general purposes of life, and in another, where he in fact has no residence, for the purpose of taxation. . . .” Texas v. Florida, 306 U.S. 398 (1939).

To acquire residence in a particular place one must do one of two things: (1) establish bodily presence as an inhabitant (by taking up housekeeping in a fixed and permanent abode), or (1) realize earnings (by way of permanency of occupation) from a source located therein.

Wherefore: It is clear that Congress have another master than the American People—and that every Federal bench officer and DOJ attorney is in connivance with Congress and complicit in the legislative fraud and treason to the Constitution.

- **Part 4: Dealing with the Hoax of Federal Jurisdiction**

That the statutes of Congress may authorize United States Attorneys to bring suit in United States District Court is insufficient, in and of itself, to vest jurisdiction in any such court; to wit:

“So, we conclude, as we did in the prior case, that, although these suits may sometimes so present questions arising under the Constitution or laws of the United States that the Federal courts will have jurisdiction, yet the mere fact that a suit is an adverse suit authorized by the

⁸ In all Federal law, “State” is a statutory term and means, ultimately, the District of Columbia, *id.*, which is why use of “State” is avoided in this webpage.

Unpunctuated, grammatically incorrect, two-capital-letter United States Postal Service (“U.S.P.S.”) designators for each of the putative *50 States* (50 political subdivisions of the District of Columbia; *id.* at 11), and ZIP Codes, are *political*—not *geographical*—identifiers.

ZIP Codes are assigned to United States Post Offices *only*, not geographic areas, *Domestic Mail Manual* (“DMM”) § 602-1.8.1 *Purpose of ZIP Code*, the purpose of which is to facilitate *processing* of mail within and between U.S.P.S. facilities only, *id.* at 708-10.1 and 2—not *delivery* of mail, *id.* at 602-1.8.1.

Use of a ZIP Code is voluntary, *id.* at 602-1.3(e)(2), to wit:

“We note that under section 122.32 of the U.S. Postal Service Domestic Mail Manual, the use of a zip code remains voluntary. See United States Postal Service Domestic Mail Manual § 122.32, at 55 (Mar. 1992). . . .” *Joseph Peters v. National Railroad Passenger Corporation*, 966 F.2d 1483, 296 U.S.App.D.C. 202, 22 Fed.R.Serv.3d 1123 (1992).

Carrier delivery of mail is free, DMM § 508-4.1.2 *Purpose*; postage pays for transmission of mail between U.S.P.S. facilities only, *id.* at 708-10.2 *Application*.

statutes of Congress is not in and of itself sufficient to vest jurisdiction in the Federal courts.” Shoshone Mining Co. v. Rutter, 177 U.S. 505, 513 (1900).

It is well settled that before a federal judge can rely on the authority of a statute for jurisdiction to hear and decide a particular cause, said judge must confirm that the Constitution has given him the capacity to take it; to wit:

“It remains rudimentary law that “[a]s regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. . . . To the extent that such action is not taken, the power lies dormant.” The Mayor v. Cooper, 6 Wall. 247, 252, 18 L.Ed. 851 (1868) (emphasis added); accord, Christianson v. Colt Industries Operating Co., 486 U.S. 800, 818, 108 S.Ct. 2166, 2179, 100 L.Ed.2d 811 (1988); Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 379-380, 101 S.Ct. 669, 676-677, 66 L.Ed.2d 571 (1981); Kline v. Burke Construction Co., 260 U.S. 226, 233-234, 43 S.Ct. 79, 82-83, 67 L.Ed. 226 (1922); Case of the Sewing Machine Companies, 18 Wall. 553, 577-578, 586-587, 21 L.Ed. 914 (1874); Sheldon v. Sill, 8 How. 441, 449, 12 L.Ed. 1147 (1850); Cary v. Curtis, 3 How. 236, 245, 11 L.Ed. 576 (1845); McIntire v. Wood, 7 Cranch 504, 506, 3 L.Ed. 420 (1813). [Underline emphasis only added.] Finley v. United States, 490 U.S. 545 (1989).

Bereft of lawful authority, United States District Courts located within the Union depend utterly upon the ability of their respective bench officers to prevaricate,⁹ dissemble,¹⁰ and sidestep issues that would destroy the charade of legitimacy and appearance of impartiality.

Until Petitioner’s September 14, 2015, Objection and Demand and September 30, 2015, Demand for Dismissal, Petitioner had never heard of a Department of Justice attorney failing to respond to a challenge of jurisdiction or a United States District Judge refusing to rule on a motion or abandoning an ongoing case (and failing to provide otherwise for its disposition).

But that is what happened in the Lufkin Division case (*see* October 28, 2015, post, *infra*).

Here is the reason:

Anything either DOJ attorney would have said, whether for or against Petitioner’s demand for the Lufkin Court’s constitutional authority, would have amounted to admission of fraud or treason to the Constitution or proof of incompetence.

