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5 **Dr. Eduardo M. Rivera**
6 **Attorney and Counselor at Law**
7 **California Bar No. 52737**
8 **Admitted June 2, 1972**
9 www.edrivera.com
10 [email:edrivera@edrivera.com](mailto:edrivera@edrivera.com)
11 **P.O. Box 13295**
12 **Torrance, CALIFORNIA 90503**
13 **310-370-3361**

14 **DUTY**

15 **PART ONE**

16 **LIST OF MATERIALS**
17
18

19
20 **Duty of a Citizen.**

21 **Because government at the state and federal level is divided into three parts,**
22 **the primary obligation of a citizen is to question the authority of that three-**
23 **part government. If citizens do not check the authority of government, one of**
24 **the branches may intrude on the power of another branch.**
25

26 **When government is properly operating, persons, officers**
27 **and employees of one of the three branches are prohibited**
28 **from performing the duties of the other two branches. It**
29 **then falls to the citizen to challenge all claims made by**
30 **or on behalf of government. The members of the three**
31 **branches of government cannot question the authority or**
32 **integrity of another branch.**
33

34 **The doctrine of the separation-of-powers prohibits a**
35 **government person, officer or employee from acting outside**

1 the legislative, executive or judicial branch, but it takes the
2 constant vigilance of citizens to make certain that persons,
3 officers and employees of branches do not exercise the power
4 of another branch.

5
6 The most important principle applicable to all three
7 branches is the lack of power to create new legal
8 duties for citizens.

9
10 Part One will show why the three branches of
11 government are governed by a Constitution and why
12 that Constitution can only authorize the legislative
13 branch to create more laws for government.

14
15 VHS Tapes. These tapes explain the limited territorial
16 jurisdiction of the United States district courts by direct
17 reference to the most widely know federal government
18 activity. They were made by a client, who is making DVD
19 versions that will be available soon.

20
21 Transcript of VHS Tapes. Another client transcribed the 4 1/2
22 hours of VHS tapes for his own use. His transcription will
23 assist your understanding of the material covered.

24
25 Constitution of the United States and Declaration of
26 Independence with comments by Dr. Eduardo M.
27 Rivera. The Constitution is the supreme law of the
28 land for all governments.

1 **It is, however, not law that applies to the People in the**
2 **states of the Union.**

3
4 The English common law is the law of the **P**eople in 49
5 states. This course teaches that the events that caused the
6 separation of the People of the United States from the
7 monarchy of England **shaped the common law of America.**
8 **In England equity was administered by the Lord Chancellor**
9 **of England, who was an officer of the English monarch. In**
10 **an America without a king there is no place for equity.**

11
12 **The grand and petit jurors determine the facts and the law**
13 **in all serious civil and criminal cases.** The Declaration of
14 Independence begins the **elimination of the English**
15 **monarchy** in the thirteen states of the new Union that is to be
16 the United States of America under the **Articles of**
17 **Confederation.**

18 19 **Judiciary Act of 1789**

20
21 This act of Congress **established the first thirteen districts**
22 **for the United States district courts at a time when only**
23 **eleven states had ratified the Constitution. That document is**
24 **famous for the first three articles that create the three**
25 **branches of government.**

26
27 **The fourth article provides the government for a substantial**
28 **amount of territory that has not been incorporated into the**
29 **original thirteen states.**

1 **It is this territory and the federal territory within the states**
2 **of the Union that is the U.S. or United States.**

3
4 The district judges, according to the Act, are required to
5 **reside within the district.** There is no provision in the Act for
6 a lifetime appointment during good behavior. Provision is
7 not made for continuation in office during good behavior
8 **until the Judiciary Act of 1948.**

9
10 **Revenue Act of 1894 (Wilson- Gorman Act) The Federal**
11 **Income Tax law was declared unconstitutional by the**
12 **Income Tax Cases: Pollock v. Farmer's Loan & Trust, 157**
13 **U.S. 429 (1895) and Pollock v. Farmer's Loan & Trust, 158**
14 **U.S. 601 (1895).** The entire Act can be found in the first
15 footnote to **Pollock v. Farmer's Loan & Trust, 157 U.S. 429**
16 **(1895).**

17
18 The Supreme Court held the **entire act to be**
19 **unconstitutional,** but I have identified **Section 29** as the
20 legislation that caused the creation of an unconstitutional
21 **direct tax on the property of the People of the States by the**
22 **imposition of a duty to make a return.** Even after the 16th
23 Amendment, **language similar to that found in Section 29**
24 will never be found in any future federal internal revenue
25 act.

26 27 **Revenue Act of 1913**

28 This act imposes a net income tax upon those citizens of the
29 United States **over which Congress has legislative power.**

1 The three branches of government are named as individuals
2 who are to pay the tax, although only the inferior federal
3 judges not of the Article III judiciary are actually liable.

4 Section G. (page 172) imposes the individual income tax on
5 corporations. Section S. (page 201) of Section III repeals the
6 Corporation Excise Tax of 1909.

7
8 This then, is the scenario: the federal income tax as a direct
9 tax is declared unconstitutional in 1895;

10 President William Howard Taft, a legal genius, resolves the
11 issue by proposing an amendment affirming the power of
12 Congress to tax itself and the non-Article III judges; the
13 1913 federal income tax is a tax on the citizens of the United
14 States (members of Congress) and residents (district court
15 judges); the domestic Corporation Tax is repealed and the
16 tax on the national government is imposed on corporations.

17
18 Written Address to Congress by President William Howard
19 Taft, June 16, 1909 [Congressional Record—Senate]. This is
20 the first public statement that the federal income tax will be
21 a tax on the national government when the federal income
22 tax amendment is ratified. The Constitution is the supreme
23 law of the land for government, so the Sixteenth Amendment
24 is just more law for government.

25
26 Balzac v. People of Porto Rico, 258 U.S. 298 (1922) This
27 Supreme Court opinion by Chief Justice William Howard
28 Taft identifies United States district courts as territorial
29 courts.

30

1 Any federal court calling itself a “United States District
2 Court” will be a court that is limited to federal territory and
3 federal property.

4
5 Article IV of the Constitution specifically provides Congress
6 with the power to dispose of the territory not part of the
7 original states and any other property belonging to the
8 United States.

9
10 This is Article IV, Section 3, Clause 2: The Congress shall
11 have Power to dispose of and make all needful Rules and
12 Regulations respecting the Territory or other Property
13 belonging to the United States; and nothing in this
14 Constitution shall be so construed as to Prejudice any
15 Claims of the United States, or of any particular State.

16
17 The United States District Court is not a true United States
18 court established under article 3 of the Constitution to
19 administer the judicial power of the United States therein
20 conveyed.

21
22 It is created by virtue of the sovereign congressional
23 faculty, granted under article 4, 3, of that instrument, of
24 making all needful rules and regulations respecting the
25 territory belonging to the United States.

26
27 The resemblance of its jurisdiction to that of true United
28 States courts, in offering an opportunity to nonresidents of
29 resorting to a tribunal not subject to local influence, does not
30 change its character as a mere territorial court.

1 **Mookini v. United States**, 303 U.S. 201 (1938) This Supreme
2 Court opinion by Chief Justice Charles Evans Hughes states
3 that a **District** Court of the United States **is a constitutional**
4 **court and that vesting a United States district court**
5 **with jurisdiction similar to that vested in the District**
6 **Courts of the United States does not make it a**
7 **“District Court of the United States.”**

8
9 *[Mookini v. United States, 303 U.S. 201, 58 S. Ct. 543, 82 L.*
10 *Ed. 748 (1938)*

11 **Summary**

12 In *Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 545, 82 L.Ed. 748
13 (1938), **the Supreme Court said that "vesting a territorial court**
14 **with jurisdiction similar to that vested in the District**
15 **Courts of the United States does not make it a `District**
16 **Court of the United States'".**

17
18
19 **Summary of this case from [United States v. George](#)**
20 ***United States v. George*, 625 F.2d 1081 (3d Cir. 1980);**
21 ***Ballentine v. U.S.*, Civ. No. 1999-130 (D.V.I. Oct. 15, 2001)**

22 **Summaries of**

23 **United States v. George**

24 **United States Court of Appeals, Third Circuit**

25 **Jun 26, 1980**

26 **625 F.2d 1081 (3d Cir. 1980)**

27 **Ruling that the present incarnation of the District court of the Virgin Islands**
28 **is a direct descendant from the district court created by the respective colonial**
29 **councils in the 1921 codes**

30 **Summary of this case from [Ballentine v. U.S.](#)**

31 **Failing to report to U.S. Marshal as required by condition of bail is a felony**
32 **under the Bail Reform Act**

33 **Summary of this case from [Koray v. Sizer](#)**

1 In George, we held that the District Court of the Virgin Islands is not a "court
2 of the United States" for the purposes of the statute making it a crime to
3 attempt to influence, intimidate, or impede any officer of a court of the United
4 States in the discharge of his duty.

5 Summary of this case from [U.S. v. Kennings](#)

6 Noting that the District Court of the Virgin Islands is "a territorial and not a
7 federal court."

8 Summary of this case from [U.S. v. McIntosh](#)

9 Observing that District Court "is a territorial court, indeed, the chief court of
10 the territory"

11 Summary of this case from [Spink v. General Acc. Ins. Co. of Puerto Rico](#)

12 In George, the Court of Appeals was presented with interpreting the meaning
13 of 'court of the United States' as used in 18 U.S.C. § 1503.

14 Summary of this case from [In re Jaritz Industries, Ltd.](#)

15 **In George, the court held that a deputy United States Marshall serving the
16 District Court of the Virgin Islands was not an officer of a 'court of the United
17 States' under 18 U.S.C. § 1503.**

18 Summary of this case from [In re Jaritz Industries, Ltd.](#)

19 In George, the defendant had been convicted under 18 U.S.C. § 1503 for
20 obstructing justice in the District Court of the Virgin Islands. On appeal, the
21 Third Circuit reversed defendant's conviction, holding that the District Court
22 of the Virgin Islands, an **Article I court, is not a "court of the United States"**
23 **within the meaning of 18 U.S.C. § 1503.** Summary of this case from [United](#)

24 [States v. Regina](#)

25 In *United States v. George*, 625 F.2d 1081 (3d Cir. 1980), the United States
26 Court of Appeals for the Third Circuit addressed an issue very similar to that
27 currently before this Court. Summary of this case from [United States v.](#)
28 [Regina](#)]

30 Mookini v. United States

31 43 Citing cases

32 1. [Nguyen v. United States](#)

33 539 U.S. 69 (2003) Cited 102 times 1 Legal Analyses

34 Holding that a non-Article III federal judge from the Mariana Islands could
35 not sit by designation in Ninth Circuit panel

36 Moreover, historically, the term "United States District Court" in Title 28 has
37 ordinarily excluded Article IV territorial courts, even when their jurisdiction
38 is similar to that of an Article III United States District Court. E.g., *Mookini*
39 *v. United States*, 303 U.S. 201, 205. Pp. 74-76.

1 2. [Mookini v. United States](#)

2 95 F.2d 960 (9th Cir. 1938) Cited 1 times

3 o [Fraud - Other](#)

4 Reversed. Conforming to opinion of Supreme Court, Mookini v. United
5 States, 58 S.Ct. 543, 82 L.Ed. _____. O.P. Soares, of Honolulu, T.H., for
6 appellants.

7 3. [U.S. v. Ratfield](#)

8 Case No. 01-8816-CIV-MARRA (S.D. Fla. Nov. 30, 2004) Cited 4 times

9 o [Motion for summary judgment](#)

10 o [Motion to dismiss](#)

11 o [Fraud - Other](#)

12 o [Tax - Other](#)

13 4 more...

14 255 U.S. at 520. 41. As for Defendants' reliance on Mookini v. United States,
15 303 U.S. 201, 205 (1938), regarding Article III courts versus legislative
16 territorial courts, the Court stated that "District Courts of the United States'
17 ... describes the constitutional courts created under article 3 of the
18 Constitution. Courts of the Territories are legislative courts, properly
19 speaking, and are not District Courts of the United States." It is clear from
20 the preceding paragraph that the territorial courts were those federal courts
21 in Alaska, Hawaii, Puerto Rico, [Panama] Canal Zone. Mookini, 303 U.S. at
22 204.

23 4. [United States v. Marrone](#)

24 172 F. Supp. 368 (D. Alaska 1959) Cited 2 times

25 o [Labor & Employ. - Other](#)

26 o [Process Causes - Other](#)

27 1 more...

28 And the question which lies at the threshold of the case is whether that court
29 is a `district court of the United States' within the meaning of § 303(b) of the
30 Act. That court has the jurisdiction of district courts of the United States by
31 the law which created it. 48 U.S.C. § 101, 48 U.S.C.A. § 101. Yet vesting it with
32 that jurisdiction does not necessarily make it a district court for all the varied
33 functions of the Judicial Code. See Reynolds v. United States, 98 U.S. 145, 154,
34 25 L.Ed. 244; McAllister v. United States, 141 U.S. 174, 11 S.Ct. 949, 35 L.Ed.
35 693; United States v. Burroughs, 289 U.S. 159, 163, 53 S.Ct. 574, 576, 77 L.Ed.
36 1096; Mookini v. United States, 303 U.S. 201, 205, 58 S.Ct. 543, 545, 82 L.Ed.
37 748. The words `district court of the United States' commonly describe
38 constitutional courts created under Article III of the Constitution, not the
39 legislative courts which have long been the courts of the Territories. See
40 Mookini v. United States, supra, 303 U.S. at page 205, 58 S.Ct. [at page] 545.

1 **5. United States v. King**

2 **119 F. Supp. 398 (D. Alaska 1954) Cited 8 times**

- 3 o **Motion to dismiss**
- 4 o **Tort - Other**
- 5 o **Regulatory - Federal**

6 **2 more...**

7 **"This title", as used in said section 451, must refer to Title 28, the Title in**
8 **which the Tucker Act appears; and Alaska has no court constituted by said**
9 **Chapter 5. As stated in Mookini v. United States, 303 U.S. 201, 205, 58 S.Ct.**
10 **543, 82 L.Ed. 748 and Juneau Spruce Corporation v. International**
11 **Longshoremen's Warehousemen's Union, D.C., 83 F. Supp. 224, 225: "the**
12 **term `district court of the United States' standing alone includes only the**
13 **constitutional courts."**

14 **6. Int'l Longshoremen's Ware. Union v. Ackerman**

15 **82 F. Supp. 65 (D. Haw. 1949) Cited 22 times**

- 16 o **Motion for summary judgment**
- 17 o **Motion to dismiss**
- 18 o **Con. Law - Other**
- 19 o **Tort - Intentional**

20 **3 more...**

21 **In view of the foregoing, whatever may have been the status of the district**
22 **Court for Hawaii prior to September 1, 1948, the effective date of revised Title**
23 **28, there can be no doubt that the court is now a "district court of the United**
24 **States" in all respects pertinent to the instant question and for the application**
25 **of Sections 2281, 2283 and 2284. Cf. Mookini v. United States, 303 U.S. 201,**
26 **205, 58 S.Ct. 543, 82 L.Ed. 748; Ex parte Collins, 277 U.S. 565, 567, 48 S.Ct.**
27 **585, 72 L.Ed. 990, and Phillips v. United States, 312 U.S. 246, 248-254, 61 S.Ct.**
28 **480, 85 L.Ed. 800.**

29 **7. International Longshoremen's Union v. Wirtz**

30 **37 Haw. 404 (Haw. 1946) Cited 3 times**

- 31 o **Consumer - Antitrust**

32 **In International Longshoremen's Warehousemen's Union et al. v. Wirtz et al.,**
33 **37 Haw. 404, rehearing denied, 37 Haw. 445, the Supreme Court of Hawaii,**
34 **holding that the Norris-LaGuardia Act, 29 U.S.C.A. §§ 101- 115, was not**
35 **applicable to the territorial courts of Hawaii, refused to issue a writ of**
36 **prohibition against Judge Wirtz to compel him to vacate the ex parte**
37 **injunction restricting picketing previously referred to.**

38
39 **They uniformly have been designated by judicial definition to be**
40 **"constitutional courts" in contradistinction to "legislative courts," the latter**

1 **created by Congress under the power granted under Article IV of the**
2 **Constitution to make "all needful Rules and Regulations respecting the**
3 **Territory or other Property belonging to the United States."** Within the
4 designation of legislative courts are admittedly the circuit courts of the
5 Territory created by the Hawaiian Organic Act of Congress, section 81.
6 (See *Mookini v. United States*, 303 U.S. 201, 82 L.ed. 748; *O'Donoghue v.*
7 *United States*, 289 U.S. 516, 77 L.ed. 1356; *McAllister v. United States*, 141
8 U.S. 174, 35 L.ed. 693.) On March 3, 1911, Congress adopted the present
9 Judicial Code, which as of December 7, 1925, is embodied in the "United
10 States Code" where it occupies the first thirteen chapters of Title 28.

11 **8. [Glidden Company v. Zdanok](#)**

12 **370 U.S. 530 (1962) Cited 445 times**

- 13 ○ [Con. Law - Due Process](#)
- 14 ○ [Contract - Admiralty](#)

15 **7 more...**

16 **Holding that, even when judges of a federal court were not "invested upon**
17 **confirmation with Article III tenure and compensation," 370 U.S. at 538, 82**
18 **S.Ct. at 1466, they may become so invested "depend(ing) upon the**
19 **constitutional status of the courts to which they were primarily appointed."**
20 **Id. at 541, 82 S.Ct. at 1468**

21 **By a parity of reasoning, however, the presumption should be reversed when**
22 **Congress creates courts the continuing exercise of whose jurisdiction is**
23 **unembarrassed by such practical difficulties. See *Mookini v. United States*,**
24 **303 U.S. 201, 205. As the *Bakelite* and *Williams* opinions recognize, the Court**
25 **of Claims and the Court of Customs and Patent Appeals were created to carry**
26 **into effect powers enjoyed by the National Government over subject matter —**
27 **roughly, payment of debts and collection of customs revenue — and not over**
28 **localities.**

29 **9. [Longshoremen v. Juneau Spruce Corp.](#)**

30 **342 U.S. 237 (1952) Cited 124 times**

- 31 ○ [Labor & Employ. - Other](#)
- 32 ○ [Con. Law - Housing](#)

33 **Holding that, in enacting § 303 of the Labor Management Relations Act, 29**
34 **U.S.C. § 187(b), Congress intended to provide independent remedies: one**
35 **directed at ending unfair labor practices, the other at providing for recovery**
36 **of damages**

37
38 **And the question which lies at the threshold of the case is whether that court**
39 **is a "district court of the United States" within the meaning of § 303(b) of the**
40 **Act. That court has the jurisdiction of district courts of the United States by**

1 the law which created it. 48 U.S.C. § 101. Yet vesting it with that jurisdiction
2 does not necessarily make it a district court for all the varied functions of the
3 Judicial Code. See Reynolds v. United States, 98 U.S. 145, 154; McAllister v.
4 United States, 141 U.S. 174; United States v. Burroughs, 289 U.S. 159,
5 163; Mookini v. United States, 303 U.S. 201, 205. **The words "district court of
6 the United States" commonly describe constitutional courts created under
7 Article III of the Constitution, not the legislative courts which have long been
8 the courts of the Territories.**

9 **10. Stainback v. Mo Hock Ke Lok Po**

10 336 U.S. 368 (1949) Cited 94 times

- 11 o [Tort - Other](#)
- 12 o [Criminal - Other](#)

13 In *Stainback v. Mo Hock Ke Lok Po*, supra, we continued to refer to "the
14 long-established rule of strict construction" of this provision for three judges,
15 336 U.S., at 378, and refused to find it applicable to the Territory of Hawaii.
16 See Reviser's Notes to 28 U.S.C. § 1291, 1292. Cf. *Mookini v. United States*,
17 303 U.S. 201. *Rorick v. Board of Commissioners of Everglades Drainage*
18 *District*, 307 U.S. 208, 212.

19
20 **1. Parrott v. Government of Virgin Islands**

21 230 F.3d 615 (3d Cir. 2000) Cited 125 times 2 Legal Analyses

- 22 o [Motion to dismiss](#)
- 23 o [Criminal - False Arrest](#)
- 24 o [Criminal - Other](#)

25 2 more...

26 Holding that because 4 V.I.C. § 76 operates to divest the District Court of
27 jurisdiction for all civil actions, including habeas proceedings, the correct
28 forum for a habeas petition under 5 V.I. Code Ann. § 1303 is not the District
29 Court but the Superior Court

30 *United States v. Wheeler*, 435 U.S. 313, 321, 98 S.Ct. 1079, 55 L.Ed.2d 303
31 (1978) (internal citations omitted). Moreover, "vesting a territorial court with
32 jurisdiction similar to that vested in the District Courts of the United States
33 does not make it a `District Court of the United States.'" *Mookini v. United*
34 *States*, 303 U.S. 201, 205, 58 S.Ct. 543, 82 L.Ed. 748 (1938). See also *Barnard*
35 *v. Thorstenn*, 489 U.S. 546, 551-52, 109 S.Ct. 1294, 103 L.Ed.2d 559 (1989)
36 (holding that Supreme Court lacked supervisory power over District Court of
37 the Virgin Islands because that court was not an Article III federal district
38 court).

39 **2. United States v. George**

40 625 F.2d 1081 (3d Cir. 1980) Cited 31 times

1 Ruling that the present incarnation of the District court of the Virgin Islands
2 is a direct descendant from the district court created by the respective colonial
3 councils in the 1921 codes

4 But the fact that it is given by statute the jurisdiction of a district court of the
5 United States in causes arising under the Constitution, treaties and laws of the
6 United States, itself negates the idea that the court is itself a district court of
7 the United States. For otherwise that provision would be wholly unnecessary
8 and, indeed, tautological. In *Mookini v. United States*, 303 U.S. 201, 205, 58
9 S.Ct. 543, 545, 82 L.Ed. 748 (1938), the Supreme Court said that "vesting a
10 territorial court with jurisdiction similar to that vested in the District Courts
11 of the United States does not make it a `District Court of the United States'".
12 It remains then to decide whether the District Court of the Virgin Islands,
13 although a territorial and not a federal court, may be regarded as a court of
14 the United States for the purposes of 18 U.S.C. § 1503, the statute for the
15 violation of which George has been convicted.

16 3. [Econo-Car Internat'l v. Antilles Car Rentals](#)

17 499 F.2d 1391 (3d Cir. 1974) Cited 61 times 1 Legal Analyses

18 o [Regulatory - Federal](#)

19 Holding Virgin Islands district court could not compel arbitration in New
20 York, forum agreed upon in arbitration clause, and noting restrictive reading
21 of § 4 may preclude it from ordering arbitration in Virgin Islands
22 Further, Econo-Car contends that Supreme Court opinions do not clearly
23 indicate that the term "United States district court" has the narrow scope that
24 Antilles suggests. See *International Longshoremen's Warehousemen's Union v.*
25 *Juneau Spruce Corp.*, 342 U.S. 237, 72 S.Ct. 235, 96 L.Ed. 275
26 (1952); *Mookini v. U.S.*, 303 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748 (1938). None
27 of the arguments of the parties concerning the precise meaning of the
28 uncertain statutory language and the relative wisdom of arguably conflicting
29 judicial precedents offers a persuasive rationale for disposing of this appeal.
30 The absence of legislative material relating to the applicability of the Act to
31 the Virgin Islands suggests that Congress did not consider the precise issue
32 presented by this appeal. With the issue of the applicability of the Act to the
33 district court for the Virgin Islands in this inconclusive posture, it would
34 appear that we should reach a decision reflecting the strong federal policy,
35 evidenced by the Act itself, favoring the enforcement of arbitration
36 agreements.