Whereas, DOJ attorneys can back out of a case without incident, this is not so for a United States District Judge; to wit:

“Judicis officium est opus diei in die suo perficere. It is the duty of a judge to finish the work of each day within that day.” BOUVIER’S, p. 2140.

“Boni judicis est lites dirimere, ne lis ex lite oritur, et interest republicæ ut sint fines litium. It is the duty of a good judge to prevent litigations, that suit may not grow out of suit, and it concerns the welfare of a state that an end be put to litigation.” Id. at 2127.

9 pre-var’i-cate . . . v. . . . i. . . . To use ambiguous or evasive language for the purpose of deceiving or diverting attention; misrepresent by shape or turn of statement; give a wrong color to facts in speaking or answering; quibble; shuffle. . . . *A Standard Dictionary of the English Language*, Isaac K. Funk, Editor in Chief (Funk & Wagnalls Company: New York, 1903), p.1410.

10 dis-sem’ble . . . v. . . . i. . . . To put on false appearances; disguise the reality; represent a thing or things untruly. *Id.* at 531.

The Lufkin Judge has a duty not only to Petitioner, but to the American Republic—by way of his oath of office (5 U.S.C. 3331), to “*bear true faith and allegiance*” (*id.*) to the Constitution and “*well and faithfully discharge the duties of the office*” (*id.*) of United States District Judge—and conclude the instant litigation; to wit:

“When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction.” *Melo v. U.S.*, 505 F.2d 1026.

Instead, the Lufkin Judge went silent.

The Fifth Circuit Court of Appeals (to whom Petitioner would appeal for resolution of the instant unresolved motion), explains in *United States v. Prudden*, 424 F.2d 1021 (5th Cir., 1970), the significance of the Lufkin Judge’s silence:

*“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”*²⁴

“ . . . 24. See United States v. Sclafani, [265 F.2d 408](#) (2d Cir.), cert. den., 360 U.S. 918, 79 S.Ct. 1436, 3 L.Ed.2d 1534 (1959); c.f., *Avery v. Clearly*, [132 U.S. 604](#), 10 S.Ct. 220, 33 L.Ed. 469 (1890); *Atilus v. United States*, [406 F.2d 694](#), 698 (5th Cir. 1969); *American Nat’l Ins. Co., etc. v. Murray*, [383 F.2d 81](#) (5th Cir. 1967).”

Presently, there is a neglected unresolved motion on both the Lufkin and Houston Division Docket.

Notwithstanding the fraudulent statutory definitions of “State” throughout the United States Code, “*We are bound to interpret the constitution in the light of the law as it existed at the time it was adopted,*” *Mattox v. U.S.*, 156 U.S. 237, 243 (1895).

Wherefore, no United States District Judge has constitutional authority to expound or enforce Federal statutes in Texas or any other of the “*several States of the Union*” (*infra*) against any American residing there or property located there; to wit:

“The several States of the Union are not, it is true, in every respect independent, many of the right [sic] and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State [of the Union] possesses exclusive jurisdiction and sovereignty over persons and property within its territory. . . .” [Underline emphasis added.] *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878).

“Judici officium suum excedenti non paretur. To a judge who exceeds his office (or jurisdiction) no obedience is due,” BOUVIER’S, p. 2140, and, as demonstrated hereinabove and elsewhere in this webpage, every United States District Judge and Magistrate in every United States District Court within the Union, in connivance with Congress and conspiracy with officers of the Department of Justice, is exceeding his jurisdiction, beyond the boundaries fixed by the Constitution, at Article 4 § 3(2), for Federal trial courts of general jurisdiction, and perpetrating the Hoax of Federal Jurisdiction.

“Qui jure suo utitur, nemini facit injuriam. He who uses his legal rights harms no one,” *id.* at 2157, and there is nothing prohibiting any other litigant from making the same demands as Petitioner, in any other Federal case, civil or criminal, anywhere in the Union.

No United States District Judge or Magistrate can reply responsively (meaningfully) to a demand for dismissal of a Federal case, civil or criminal, within the Union, for lack of constitutional

authority that gives the particular United States District Court the capacity to take jurisdiction and enter judgments in favor of the United States arising from a civil or criminal proceeding regarding a debt, in the defendant's particular county, parish, or borough, without also producing evidence of serious wrongdoing on his part.

Evidently, the Lufkin and Houston Judges have "taken the Fifth" *sub silentio*¹¹ and refused to answer their respective unresolved motion on the ground that it may tend to incriminate them.

The Hoax of Federal Jurisdiction can be concealed no longer.

Petitioner is in the process of rectifying matters in these cases, and will report developments as they occur.

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Go to <https://supremecourtcase.wordpress.com>

or

www.rense.com (and click on large white banner at top of homepage)

¹¹ SUB SILENTIO. Under silence ; without any notice being taken. . . . BLACK'S 1ST, p. 1129.