37 4. [United States v. Brown](#)

38 483 F.2d 1314 (D.C. Cir. 1973) Cited 12 times

1 **Holding that federal courts must apply the federal bail provisions rather than**
2 **those of the D.C. Code, even when the defendant was convicted of only local**
3 **offenses**

4 **There is no question but that the Supreme Court has the authority to establish**
5 **the rules at issue here and that these rules have the force of law. *Sibbach v.***
6 ***Wilson Co.*, 312 U.S. 1, 61 S.Ct. 422, 85 L.Ed. 479 (1941). The government**
7 **contends that the new rules promulgated by the Court cannot repeal statutory**
8 **provisions; but it is well settled that the Federal Rules can have that**
9 **effect, *Mookini v. United States*, 303 U.S. 201, 206, 58 S.Ct. 543, 82 L.Ed. 748**
10 **(1938); indeed, the Supreme Court reiterated that position just a few weeks**
11 **ago. *Davis v. United States*, 411 U.S. 233, 93 S.Ct. 1577, 36 L.Ed.2d 216 (U.S.**
12 **1973). Nor is there any question but that the Federal Rules apply to all**
13 **criminal cases in the Federal Courts.**

14 **5. [United States v. Lewis](#)**

15 **456 F.2d 404 (3d Cir. 1972) Cited 22 times**

16 **o [Criminal - Other](#)**

17 **o [Con. Law - Other](#)**

18 **" Section 22 of the Revised Organic Act of the Virgin Islands (48 U.S.C. §**
19 **1612) states that "[t]he District Court of the Virgin Islands shall have the**
20 **jurisdiction of a district court of the United States in all causes arising under**
21 **the Constitution, treaties and laws of the United States. . . ." Yet "vesting a**
22 **territorial court with jurisdiction similar to that vested in the District Courts**
23 **of the United States does not make it a `District Court of the United**
24 **States.'" *Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 545, 82**
25 **L.Ed. 748 (1938). See also, *Hendricks v. Alcoa Steamship Co.*, 206 F. Supp.**
26 **693, 696 (E.D.Pa. 1962).**

27 **6. [Ozena v. May](#)**

28 **354 F.2d 651 (9th Cir. 1966) Cited 2 times**

29 **In *Ozena v. May*, 354 F.2d 651 (9th Cir. 1966), an Alaska territorial**
30 **offender, imprisoned in a federal penitentiary and given a mandatory**
31 **conditional release after Alaska's statehood, raised this very point.**

32 **But they do not hold that an offense against territorial laws is not an offense**
33 **against the United States, or that it is not punishable by imprisonment in a**
34 **United States correctional institution, the prisoner being subject to the control**
35 **of the Attorney General, the Bureau of Prisons (18 U.S.C. ch. 303, §§ 4041-**
36 **4042), and the United States Board of Parole. See *Mookini v. United States*,**
37 **1938, 303 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748 (rules for criminal proceedings**
38 **in "District Courts of the United States" do not apply to territorial courts); *Ex***
39 **parte *Krause*, D.C.Wash., 1915, 228 F. 547 (offense against Alaska territorial**
40 **law not offense against the United States within the meaning of Rev.Stat. §**

1 1014); *United States v. Doo-Noch-Keen*, 1905, 2 Alaska 624 (crimes defined in
2 The Alaska Code are purely local in character, "and in no sense federal laws".
3 The court goes on to say, however, that such offenses "are in a sense offenses
4 against the United States, because the United States is the local governing
5 authority"); *United States v. Abrahamson*, 1945, 10 Alaska 518.

6 7. [In re Sawyer](#)

7 260 F.2d 189 (9th Cir. 1958) Cited 8 times

- 8 o [Motion to dismiss](#)
- 9 o [Con. Law - Other](#)
- 10 o [Con. Law - Due Process](#)

11 3 more...

12 "*** the territorial courts are 'legislative' courts, created in virtue of the
13 national sovereignty or under article 4, § 3, cl. 2, of the Constitution ***."
14 *O'Donoghue v. United States*, 1933, 289 U.S. 516, 535, 53 S.Ct. 740, 744, 77 L.
15 Ed. 1356; *Ex parte Bakelite Corporation*, 1929, 279 U.S. 438, 449-450, 49 S.Ct.
16 411, 73 L.Ed. 789; *Mookini v. United States*, 1938, 303 U.S. 201, 205, 58 S.Ct.
17 543, 82 L.Ed. 748. *Ex parte Wilder's Steamship Company*, 1902, 183 U.S. 545,
18 22 S.Ct. 225, 46 L.Ed. 321. Jurisdiction of this Court over certain final
19 decisions of the Supreme Court of Hawaii is conferred by 28 U.S.C.A. § 1293.

20 8. [Boggess v. Berry Corporation](#)

21 233 F.2d 389 (9th Cir. 1956) Cited 35 times

- 22 o [Motion to dismiss](#)

23 The fact that the Territorial Legislature has sought in turn to delegate to the
24 District Court for the Territory the power to direct the issuance, transfer, and
25 revocation of liquor licenses under prescribed conditions does not make them
26 any the more judiciable acts. [See: §§ 35-4-12, 35-4-13, 35-4-21, A.C.L.A.
27 1949.] The District Court for Alaska is a "legislative" court created under the
28 Congressional power to "make all needful Rules and Regulations respecting
29 the Territory *** belonging to the United States", U.S.Const. Art. IV, § 3, Cl.
30 2, rather than a "Constitutional" court created under Article III, §
31 2; *Mookini v. United States*, 1938, 303 U.S. 201, 205, 58 S.Ct. 543, 82 L. Ed.
32 748; *McAllister v. United States*, 1891, 141 U.S. 174, 11 S.Ct. 949, 35 L. Ed.
33 693; cf. *National Mut. Ins. Co. v. Tidewater Transfer Co.*, 1949, 337 U.S. 582,
34 69 S.Ct. 1173, 93 L.Ed. 1556; *O'Donoghue v. United States*, 1933, 289 U.S.
35 516, 53 S.Ct. 740, 77 L.Ed. 1356; *Ex parte Bakelite Corp.*, 1929, 279 U.S. 438,
36 49 S.Ct. 411, 73 L.Ed. 789; and as such can be empowered by Congress to
37 perform legislative and administrative functions as well as judicial ("case" or
38 "controversy") functions. *Federal Radio Comm'n v. General Electric Co.*,
39 1930, 281 U.S. 464, 468-469, 50 S.Ct. 389, 74 L.Ed. 969; *Electrical Research*
40 *Products v. Gross*, 9 Cir., 1936, 86 F.2d 925, 926; cf. *Binns v. United States*,

1 1904, 194 U.S. 486, 24 S.Ct. 816, 48 L. Ed. 1087; Snow v. United States, 1873,
2 18 Wall. 317, 85 U.S. 317, 21 L.Ed. 784.

3 9. [Talbot v. McCarrey](#)

4 218 F.2d 565 (9th Cir. 1955) Cited 6 times

5 Denying writ of prohibition as premature

6 The Supreme Court in 1937 held that none of the territorial courts, including
7 Alaska, are courts of the United States. Mookini v. United States, 303 U.S.
8 201, 204, 58 S.Ct. 543, 82 L.Ed. 748. Since then Hawaii and Puerto Rico have
9 been included by 28 U.S.C. 91 and 119.

10 10. [Wells v. United States](#)

11 214 F.2d 380 (5th Cir. 1954) Cited 7 times

12 Not content with this negative defense, the United States, taking the
13 affirmative, conclusively demonstrates, we think, that by Section 1346,
14 "United States As Defendant", under the provisions of which appellants seek
15 to maintain their suit, the United States has consented to waive its sovereign
16 immunity from suit and permit actions to be brought against it for the
17 recovery of internal revenue taxes only in the Court of Claims and in the
18 district courts; and that, as used in Title 28, the term "district courts" means
19 only those courts which are created under Article III of the Constitution and
20 which are constituted by Chapter 5 of Title 28. Mookini v. United States, 303
21 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748; International Longshoremen's, Etc.,
22 Union v. Wirtz, 9 Cir., 170 F.2d 183; Reese v. Fultz, D.C., 96 F. Supp. 449; 28
23 U.S.C. § 451, Appendix, infra. The District Court for the Canal Zone is not a
24 constitutional court established by Chapter 5 of Title 28. Consequently it is
25 not one of the "district courts" referred to in 28 U.S.C. § 1346(a), and it does
26 not acquire jurisdiction under that statute to entertain an action brought
27 against the United States for the recovery of taxes.

28
29 1. [Novick v. Gouldsberry](#)

30 173 F.2d 496 (9th Cir. 1949) Cited 15 times

31 The Federal Rules of Civil Procedure do not apply to the territorial district
32 courts of Alaska. Federal Rules of Civil Procedure, rule 1, 28 U.S.C.A.;
33 see, Mookini v. United States, 1938, 303 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748.
34 And so, in seeking a solution for the problems of practice and procedure
35 which this appeal presents, we must look to the statutes of the United States or
36 the laws of the Territory of Alaska.

37 2. [International Longshoremen's Un. v. Wirtz](#)

38 170 F.2d 183 (9th Cir. 1948) Cited 11 times

39 o. [Tort - Other](#)

1 What Congress desired to make clear in the clause "means any court of the
2 United States" is that the Norris-La Guardia Act is to apply not only to any
3 existing Article III court which "has been" created but also to any Article III
4 court which "may be" hereafter created. The clause thus interpreted gives the
5 term "court of the United States" the wider significance referred to
6 in *Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 82 L.Ed. 748.
7 Since this is a rational construction, we well may look to the reports of the
8 committees of the House and Senate on the Norris-La Guardia bill for any
9 different interpretation by them. On the contrary, in the report offered by
10 Congressman La Guardia, an inexperienced legislative draftsman, appears
11 the following with reference to Section 13(d) expressly limiting the provisions
12 of the bill to those courts created by Congress under Article III, Section 1 of
13 the Constitution:

14 3. [Carscadden v. Territory of Alaska](#)

15 105 F.2d 377 (9th Cir. 1939) Cited 7 times

16 In *Carscadden v. Territory of Alaska*, 9 Cir., 105 F.2d 377, it is stated that
17 whether or not a statute of limitations operates on actions which have already
18 accrued, as well as on those accruing after its enactment, depends on the
19 language of the statute and the apparent intent of the Legislature to be
20 gathered therefrom.

21 We think that the amendment did not make such court a constitutional court,
22 enabling us to exercise our independent judgment merely because of the
23 amendment. *Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 82
24 L.Ed. 748. Appellee contends that the district court acts in a dual capacity (1)
25 for administering local laws; and (2) for administering federal laws.

26 4. [Schackow v. Government of the Canal Zone](#)

27 104 F.2d 681 (5th Cir. 1939)

28 The Criminal Appeals Rules do not apply to the Canal Zone. Appellants
29 therefore had three months in which to take their appeals after January 20,
30 1939, when sentence was imposed. *Mookini v. U.S.*, 303 U.S. 201, 58 S.Ct. 543,
31 82 L.Ed. 748. The appeals were taken on April 3, 1939. Applying the Criminal
32 Appeals Rules, by analogy, under the provisions of Section 62, Title 7 of the
33 Canal Zone Code, appellants would have had thirty days after April 3, 1939,
34 to present and have settled their bills of exceptions, without the necessity of an
35 extension of time by the trial judge, regardless of the ending of the term.

36 5. [Vermillion v. Zerbst](#)

37 97 F.2d 347 (5th Cir. 1938) Cited 4 times

38 His complaint is that they were enforced. No conflict between the rules and
39 any constitutional provision is pointed out, and we know of none. See *Ray v.*
40 *United States*, 301 U.S. 158, 57 S.Ct. 700, 81 L.Ed. 976; *Mookini v. United*

1 States, 58 S.Ct. 543, 82 L.Ed. ___; Fewox v. United States, 5 Cir., 77 F.2d 699;
2 Gallagher v. United States, 8 Cir., 82 F.2d 721; Wolpa v. United States, 8 Cir.,
3 84 F.2d 829; Flowers v. United States, 8 Cir., 86 F.2d 79; Goddard v. United
4 States, 10 Cir., 86 F.2d 884; Wainer v. United States, 7 Cir., 87 F.2d 77; In re
5 Lee, 5 Cir., 87 F.2d 142. We find no error in the record, and the judgment of
6 the district court is affirmed.

7 **6. [United States v. Rare Breed Triggers, LLC](#)**

8 **23-cv-369 (NRM) (RML) (E.D.N.Y. Apr. 18, 2023) Cited 1 times**

- 9 ○ [Motion to dismiss](#)
- 10 ○ [Criminal - Other](#)
- 11 ○ [Fraud - Other](#)

12 This expansion of 18 U.S.C. § 1345 also likely encompasses Article IV
13 territorial courts, which are “federal” courts but are frequently not
14 considered “district” courts for statutory interpretation purposes. See Nguyen
15 v. United States, 539 U.S. 69, 76 (2003) (concluding that the phrase “district
16 court” in a statute did not include “Article IV territorial courts, even when
17 their jurisdiction is similar to that of a United States District Court created
18 under Article III” (quoting Mookini v. United States, 303 U.S. 201, 205
19 (1938))); Summers v. United States, 231 U.S. 92, 101-102 (1913) (“[T]he courts
20 of the Territories may have such jurisdiction of cases arising under the
21 Constitution and laws of the United States as is vested in the circuit and
22 district courts, but this does not make them circuit and district courts of the
23 United States.”).

24 **7. [United States v. Everson](#)**

25 **3:18-cr-727 (N.D. Ohio Jan. 27, 2022)**

- 26 ○ [Motion to dismiss](#)

27 . describes the constitutional courts created under article 3 of the
28 Constitution.” Mookini v. United States, 303 U.S. 201, 205 (1938).

29 **8. [United States v. Smith](#)**

30 **CRIMINAL 17-00020 (D. Guam Oct. 2, 2021)**

- 31 ○ [Motion to dismiss](#)
- 32 ○ [Criminal - Other](#)
- 33 ○ [Fraud - Other](#)

34 Id. at 76. Specifically, the Supreme Court referenced Mookini v. United
35 States, 303 U.S. 201, 205 (1938), where in determining whether the Criminal
36 Appeals Rules applied to the District Court of the then Territory of Hawaii it
37 noted: The term “District Courts of the United States, ” as used in the rules,
38 without an addition expressing a wider connotation, has its historic
39 significance.

40 **9. [Justice v. State](#)**

1 2:21-cv-3584 (S.D. Ohio Sep. 28, 2021)

- 2 ○ [State, Provincial or Regional Government](#)
- 3 ○ [Government](#)

4 Petitioner notes that she has received mail in this case with two different
5 return addresses: 85 Marconi Boulevard, Columbus, Ohio 43215 (e.g. Ex. A)
6 and 200 West Second Street, Dayton, Ohio 45402 (Exhibit B). She asks for
7 clarification of what jurisdictional grant the Court or Courts are operating
8 under, pursuant to *Mookini v. United States*, 303 U.S. 201 (1938), and
9 particularly whether this is a constitutional court created under Article III of
10 the Constitution or a legislative court created under Article IV.

11 **10. [Mendez v. Peterson](#)**

12 Civil No. 16-2644 ADM/BRT (D. Minn. May. 14, 2018) Cited 3 times

- 13 ○ [Motion for summary judgment](#)
- 14 ○ [Motion to dismiss](#)
- 15 ○ [Con. Law - Due Process](#)

16 The cases cited by Mendez have no bearing on this case. *Mookini v. United*
17 *States*, 303 U.S. 201 (1938), and *Parrott v. Gov't of the Virgin Islands*, 230
18 *F.3d 615* (3d Cir. 2000), involve jurisdictional and statutory matters that are
19 irrelevant to the due process claim raised in this lawsuit. *Neitzke v. Williams*,
20 *490 U.S. 319* (1989), also does not aid Mendez because it addresses the legal
21 standard for dismissing cases under Federal Rule of Civil Procedure 12 and
22 28 U.S.C. § 1915, the rule for proceeding in forma pauperis.

23
24 **1. [Aragon v. Douglas Cnty. Courts](#)**

25 Civil Action No. 12-cv-01074-BNB (D. Colo. Jun. 15, 2012) Cited 1 times

- 26 ○ [Motion to dismiss](#)
- 27 ○ [Tort - Conversion](#)

28 In *Aragon*, the court held that the plaintiff's sentence was "the result of a
29 court's **legitimate exercise of its power** to impose punishment for proscribed
30 criminal conduct[.]" rather than a result of any alleged contract he may have
31 signed with the defendants (consisting of county courts, the presiding judge,
32 district attorney, state and federal attorney generals, and Secretary of the
33 Treasury, to name a few).

34 As a preliminary matter, the Amended Complaint does not comply with Rule
35 8 of the Federal Rules of Civil Procedure. Mr. Aragon asserts jurisdiction
36 pursuant to "*O'Donoghue v. U.S.*, *Mookin v. U.S.*, 303 U.S. 201; *U.S. Colony*
37 *Trust Co. v. C.I.R.*, *Callan v. Wilson*, *Joseph Story 1833 volume III pages 506-*
38 *507.*" Amended Complaint at 2.

39 **2. [Zimmerman v. Otero Cnty. Courts](#)**

1 Civil Action No. 12-cv-00899-BNB (D. Colo. Jun. 14, 2012)

- 2 ○ [Motion to dismiss](#)
- 3 ○ [Tort - Conversion](#)

4 As a preliminary matter, the Amended Complaint does not comply with Rule
5 8 of the Federal Rules of Civil Procedure. Mr. Zimmerman asserts
6 jurisdiction pursuant to "O'Donoghue v. U.S., Mookini v. U.S., 303 U.S. 201;
7 U.S. Colony Trust Co. v. C.I.R., Callan v. Wilson, Joseph Story volume III
8 pages 506-507." Amended Complaint at 2.

9 3. [Olson v. Holinka](#)

10 09-cv-161-slc (W.D. Wis. May. 11, 2009)

11 The Supreme Court has affirmed that Congress created federal district courts
12 under Article III. O'Donoghue v. United States, 289 U.S. 516, 547 (1933);
13 United States v. Union Pacific Rail Co., 98 U.S. 569, 602 (1878). The cases
14 petitioner cites, Balzac v. Porto Rico, 258 U.S. 298 (1922), and Mookini v.
15 United States, 303 U.S. 201 (1938), involved the authority of courts in United
16 States territories, not federal district courts. ORDER

17 4. [Hamlin v. Charter Tp. of Flint](#)

18 181 F.R.D. 348 (E.D. Mich. 1998) Cited 65 times

19 Holding that upon approval of a bond, an appellant is entitled to a stay
20 pending appeal "as a matter of right."

21 First, it is well settled that the Federal Rules have the force of statute. Mookini
22 v. United States, 303 U.S. 201, 206, 58 S.Ct. 543, 82 L.Ed. 748 (1938).

23 Furthermore, without evidence to clearly indicate a contrary intent, a statute
24 is to be interpreted based on its plain language.

25 5. [Louis v. U.S.](#)

26 967 F. Supp. 456 (D.N.M. 1997) Cited 4 times

- 27 ○ [Motion for summary judgment](#)
- 28 ○ [Tort - Medical Malpractice](#)
- 29 ○ [Tort - Other](#)

30 3 more...

31 **"The term `district court of the United States' standing alone includes**
32 **only the constitutional courts." Mookini v. United States, 303 U.S.**
33 **201, 205, 58 S.Ct. 543, 545, 82 L.Ed. 748 (1938). A "district court is a**
34 **court constituted by Chapter 5 of Title 28."**

35 6. [In re Jaritz Industries, Ltd.](#)

36 207 B.R. 451 (D.V.I. 1997) Cited 9 times

- 37 ○ [Motion to dismiss](#)
- 38 ○ [Contract - Admiralty](#)
- 39 ○ [Con. Law - Other](#)

1 Relying on *Chevron Oil Co. v. Huson*, 404 U.S. 97, 106-07, 92 S.Ct. 349, 30
2 L.Ed.2d 296

3 We have often held that vesting a territorial court with jurisdiction similar to
4 that vested in the District Courts of the United States does not make it a
5 `District Court of the United States.' *Mookini v. United States*, 303 U.S. 201,
6 205, 58 S.Ct. 543, 545, 82 L.Ed. 748 (1938) (citations omitted) (district courts
7 of the territories which would include the Virgin Islands, are not district
8 courts of the United States under Criminal Appeals Rules). While recognizing
9 the distinction made in *Mookini*, the Supreme Court some twelve years later
10 treated a territorial court as a United States district court in *Juneau Spruce*,
11 342 U.S. 237, 242, 72 S.Ct. 235, 238-39, 96 L.Ed. 275 (1952).

12 7. [Terr. Ct. of Virgin Is. v. Richards](#)

13 673 F. Supp. 152 (D.V.I. 1987) Cited 7 times

- 14 o [Con. Law - Other](#)
- 15 o [Tort - Privacy](#)

16 Indeed, merely because a Court **has constitutional functions does not ipso**
17 **facto make it a constitutional court.** *Mookini v. United States*, 303 U.S. 201,
18 **205, 58 S.Ct. 543, 545, 82 L.Ed. 748 (1938).** Yet even if this distinction be
19 blurred, it is this Court and not the plaintiff which is repository of such
20 constitutional functions in this territory.

21 8. [Exporters Refinance Corporation Limited v. Marden](#)

22 356 F. Supp. 859 (S.D. Fla. 1973) Cited 4 times

23 Construing the power of the District Court of the Virgin Islands to transfer
24 pursuant to § 1404 as arising by implication

25 **That case has not been overruled or distinguished, and was recently cited as**
26 **analogous authority for the statement by the Supreme Court noting that**
27 **"vesting a territorial court with jurisdiction similar to that vested in the**
28 **District Courts of the United States does not make it a `District Court of the**
29 **United States.'" *Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 545,**
30 **82 L.Ed. 748. . . . *United States v. Lewis*, 456 F.2d 404, 408 (3rd Cir. 1972).**

31 9. [Sewer v. Paragon Homes, Inc.](#)

32 351 F. Supp. 596 (D.V.I. 1972) Cited 20 times

- 33 o [Regulatory - Federal](#)

34 Holding that the FAA "applies to mandate stays of legal proceedings
35 conducted in the District Court of the Virgin Islands"

36 The Supreme Court has noted that the term "district court of the United
37 States" has an "historic significance" as denoting "the constitutional courts
38 created under article 3. . . ." *Mookini v. United States*, 303 U.S. 201, 205, 58
39 S.Ct. 543, 545, 82 L.Ed. 748 (1938) (Hughes, C.J.). If this is the "historic and
40 proper sense" of this term, id., then the phrase "courts of the United States"

1 would seem the most useful and logical term of distinction. The latter phrase
2 has a connotation of greater breadth, of reaching all elements of the judiciary
3 which are established pursuant to federal authority. It is therefore my opinion
4 that, as a general rule of construction, federal statutes directed to "courts of
5 the United States" should be taken as applying to this court.

6 **10. Hendricks v. Alcoa Steamship Co.**

7 206 F. Supp. 693 (E.D. Pa. 1962) Cited 8 times

8 ○ **Motion to dismiss**

9 Cf. Callwood v. Callwood, 233 F.2d 784, 787 (3rd Cir. 1956). Congress has
10 made specific provision for transfer of certain cases from inferior courts to
11 the District Court of the Virgin Islands (48 U.S.C.A. §§ 1612 1613) in
12 Subchapter V of Chapter 12 of Title 48 U.S. Code which provides for the
13 Judicial Branch of the Government of the Virgin Islands. The Federal Courts
14 have held that provisions similar to that in such Subchapter V, giving the
15 District Court of the Virgin Islands "the jurisdiction of a district court of the
16 United States" (48 U.S.C.A. § 1612), do not bring it within the historical
17 definition of the term "district court of the United States" for all purposes.
18 See Mookini v. United States, 303 U.S. 201, 205, 58 S.Ct. 543, 82 L.Ed. 748
19 (1938), where the court said: "We have often held that vesting a territorial
20 court with jurisdiction similar to that vested in the District Courts of the
21 United States does not make it a `District Court of the United States.'"
22

23 **1. United States v. Talbot**

24 133 F. Supp. 120 (D. Alaska 1955) Cited 11 times

25 ○ **Criminal - Other**

26 **Confirming implied contempt power of Alaska territorial court**
27 **Defendant contends that this court — U.S. District Court for the District of**
28 **Alaska — does not have " * * * the right, power or jurisdiction to entertain**
29 **this proceeding in the first place, since neither the federal * * * nor the**
30 **territorial statutes confer any such authority upon the court" (transcript of**
31 **defendant's original brief, bottom of page 9 and top of page 10), for the reason**
32 **that: (a) The District Court for the District of Alaska is not a court of the**
33 **United States, thus, the federal statute, 18 U.S.C.A. §§ 401 and 402, which**
34 **applies to contempt in a court of the United States does not apply, Mookini v.**
35 **U.S., 303 U.S. 201, 204, 58 S.Ct. 543, 82 L.Ed. 748; United States v. Bell, D.C.,**
36 **108 F. Supp. 777, 778. (b) Assuming that the District Court of Alaska were a**
37 **court of the United States, a perjury charge does not constitute grounds for**
38 **contempt, In re Michael, 326 U.S. 224, 66 S.Ct. 78, 90 L.Ed. 30; Clark v. U.S.,**
39 **289 U.S. 1, 53 S.Ct. 465, 77 L.Ed. 993; Ex parte Hudgings, 249 U.S. 378, 383,**

1 39 S.Ct. 337, 63 L.Ed. 656; Toledo Newspaper Co. v. U.S., 247 U.S. 402, 38
2 S.Ct. 560, 62 L.Ed. 1186; Marshall v. Gordon, 243 U.S. 521, 37 S.Ct. 448, 61
3 L.Ed. 881.

4 2. [Mo Hock Ke Lok Po v. Stainback](#)

5 74 F. Supp. 852 (D. Haw. 1947) Cited 5 times

- 6 o [Con. Law - Other](#)
- 7 o [Con. Law - Due Process](#)

8 1 more...

9 Even in the absence of the established strict construction for [Section 266](#) and
10 considering the question de novo, the phrase "district court of the United
11 States" without an addition expressing a wider connotation does not include
12 territorial courts. Mookini v. United States, 303 U.S. 201, 205, 58 S.Ct. 543,
13 545, 82 L.Ed. 748, was decided thirteen years after Congress enacted the
14 present terminal clause of Section 266 upon which this court bases its opinion.
15 There the question was whether the territorial court of Hawaii is included in
16 the term "District Courts of the United States."

17 3. [Pierson v. Joplin](#)

18 2016 OK 40 (Okla. 2016)

- 19 o [Motion to dismiss](#)
- 20 o [Tort - Wrongful Death](#)
- 21 o [Fraud - Other](#)

22 2 more...

23 It describes the constitutional courts created under article 3 of the
24 Constitution." Mookini v. United States, 303 U.S. 201, 205 (1938). B.
25 Immunity

26
27 **The [term](#) "District Courts of the United States," as used**
28 **in the rules, without an addition expressing a wider**
29 **connotation, has its historic significance. It describes the**
30 **constitutional courts created under article 3 of the**
31 **Constitution.**

32
33 **Courts of the Territories are legislative courts,**
34 **properly speaking, and are [not](#) District Courts of the**
35 **United States.**

1
2 **We have often held that vesting a territorial court with**
3 **jurisdiction similar to that vested in the District**
4 **Courts of the United States does not make it a**
5 **“District Court of the United States.”**

6
7 **O'Malley v. Woodrough, 307 U.S. 277 (1939) This**
8 **case, when read in its entirety practically explains**
9 **all modern federal income tax issues and the**
10 **lack of judicial power in the United States**
11 **district court judges and court of appeals judges.**

12
13 All the law discussed in this case arises from **acts of Congress** and all
14 those acts can be traced directly to a legislative power in the Constitution.

15
16 The Constitution is the supreme law of the land for
17 government.

18
19 Where in the Constitution is it written that Congress has
20 power to make laws for the People in the states?

21
22 **That's true it is nowhere there.**

23
24 **All the laws Congress makes must be**
25 **constitutional and therefore must only apply to**
26 **the federal government, State governments and**
27 **the territory and other property of the United**
28 **States.**

1 Article III of the Constitution has no application in O'Malley v. Woodrough,
2 307 U.S. 277 (1939).

3
4 Judge Joseph W. Woodrough had never been an Article III.

5
6 The reader should also note carefully that Judge Woodrough became a tax
7 protester when he objected to the Collector of Internal Revenue's notice and
8 demand that an income tax was due.

9
10 All collectors and deputy collectors were abolished in the
11 IRS Reorganization of 1952.

12
13 After that date all federal internal revenue was collected
14 without notice and demand.

15
16 From then till now all federal taxes must be

17 Voluntarily paid because no
18 constitutional officer has the duty to give
19 a notice and make a demand for payment.

20
21 *Go East, Young, Man The Early Years, The Autobiography of*
22 *William O. Douglas, pages 465-467.*

23
24 Beginning at the last paragraph on page 465 Douglas explains the influence
25 the case, O'Malley v. Woodrough, 307 U.S. 277 (1939), had on his life.

26
27 Douglas assumed, as Felix Frankfurter wanted, that Judge
28 Woodrough was an Article III judge. It never occurred to Douglas to question
29 Frankfurter's honesty or legal ability. **He should have, of**
30 **course.**

1 **Cheek v. United States** 498 U.S. 192 (1991) [*Cheek v. United States*, 498
2 U.S. 192, 111 S. Ct. 604 (1991)]

3 [https://casetext.com/case/cheek-v-united-](https://casetext.com/case/cheek-v-united-states/analysis?citingPage=1&sort=relevance&sortCiting=date-ascending)
4 [states/analysis?citingPage=1&sort=relevance&sortCiting=date-ascending](https://casetext.com/case/cheek-v-united-states/analysis?citingPage=1&sort=relevance&sortCiting=date-ascending)

5
6 The U.S. Supreme Court as the name **indicates a territorial court.**

7
8 Cheek was tried by a **jury** in a **territorial federal trial court and**
9 **was found guilty.** Find in the Head Note the sentence: **Statutory**
10 **willfulness, which protects the average citizen from prosecution for innocent**
11 **mistakes made due to the complexity of the tax laws, [United States v.](#)**
12 **[Murdock](#), 290 U.S. 389 , is the voluntary, intentional violation of a known**
13 **legal duty. [United States v. Pomponio](#), 429 U.S. 10, and highlight it.**

14
15
16 [*United States v. Pomponio*, 429 U.S. 10, 97 S. Ct. 22
17 (1976)]

18
19 **The legal duty to make a return and pay a tax**
20 **cannot be found in Title 26 U.S.C. because**
21 **Congress is without authority to create legal**
22 **duties for the people of the states.**

23
24 *******There is simply no place in the**
25 **Constitution where Congress is given the power**
26 **to create new legal duties.**

27
28 Congress has **authority to create requirements which are**
29 **administrative obligations** but the neglect or refusal to
30 **perform those requirements will not result in any prison**
31 **time.**

1 The decision in Cheek is an attempt to cover-up the complete absence of
2 a legal duty to make a federal income tax return or to pay
3 the federal income tax.

4
5 Justice Blackmun's dissent speaks volumes on the
6 judiciary's general incompetence in tax matters.

7
8 **C**heek should have learned why the federal income tax is a
9 constitutional, lawful and an appropriate tax on the
10 individuals over whom Congress has legislative power.

11
12 The best defense to any criminal federal indictment is the motion to inspect
13 the grand jury list.

14
15 If inspection does not establish that each grand juror is a resident
16 of federal territory within one of the counties that comprise
17 the district or division where the indictment was brought, a
18 motion to dismiss the indictment should be immediately
19 brought.

20
21 Justice Frankfurter very carefully presented the issue
22 before the Court as follows:

23 “Is the provision of Section 22 of the Revenue Act of
24 1932, 47 Stat. 169, 178, reenacted by Section 22(a) of
25 the Revenue Act of 1936, 49 Stat. 1648, 1657, 26
26 U.S.C.A. 22(a), constitutional insofar as it included in
27 the “gross income”, on the basis of which taxes were to
28 be paid, the compensation of “judges of courts of the
29 United States taking office after June 6, 1932”.

1 **Frankfurter knew that the federal income tax applied only**
2 **to Article IV federal judges, because the duty to make a**
3 **return in Section of the 1894 federal income tax law had not**
4 **been placed in the 1913 federal income tax law and**
5 **subsequent federal income tax laws.**

6
7 **Non-Article III federal district judges could be obligated by**
8 **Article VI of the Constitution to make returns:**

9
10 **This Constitution, and the Laws of the United States** which
11 **shall be made in Pursuance thereof; and all Treaties** made,
12 **or which shall be made, under the Authority of the United**
13 **States, shall be the supreme Law of the Land; and the**
14 **Judges in every State shall be bound thereby, any Thing in**
15 **the Constitution or Laws of any State to the Contrary**
16 **notwithstanding.**

17
18 **Both United States district court judges and the judges of the**
19 **courts of appeals are judges of one of the States** and Article
20 **III judges could volunteer to subject their compensation for services to federal**
21 **income taxation. The tax on federal judge's salaries was constitutional**
22 **because those judges were not Article III judges.**

23
24 **Despite his varied life experience and class standing in Columbia Law School,**
25 **Douglas never learned the truth about the federal trial courts. He went to his**
26 **grave in 1975 with no more knowledge about the federal judicial system than**
27 **what he had when O'Malley was decided.**

28
29 **I wonder what the world would be like today if Supreme Court Justices like**
30 **Douglas had not believed so many lies about the government.**

31
32 **We know that Joseph W. Woodrough had never been an Article III judge. A**
33 **judge like any other officer of the United States fills an office and is never the**
34 **recipient of anything like a title of nobility. All the legislative evidence proves**

1 that the first Article III district in any of the States of the
2 Union is not created until 1959, when Congress created an
3 Article III court in the district of Hawaii.

4
5 William O. Douglas's life would have been very different if he had known and
6 applied the citizen's first duty: **“Question all authority.”**

7
8 U.S. Government Manual 2004-05 Pages 67 to 83—Lower
9 Courts catch the federal government in a lie. The claim that
10 the United States district court for Puerto Rico is established
11 under Article III of the Constitution of the United States is a
12 shameful lie.

13
14 The United States district courts found in Sections 81-131 of
15 Chapter 5 of Title 28 U.S.C., according
16 to *Balzac* and *Mookini* must be Article IV
17 legislative/territorial courts, so the U.S. Government must
18 publish a lie and claim that the United States district court
19 in Puerto Rico is an Article III court.

20
21 **TITLE 28—JUDICIARY AND JUDICIAL**
22 **PROCEDURE** The first eighteen chapters are presented
23 here to give the student a view of the government printed
24 version of **territorial** law for the United States.

25
26 The first sentence in **Chapter 5** explains the **territorial**
27 **composition of the districts and divisions of all the**
28 **federal courts in all the 50 states is the federal**
29 **territory in the counties on January 1, 1945.**

1 [https://casetext.com/statute/united-states-code/title-28-](https://casetext.com/statute/united-states-code/title-28-judiciary-and-judicial-procedure/part-i-organization-of-courts/chapter-5-district-courts)
2 [judiciary-and-judicial-procedure/part-i-organization-of-](https://casetext.com/statute/united-states-code/title-28-judiciary-and-judicial-procedure/part-i-organization-of-courts/chapter-5-district-courts)
3 [courts/chapter-5-district-courts](https://casetext.com/statute/united-states-code/title-28-judiciary-and-judicial-procedure/part-i-organization-of-courts/chapter-5-district-courts)

4
5 **[Chapter 5 - DISTRICT COURTS**

- 6 • [Browse as List](#)
- 7 • [Search Within](#)
- 8 • [Section 81 - Alabama](#)
- 9 • [Section 81A - Alaska](#)
- 10 • [Section 82 - Arizona](#)
- 11 • [Section 83 - Arkansas](#)
- 12 • [Section 84 - California](#)
- 13 • [Section 85 - Colorado](#)
- 14 • [Section 86 - Connecticut](#)
- 15 • [Section 87 - Delaware](#)
- 16 • [Section 88 - District of Columbia](#)
- 17 • [Section 89 - Florida](#)
- 18 • [Section 90 - Georgia](#)
- 19 • [Section 91 - Hawaii](#)
- 20 • [Section 92 - Idaho](#)
- 21 • [Section 93 - Illinois](#)
- 22 • [Section 94 - Indiana](#)
- 23 • [Section 95 - Iowa](#)
- 24 • [Section 96 - Kansas](#)
- 25 • [Section 97 - Kentucky](#)
- 26 • [Section 98 - Louisiana](#)
- 27 • [Section 99 - Maine](#)
- 28 • [Section 100 - Maryland](#)
- 29 • [Section 101 - Massachusetts](#)
- 30 • [Section 102 - Michigan](#)
- 31 • [Section 103 - Minnesota](#)

- 1 • [Section 104 - Mississippi](#)
- 2 • [Section 105 - Missouri](#)
- 3 • [Section 106 - Montana](#)
- 4 • [Section 107 - Nebraska](#)
- 5 • [Section 108 - Nevada](#)
- 6 • [Section 109 - New Hampshire](#)
- 7 • [Section 110 - New Jersey](#)
- 8 • [Section 111 - New Mexico](#)
- 9 • [Section 112 - New York](#)
- 10 • [Section 113 - North Carolina](#)
- 11 • [Section 114 - North Dakota](#)
- 12 • [Section 115 - Ohio](#)
- 13 • [Section 116 - Oklahoma](#)
- 14 • [Section 117 - Oregon](#)
- 15 • [Section 118 - Pennsylvania](#)
- 16 • [Section 119 - Puerto Rico](#)
- 17 • [Section 120 - Rhode Island](#)
- 18 • [Section 121 - South Carolina](#)
- 19 • [Section 122 - South Dakota](#)
- 20 • [Section 123 - Tennessee](#)
- 21 • [Section 124 - Texas](#)
- 22 • [Section 125 - Utah](#)
- 23 • [Section 126 - Vermont](#)
- 24 • [Section 127 - Virginia](#)
- 25 • [Section 128 - Washington](#)
- 26 • [Section 129 - West Virginia](#)
- 27 • [Section 130 - Wisconsin](#)
- 28 • [Section 131 - Wyoming](#)
- 29 • [Section 132 - Creation and composition of district](#)
- 30 • [courts](#)

- 1 • Section 133 - Appointment and number of district
- 2 judges
- 3 • Section 134 - Tenure and residence of district judges
- 4 • Section 135 - Salaries of district judges
- 5 • Section 136 - Chief judges; precedence of district judges
- 6 • Section 137 - Division of business among district judges
- 7 • Section 138 - Terms abolished
- 8 • Section 139 - Times for holding regular sessions
- 9 • Section 140 - Adjournment
- 10 • Section 141 - Special sessions; places; notice
- 11 • Section 142 - Repealed
- 12 • Section 143 - Vacant judgeship as affecting proceedings
- 13 • Section 144 - Bias or prejudice of judge

14
15 **Dr. Eduardo M. Rivera**
16 **Attorney and Counselor at Law**
17 **California Bar No. 52737**
18 **Admitted June 2, 1972**
19 **www.edrivera.com**
20 **email:edrivera@edrivera.com**
21 **P.O. Box 13295**
22 **Torrance, CALIFORNIA 90503**
23 **310-370-3361**

24 **Dr. Eduardo M. Rivera is not affiliated with Freedom School.**

25
26 **Re: Jurisdiction of United States District**
27 **Courts**

28 **The enclosed or transmitted material has been sent to you by a**
29 **person that obtained it directly or indirectly from Dr. Eduardo M.**
30 **Rivera, an Attorney and Counselor at Law, admitted to the practice**
31 **of law before the California Supreme Court. Dr. Rivera has**
32 **graciously permitted its dissemination and you may use it for**
33 **educational purposes provided it is kept intact. The material is not**

1 legal advice. It is, however, the result of research of government
2 and law that has engaged Dr. Rivera for over 45 years and is being
3 provided to you for its educational value. Electronic transmissions
4 may be changed and writings altered, so you are cautioned to
5 verify any information upon which you intend to rely.

7 The Issue:

8 Dr. Rivera's research of the United States district courts has
9 established that only the United States district court in
10 Hawaii has been established as an Article III court and all
11 other United States district courts in the remaining states
12 have no Article III judicial power, whatsoever.

14 The Impact:

15 1. The failure to understand that federal trial courts must be
16 confined to causes of action that arise under federal
17 territorial law in federal territory causes unnecessary
18 hardship to defendants.

19
20 The RIAA copyright infringement suits, for example, allege that
21 defendants reside within and commit violations of the copyright
22 laws within the judicial district. It is extremely unlikely that any
23 of the young people that download music live in federal
24 territory and very likely that these suits are frivolous.

25
26 2. Ignorance of citizenship and the territorial composition of
27 the federal courts permit federal grand and petit juries to be
28 drawn from outside the federal territory that comprise the
29 district or

1 division. These juries are **improperly** constituted and
2 **without** authority.

3
4 It is highly improbable that members of the grand juries
5 that indicted media personality Martha Stewart or Enron
6 executive, Jeffrey K. Skilling, were actual residents of the federal
7 courts' judicial districts.

8
9 4. There are **few** if any federal crimes that can be
10 committed **outside** federal territory. Congressional
11 insiders know Congress can punish few acts outside federal
12 territory, so the federal territorial trial courts have been
13 disguised as courts of justice for those who voluntarily submit
14 themselves to federal prosecution. Among others, lawful users
15 of medical marijuana and those who aid and assist them often
16 find themselves federally charged with crimes that do not exist
17 where they **were** alleged to **have** occurred.

18 19 AN EXPLANATION

20
21 The federal government is renowned for its complexity, so it is
22 extremely gratifying to be able to compress an understanding of
23 that government and its law into a couple of sheets.

24
25 **Pages 42 and 43** of Title 28 U.S.C. of the federal
26 government's own Judiciary and Judicial Procedure
27 Code book printed by the Government Printing Office are the
28 most important pages of law in the federal government.
29

1 On those two pages, **C**ongress
2 explains that the **territorial**
3 **composition of the United**
4 **States district courts is only**
5 **that area subject to the**
6 **exclusive legislative power of**
7 **Congress.**

8
9 **Did you think that the 50 United States were subject to**
10 **Congress's lawmaking power?**

11
12 To answer that I offer a riddle: What country gets smaller the more
13 land you add to it?

14
15 The United States of America is thought to be a **nation/state but it**
16 **is a confederation** of **nation/states created by the Articles of**
17 **Confederation and it consists of the 50 United States.**

18
19 **If Washington, D.C. and Puerto Rico are combined**
20 **with the 50 United States, you don't get a bigger and**
21 **better United States of America you get the**

1 government of the United States and 50 sovereign
2 states.

3
4 Those odd two pieces of real estate won't ever combine
5 to form a whole nation/state and that is key to
6 understanding the United States district courts.

7
8 The inability to combine the 50 United States, Washington D.C.
9 and Puerto Rico to form one nation is what explains and gives us
10 the “territorial composition” of the districts and divisions
11 found in Sections 81-131 of Title 28 U.S.C.

12
13 In the rest of Chapter 5, Congress explains that only one
14 district court in all of the 50 states, Hawaii, has been
15 established as an Article III judicial court and explains
16 why that court cannot function as a court exercising
17 judicial power.

18
19 If judicial power is to be exercised in the
20 several states, it will have to be exercised by state
21 courts, because the districts have none.

22
23 The federal government in the several states will consist of two
24 government powers since the federal courts have not
25 been granted Article III, Section 2 judicial power.

26
27 While one or two branches of government may be

1 good enough to do government work, it takes all
2 three to lawfully act upon a citizen.

3
4 The nature of the complete federal government cannot be
5 understood unless the reader understands all that begins
6 with the caption **“CHAPTER 5—DISTRICT**
7 **COURTS”** and ends with the paragraph below:
8 **“HISTORICAL AND REVISION NOTES.”**

9
10 If you were not sent pages 42 and 43 of Title 28 U.S.C. or if
11 you have trouble reading or printing out these pages, you
12 can also access Title 28 U.S.C. by going to by going to
13 http://uscode.house.gov/title_28.htm.

14
15 The impatient reader is invited to go there and read first §91 and
16 then examine every other district court to find one ordained and
17 established under Article III.

18
19 The federal trial courts are universally but erroneously
20 thought to include all the territory in the counties that
21 comprise districts and divisions of the United States district
22 courts.

23
24 This perception of the federal trial courts is the result of the quick read
25 encouraged by those who favor a strong, large and powerful federal
26 government.

27
28 Congress, on pages 42 and 43, must state in its curiously cryptic way that the
29 territorial composition of the district courts is only the federal
30 territory subject to the exclusive legislative power of
31 Congress because that is true.
32

1 The statute law that establishes the federal district courts in
2 the several states must confirm that the territorial
3 composition of the district consists only of federal territory
4 or Title 28 U.S.C. could not have been enacted into positive
5 law.

6
7 By now, you should have those two pages in front of you, so that
8 you can take a heavy pencil or marker and write the date:

9
10 January 1, 1945 on each page and circle or highlight
11 Alaska, Hawaii, District of Columbia and Puerto Rico.

12
13 Now, you must determine for yourself, what is common to all
14 the place names from Section 81 to 131 that are listed on
15 these two pages.

16
17 All the facts, including the date January 1, 1945, presented
18 in legislation are important and
19 must be accounted for.

20
21 You must now write below this paragraph what you think is
22 the “territorial composition” of the districts and
23 divisions of the United States district courts that make up
24 the rest of Chapter 5.

25
26 Remember that your inability to account for all
27 the parts of the whole will make your
28 determination of “territorial composition” faulty.

29

1 **If you wrote that the entire state or all of the**
2 **county territory constitutes the district, go back**
3 **and start over.**

4
5 **A wise Greek once said that the best law is discovered, as a gift**
6 **from God. Statute law, to put it simply, is Godless.**

7
8 **Statute law is completely and totally made up by**
9 **legislators.**

10
11 **This and the Constitution is the origin of all the titles of the**
12 **United States Code.**

13
14 **Nothing in these codes is for all time that is why January 1,**
15 **1945 is used as a reference to determine those federal areas in**
16 **the several states subject to the Exclusive Legislation of Congress.**

17
18 **Alaska and Hawaii are, today, states of the Union, but were**
19 **territories on January 1, 1945.**

20
21 **Washington D. C. is neither a territory nor a state, but is the**
22 **product of “Cession of particular States, and the Aception of**
23 **Congress” is the seat of government.**

24
25 **Although it is treated like a state it is the “District”**
26 **subject to the exclusive Legislation of Congress, pursuant to**
27 **Article I, Section 8, Clause 17.**

28
29 **Puerto Rico is today and was on January 1, 1945 a possession of the**
30 **United States and definitely not a state of the Union.**

31
32 **The correct answer to the question:**

1 What is the “territorial composition” of the districts and divisions
2 by **counties** as of January 1, 1945, **is pursuant to Article I,**
3 **Section 8, Clause 17, “all Places purchased by the consent**
4 **of the Legislature of the State in which the Same shall**
5 **be.”**

6
7 **If the reader is having difficulty understanding the**
8 **significance of “territorial composition,” there is a good**
9 **reason for that. The federal government doesn’t want it**
10 **understood.**

11
12 **The federal government will even lie in print to cover-**
13 **up the “**territorial composition**” of the United States**
14 **district courts.**

15
16 **Several editions of the United States Government Manual available**
17 **on the web **falsely** state that the United States district court for**
18 **Puerto Rico is an Article III court.**

19
20 **The court for Hawaii was so established and ordained in **1959,** so**
21 **the “Historical and Revision Notes” **§119**—Puerto Rico can be**
22 **compared to **§91**—Hawaii to resolve the issue.**

23
24 **The **only territory** that is common to both the several**
25 **states, territory and possessions of the United States **is****
26 ****federal territory within each.****

27
28 **Those Notes show that the **district court judges****
29 **for Hawaii are to be selected pursuant to **§§ 133****

1 **and 134 of Title 28 U.S.C., which is territorial**
2 **law.**

3
4 **Based on no evidence at all, and a big fat lie about the**
5 **United States district court in Puerto Rico, the entire**
6 **American legal community is convinced that the federal trial**
7 **courts in the several states exercise Article III judicial power**
8 **everywhere within those states.**

9
10 **I say, the government has gone too far. I have**
11 **examined the statute law that created every United**
12 **States district court and I found only one instance**
13 **where Congress appeared to ordain and establish an**
14 **Article III United States district court in any state.**

15
16 **In 1959 the Congress created an Article III United**
17 **States district court for Hawaii but made no provision**
18 **for Article III judges by specifically precluding the**
19 **President from appointing them.**

20
21 **The Code specifically provides for territorial judges for the**
22 **Hawaiian Article III court.**

23
24 **Title 28 U.S.C.—Judiciary and Judicial Procedure has been enacted**
25 **into positive law so the Code shows the same kinds of courts as are**
26 **found in the statutes.**

27
28 **Chapter 5 of Title 28 U.S.C.—District Courts consists of Sections 81**
29 **through 144.**

30

1 The names of all 50 states of the Union will be found from
2 Sections 81 to 131 and in addition in Section 88 will be found the
3 District of Columbia and in Section 119 Puerto Rico.

4
5 The nature of the astounding revelations in this letter requires this
6 unique format where facts are presented in support of the
7 proposition that no United States district court in any state of the
8 Union can exercise Article III judicial power, so these facts can
9 be easily challenged.

10
11 This kind of presentation invites facts that
12 prove the contrary. I will give an example of a fact: Title 28
13 U.S.C. is territorial law. This fact will be supported by material
14 found in the notes to §91.

15
16 Those in federal litigation or who are contemplating that exercise
17 should be aware that legal justice is available only from courts that
18 have judicial power.

19
20 Any litigant in any United States district court in any state of the Union is
21 warned that these courts have no Article III, Section 2 judicial power,
22 whatsoever.

23
24 The United States district courts of the several states are not judicial courts
25 and the judges that sit in those courts are not Article III judges.

26
27 Judges of these courts are appointed for life terms but they
28 obtain judicial powers only when appointed to
29 judicial courts with Article III power.

30
31 The court is the equivalent of an office.

1 **An office has power because the officer that occupies**
2 **that office has duties to exercise in that office.**

3
4 District courts and district court judges of the United States have been
5 mistaken for Article III courts and judges **since the Judiciary Act of 1789.**
6

7 **The mistaken belief that a court has jurisdiction is sufficient**
8 **to confer it when everyone is equally mistaken, but that**
9 **jurisdiction remains what it is and not what it is mistaken to**
10 **be.**

11
12 **Names are labels and like book covers do a notoriously bad**
13 **job of identifying contents. Just as a book cannot be**
14 **accurately judged by its cover, a federal trial court is not**
15 **accurately described by the name of the state where it is**
16 **located. The names of the federal trial courts in the several**
17 **states are labels that are fully explained in the first sentence**
18 **of the “Historical and Revision Notes” that are part of the**
19 **law: “Sections 81—131 of this chapter show the territorial**
20 **composition of districts and divisions by counties as of**
21 **January 1, 1945.” Since the conclusion of the Civil**
22 **War, the States of the Union are the federal territory within**
23 **the state and the state officers who have taken an oath to**
24 **uphold the United States Constitution. Since President’s**
25 **Day, the Mayor of San Francisco has extended the equal**
26 **protection clause of the Fourteenth Amendment to its logical**
27 **conclusion by permitting same sex couples to pay a tax in**
28 **order to obtain an application, license and certificate of**
29 **marriage just like anyone else. States cannot regulate**
30 **marriage but like the federal government can tax it by**
31 **license. The State of California like other opponents of gay**

1 marriage is learning that the courts cannot enjoin the
2 collection of a tax, especially one that is voluntary. The right
3 to marry is a human right and human rights are to be
4 secured by government not abridged. Government
5 involvement in marriage is limited to imposing a tax on those
6 who submit to an application process and payment
7 for a license and obtaining a certificate of registration.

8
9 The subject matter of Chapter 5 of Title 28 U.S.C. is the
10 territorial composition of districts and divisions by counties
11 as of January 1, 1945 of the courts named in Sections 81—
12 131 which can only be the areas subject to the exclusive
13 jurisdiction of the United States—federal territory. These
14 areas consist of places like the National Parks, military
15 bases, federal buildings and federal courthouses. Crimes
16 that occur on or in these federal places are federal crimes
17 and the federal courts for the district is the proper
18 forum for trials of those crimes. Article III judicial power is
19 not needed for those courts and those courts are certainly
20 without such power. There is no room for legalistic
21 interpretations of Chapter 5. On January 1, 1945, the
22 judicial districts of United States district courts had only one
23 thing in common—those judicial districts consisted of
24 federal territory **and some admiralty jurisdiction for**
25 **some coastal courts.** Those common characteristic have not
26 changed since then and even if they had the January 1, 1945
27 date was to be used to reckon the federal territories existing
28 on a given date.

1 **The January 1, 1945 date is critical to understanding the**
2 **United States district courts territorial jurisdiction as**
3 **consisting of federal territory as of a time in a span of time.**
4

5 **The first day of 1945 forces the mind to focus on that which**
6 **can change within geographical boundaries—federal**
7 **territory, which can be increased by purchase and consent of**
8 **the Legislature of the State.**
9

10 **The only legislation, since the first judiciary act on**
11 **September 24, 1789, to create an Article III United States**
12 **district court is found in §91 of Title 28 U.S.C. That section**
13 **documents the change of a territorial court to an Article III**
14 **court without actually giving the court Article III judicial**
15 **power. Nothing can be done to change the nature of these**
16 **courts in the several states without the direct intervention of**
17 **Congress by legislation. A judge without judicial power can**
18 **do nothing to change the jurisdiction of the court where he**
19 **presides. Any litigant or defendant in any federal court**
20 **proceeding who attempts to have the United States**
21 **district court consider the issues raised in this letter should**
22 **be aware that the American Law Institute’s Restatement of**
23 **Judgments holds that such a litigant is bound by the court’s**
24 **ruling.**

25 **A federal judge sitting in a trial court in any United States**
26 **district court is without judicial power. While such an**
27 **official can be a life-tenured bureaucrat, such an official**
28 **cannot be expected to rule other than administratively.**
29
30
31

THESE ARE THE FACTS

1
2
3 **No United States district court in any state may lawfully**
4 **exercise Article III court power. The lawful jurisdiction of**
5 **the federal district court or courts is limited to those places**
6 **where Congress has exclusive jurisdiction. It is also clear**
7 **that federal judges and federal courts have been used in the**
8 **past by the federal government to control those persons**
9 **opposed to the usurpation of power by the national**
10 **government. The federal courts known as United States**
11 **District Courts are federal and territorial in that these**
12 **courts implement administrative law on territory exclusively**
13 **under the jurisdiction of the United States.**

14
15 **United States district courts are being used by Congress**
16 **primarily to prevent the rendition of law and equity in**
17 **national courts by masquerading as Article III courts. These**
18 **courts are incapable of achieving justice because they are**
19 **not Article III courts. Generally speaking, we have a federal**
20 **government that consists of a Congress of the United States,**
21 **a President of the United States and district courts of the**
22 **United States because there is one in Hawaii and one is**
23 **Washington D. C.**

24
25
26 **The true nature of the government of the United States of**
27 **America is libertarian. Very few of the “Posterity of the**
28 **People” that ordained and established the Constitution are**
29 **aware that the loose confederation of state governments that**
30 **became the United States of America is a true libertarian**
31 **government.**

1
2 **The purpose of the Constitution was to establish and limit**
3 **government to the purposes for which it was established.**
4 **Unfortunately, the Congress has used very effectively the**
5 **mechanisms in the Constitution to limit the third branch of**
6 **the national government to the people's detriment. Congress**
7 **has intentionally failed or refused to provide Article III**
8 **courts in the several states.**

9
10 **The present intent of the federal government is to subject**
11 **citizens of the several states to its administration. Most if not**
12 **all people who find themselves in a federal court are not**
13 **aware that court has no Article III judicial power.**

14
15 **Americans do not want to be in federal courts that cannot**
16 **dispense justice. For more than 200 years Americans have**
17 **been subjected to administrative law in courts they believed**
18 **were dispensing the judicial power of the United States.**

19
20 **Disguised administrative courts are being used to subvert**
21 **freedom. The federal district courts are administrative,**
22 **legislative, nonjudicial courts that are an extension of any**
23 **administrative harassment caused by persons claiming to**
24 **represent the national government.**

25
26 **Individuals appointed to United States district courts are**
27 **permitted to believe that they are Article III judges because**
28 **they are appointed for life. These individuals are actually**
29 **urged by the other two branches of federal government to**
30 **act like Article III judges.**

1 **Article III judicial power imposes self-restraint on judges.**
2 **Only judges appointed to Article III courts may exercise the**
3 **judicial power of the United States found in Article III,**
4 **Section 2.**

5
6 **Judicial power imposes restraints on the judges that have it**
7 **and that serves as some protection from judicial abuse. All**
8 **justices appointed to the Supreme Court of the United States**
9 **are genuine Article III judges.**

10
11 **The judges of other than judicial courts, of course, have no**
12 **constitutional judicial power so they tend to be extremely**
13 **rigid in the way they administer their “judicial business.”**
14 **These judges are or can be called territorial, legislative or**
15 **administrative. The rigidity of the non-judicial court is the**
16 **result of the tight rein that the Congress maintains over the**
17 **personnel and business of non-Article III courts to solely**
18 **achieve congressional purposes.**

19
20 **The Congress shall have power...To constitute Tribunals**
21 **inferior to the supreme Court; The judicial power of the**
22 **United States, shall be vested in one supreme court, and such**
23 **inferior Courts as the Congress may from time to time**
24 **ordain and establish.**

25
26 **The Congress shall have Power to dispose of and make all**
27 **needful Rules and Regulations respecting the Territory or**
28 **other Property belonging to the United States;**

29
30 **Article III courts would also be limited to a territorial**
31 **jurisdiction. Based on examination of the statute law that**

1 created the various territorial United States district courts
2 throughout the several states, Article III courts would also
3 be of limited federal territorial jurisdiction.

4
5 **Lawyers and judges must be aware of the true nature of the**
6 **courts they practice and preside in. Everyone must be made**
7 **aware that the United States district courts established in**
8 **California and in 48 other states by United States Statute are**
9 **not Article III courts.**

10
11 **There should be no confusion as to the difference between**
12 **Article III courts and those courts that are not Article III**
13 **courts. Article III district courts are not territorially**
14 **different from the tribunals inferior to the Supreme Court**
15 **that Congress may constitute pursuant to Article I. Federal**
16 **courts do not extend their judicial districts beyond federal**
17 **territory. Article III courts are “territorial courts” that may**
18 **exercise the judicial power of the United States—Article I**
19 **and IV courts have no such power. Congress has established**
20 **Article III district courts in Hawaii and the District of**
21 **Columbia. The 2 district courts of the United States that**
22 **were ultimately pronounced ordained and established by**
23 **Congress pursuant to Article III of the Constitution are the**
24 **only ones that can exercise the judicial power of the national**
25 **government.**

26
27 **Lifetime tenure during good behavior is criteria for a judge**
28 **not criteria for an Article III court. Lifetime tenure fuels the**

1 **universal Presumption in the legal academic community**
2 **that the federal districts courts are Article III courts and the**
3 **judges that sit on those courts are Article III judges.**

4
5 **Because Congress can make law locally or nationally, it must be**
6 **presumed that law enacted by Congress is territorial in scope**
7 **rather than national, Foley Bros. Inc. v. Filardo 336 U.S.**
8 **281(1949), unless a contrary intent is shown in the legislation**
9 **itself. The legislation creating the district court for Hawaii is a**
10 **clear example of the presumption and an example of a national**
11 **legislative intent to create an Article III court.**

12
13 **Combining the district court for Puerto Rico with the other United**
14 **States District Courts identifies them all as territorial. The**
15 **federal district courts are found in Title 28 U.S.C. Judiciary and**
16 **Judicial Procedure, in the sections numbered from 81 to 131. Title**
17 **28 U.S.C. was enacted into positive law in 1948. The district**
18 **courts were found in Chapter 5 just as they are today. The**
19 **districts themselves had not changed from 1911 when they were**
20 **described as the territory that existed on July 1, 1910. The**
21 **territory was, for example, the “State of California” which then**
22 **and now consists of the federal territory within California.**
23 **Puerto Rico is not a state of the Union. Its inclusion in Chapter 5**
24 **and appearance in §119 identifies the “states” in the sections of**
25 **Chapter 5 as mere labels for the areas of federal territory. The**
26 **Commonwealth of Puerto Rico includes the federal territory under**
27 **the jurisdiction of the United States. Included, for example, in**
28 **the “State of California” is the territory of the United States**
29 **located in the California Republic. Use of the “State of California”**
30 **facilitates the use of federal law to create a California personal**
31 **income tax. State of California denotes those special federal**
32 **places where the United States has jurisdiction.**

33
34 **Congress established the only Article III court for a state of the**
35 **Union in Hawaii. Hawaii appears in §91 as the only Article III**
36 **court but that court is qualified as to the way judges are to be**
37 **appointed to that court. That qualification precludes the exercise**
38 **of Article III judicial power by any judge appointed to that court.**

1 Under the heading for § 91 Hawaii, “Court of the United States;
2 District Judges,” will found, Section 9 (a) of Pub. L. 86-3 which
3 provides that:

4
5 “The United States District Court for the District of Hawaii
6 established by and existing under title 28 of the United States
7 Code shall thence forth be a court of the United States with
8 judicial power derived from article III, of the Constitution of the
9 United States: Provided, however, that the terms of office of the
10 district judges for the district of Hawaii then in office shall
11 terminate upon the effective date of this section and the
12 President, pursuant to sections 133 and 134 of title 28, United
13 States Code, as amended by this Act, shall appoint, by and with
14 the advice and consent of the Senate, two district judges for the
15 said district who shall hold office during good behavior.”
16

17 All of Title 28 U.S.C. provides for the territorial government of
18 the United States and nothing of Article III can be put back into
19 it without destroying the entire Title 28 U.S.C. as positive law. In
20 other words, there may be a present belief by all of the state and
21 federal judiciary, all the legal academic community and all the
22 local, state and federal government officials that the United
23 States district courts for the 50 states of the Union are Article
24 III courts, but they are wrong.
25

26 Congress prevented the ordination of the Article III it established
27 for Hawaii by denying the court full Article III judges. Congress
28 took a territorial court established by and existing under title 28
29 and created an Article III district court for Hawaii. It must be
30 noted that the territorial jurisdiction did not change—only the
31 description of the court.
32

33 Congress has provided that territorial Title 28 U.S.C. judges be
34 appointed to the United States district court for the district of
35 Hawaii are to be appointed to an Article III court.
36

37 The district judges for the district of Hawaii are specifically to be
38 Appointed by the President pursuant to sections 133 and 134 of title 28,
39 United States Code, as officers of the United States but not as
40 judges of an Article III court. These two sections are also to be

1 used in appointing any of 7 judges of the Puerto Rico district
2 should a vacancy occur there. It can be deduced that appointment
3 pursuant to § § 133 and 134 of Title 28, will always produce
4 territorial judges.

5
6 The Hawaii judicial district established in § 91 of the Judicial Code
7 of 1948 was a territorial court. Section 9 (a) above clearly
8 indicates that prior to the admission to statehood, the United
9 States District Court of Hawaii was not a true United States court
10 established under Article III of the Constitution, to administer the
11 judicial power of the United States, Balzac v. Porto Rico, 258
12 U.S. 298, 312 (1922). In Balzac, Chief Justice William Howard
13 Taft stated that United States District Court for Arecibo, Porto
14 Rico, as Puerto Rico was known then, “created by virtue of the
15 sovereign congressional faculty, granted under Article IV, § 3, of
16 that instrument, of making all needful rules and regulations
17 respecting the territory belonging to the United States.”

18
19 Puerto Rico is the Commonwealth of Puerto Rico and it has not been
20 incorporated into the United States though its inhabitants are
21 United States citizens. The inclusion of Puerto Rico in Chapter 5 as
22 § 119 does not make the district court for Puerto Rico an Article
23 III court because Puerto Rico has not been incorporated into the
24 Union. Puerto Rico fits comfortably among the names of the 50
25 states because the geographical areas **are mini federal territories**
26 **or federal enclaves.**

27
28 United States Government people are required to obey the United
29 States Code; it is their duty to obey that law. The government’s
30 law requires the total obedience of government’s officers and
31 employees.

32
33 Citizens are not part of government and they are not its subjects.
34 Citizens can impose upon only themselves certain legal duties, if
35 they want. There is only one duty that citizens have that indirectly
36 protects the government. In the words of the Declaration of
37 Independence, “Governments are instituted among men” to secure
38 God given rights.

1 When government attempts to impose duties or obligations on
2 citizens, a duty arises that demands that citizens must investigate
3 and then determine the nature and extent of the authority of
4 every person, group of persons, a grand jury, claiming any
5 authority relationship with any government. As an abstract entity,
6 a government maintains integrity through its agents and employees
7 lawfully interacting with the public. A citizen's failure to carry out
8 the investigation and determination of authority has grave
9 consequences both for the citizen, his fellow citizens and the
10 government.

11
12 Only Hawaii has an Article III district court and that court cannot
13 function as one. No other state has an Article III court. The federal district
14 courts of California fall squarely within the mold of the federal courts of the
15 49 states that have no Article III district courts. Examination of copies of all
16 the Statute Laws described in the annotations to all the Chapter 5 sections of
17 Title 28 that establish district courts in the states and Hawaii reveals
18 that Hawaii has the only Article III district court.

19
20 Citizens have a duty to discover the true authority of those claim
21 government power. The consequences of not investigating and not
22 determining the nature and extent of the authority claimed is that
23 you may have to bear the costs of your failure to do so.

24 The use of the term, "district courts of the United States" refers
25 to Article III courts. There are no more than two "district courts
26 of the United States." There is no doubt that the district court
27 for Hawaii is an Article III court—that's one. The § 88 court for
28 the District of Columbia is another. The Historical and Revision
29 Notes to that section makes it clear that the District of
30 Columbia district court is a constitutional court established
31 and ordained under Article III. The existence of at least two
32 "district courts of the United States" permits the general
33 usage of language that refers to the "district courts of the
34 United States" as Article III courts.

35
36 State courts that were already established when the Constitution
37 was ratified were duty bound to obey the Constitution and the laws
38 enacted pursuant to it.

1 Reference to the Judiciary Act of 1789 clarified and substantiated that no
2 Article III district courts had been **created in the several states**
3 **pursuant to that law.**

4
5 The federal trial courts during the period of the Judiciary Act of
6 1789 were manned by two United States Supreme Court justices
7 riding circuit and the district judge for the district. Districts were
8 created for territories that by the date of enactment, September
9 24, 1789 had not yet ratified the Constitution because, of course,
10 they were not states. North Carolina did not ratify the
11 Constitution until after enactment of the Judiciary Act of 1789.
12 District courts created under that act could not have been created
13 under Article III.

14
15 Grand and petit jurors determine if they are citizens of the United
16 States and whether they have resided in judicial district for a
17 year. In 1968 Congress enacted the Jury Selection and Service
18 Act that uses the nation's voter registration system as the basis
19 for jury selection in the federal courts.

20 Examination of available jury selection plans the district courts
21 have created and that have been approved by the federal courts of
22 appeal reveal no knowledge of the true territorial composition of
23 the United States district courts. The jury questionnaire in
24 common use merely asks an applicant a half dozen questions
25 beginning with, if he or she is a citizen of the United States and a
26 resident of the judicial district for at least a year.

27
28 Very few Americans can prove that they are, indeed, citizens of
29 the United States and practically no one understands that the
30 Sixth Amendment requires that territorial composition be
31 established prior to trial. For all of the states, district court
32 vicinage is the federal territory within the counties that comprise
33 the district. This is the only vicinage that satisfies the 6th
34 Amendment command that the "district shall have been previously
35 ascertained by law." An individual jurors impression of what
36 constitutes the judicial district does not satisfy the Constitution.
37 All trial courts must have districts which shall have been previously
38 ascertained by law. Venue and vicinage are being confused because
39 an erroneous assumption is being universally made that the federal

1 district courts are Article III courts and federal judges are
2 Article III judges. Vicinage corresponds to territorial composition
3 and describes where jurors come from. The areas from where
4 Article III court jurors are to be drawn is the same as the
5 territorial composition of the federal court. from the federal
6 territory within a district comprised of named counties but they
7 are being drawn from outside the federal territory. Any grand and
8 petit juror that resides **outside a federal territory does not reside**
9 **within the district and can successfully be challenged as**
10 **unqualified.**

11
12 A federal **territorial** court without Article III power cannot be
13 conferred such power by the litigants. One United States district
14 court cannot legitimately serve both local federal and national
15 interests. The interests of the two courts are almost completely
16 mutually exclusive. **Territorial courts without judicial power**
17 **tenaciously serve the need of Congress to administer government**
18 **law. These courts only have the jurisdiction conferred on them by**
19 **Congress and they guard that jurisdiction to the exclusion of all**
20 **other judicial concepts.**

21
22 All the United States district courts in 49 of the several states
23 are other than Article III courts. There is no evidence that the
24 United States district courts for any state other than Hawaii is
25 ordained and established pursuant to Article III, Section 1;
26 therefore, they are not vested with the judicial power of the
27 United States. Article III has not been invoked by Congress in
28 creating any other state's federal district courts and the 1911
29 Judiciary Act specifically creates those federal courts from the
30 territory of the United States. When it is apparent that court
31 officials are unaware of the limitations on their authority, it is
32 never wise to attempt to correct these officials in their own court.

33
34 **Non-judicial, legislative, administrative and territorial courts are**
35 **incapable of exercising the judicial power of the United States,**
36 **which can only be found in an Article III court.**

1 Article III of the Constitution has expressly granted to Congress the power to
2 vest courts inferior to the Supreme Court with the judicial power of the
3 United States. The Constitution does not prohibit the creation of
4 federal courts outside of Article III. It follows, therefore, that
5 at the very least Congress **must invoke the authority of Article III**
6 **in creating Article III courts just so one court can be**
7 **distinguished from another.**

8
9 The evidence that exists to show that the federal district courts
10 are ordained and established pursuant to Article III is anecdotal
11 or circumstantial. The Constitution provides that Congress shall
12 **vest the judicial power of the United States in “such inferior**
13 **Courts as the Congress may from time to time ordain and**
14 **establish.”**

15
16 That same language was used in the Preamble to the
17 Constitution to “ordain and establish this Constitution for the
18 United States of America.”

19
20 There can be no question that the Congress has established but not ordained
21 an Article III in Hawaii and in no other states. All that remains is to
22 understand the consequences of what has happened and to learn from it.

23
24 Legal scholars assume without justification that the federal
25 district courts are Article III courts. I have discovered and I
26 hope proven that no responsible public federal officer has
27 ever questioned their assumptions. In all the legal literature
28 I examined, status of the United States district courts as
29 Article III was assumed despite all the contrary
30 authoritative evidence.

31
32 The United States Supreme Court in two cases: **Balzac v.**
33 **Porto Rico,** 258 U.S. 298 (1921) and **Mookini v. United**
34 **States,** 303 U.S. 201 (1938) made it clear that a “**district**
35 **court of the United States” described a court created under**

1 Article III and a “United States district court” described a
2 territorial court. The former identified a constitutional court
3 of the United States exercising the judicial power of the
4 United States and the latter merely identified a court for a
5 district of the government of the United States.

6
7 Legal scholars are interpreting the power and authority of
8 the federal courts **without resort to the statute law** that
9 created and established them. The complete statute law and
10 enacted Title 28 U.S.C. is presented here for your
11 consideration. You are again, however, cautioned not to take
12 the issue of jurisdiction to the federal courts as they are
13 presently constituted. The federal courts are territorial
14 legislative courts. This means that they are administrative
15 courts without judicial power and you are without
16 judicial protections if you submit yourself to them. The
17 judges of these courts are there to serve the Congress and
18 not any of the people.

19 20 **CONCLUSION**

21
22 The purpose of this letter is to advise and counsel those who
23 fear that they are being oppressed by a distant government.
24 You will find that when you first remove the oppression
25 caused by your own ignorance foreign oppression will
26 subside and the disappear altogether.

27
28 **The United States district courts are territorial and**
29 **without judicial power.** This has been so since the **J**udiciary
30 **Act of 1789.** If you do not believe this to be true, I have
31 **provided the means by which you can dispute my opinion.**

1 The complete absence of any Article III district courts in 49
2 of the 50 states is a “judicial” disaster waiting to happen.

3
4 So far, it appears that no terrorist is aware that he or she
5 may escape prosecution for a crime of terrorism because
6 there is **only one judicial court** in the United States **trial**
7 **court system.** Past Congresses may have been able to
8 successfully construct a complex administrative criminal law
9 process where an accused voluntarily accepts the
10 jurisdiction of a non-article III federal court and judge, but
11 dedicated and emboldened terrorists may be able to destroy
12 it in one case.

13
14 **Congress must immediately establish Article III courts.**

15
16 My task was to determine the legitimate **jurisdiction** of the
17 federal district courts in your state. I fulfilled my objective
18 in the only reasonable manner possible; I gathered all the
19 statute law and enacted code law used to create the federal
20 courts in all the states.

21
22 I found only one instance in which Congress had declared
23 that Article III was used to create the court. The one
24 exception is the district court of Hawaii. Without exception,
25 all the federal courts in your state are **territorial.**

26
27 The territory that constitutes each of the judicial districts of
28 each court is the **federal enclaves within the counties of the**
29 **state that comprise those judicial districts.**

1 **Once the documentation for your local federal courts is**
2 **reviewed and compared to the cross references provided in**
3 **the government's own Title 28 U.S.C., the public deception**
4 **becomes flagrant.**

5
6 **The occasion of Hawaii's admission to the Union in 1959 was**
7 **certainly an appropriate event to establish an Article III**
8 **court for the federal territory in those islands.**

9
10 **Why has Congress not acted to create Article III courts in**
11 **the remaining 49 states? The simple answer is that would**
12 **have reduced its power. The more complex answer to that**
13 **question lies in the need that early Americans felt**
14 **to declare their independence from an unjust king. The**
15 **following passage from the Declaration of Independence**
16 **should teach that history repeats itself, especially, for those**
17 **who refuse to learn it the first time around.**

18
19 **HE has obstructed the Administration of Justice, by refusing**
20 **his Assent to Laws for establishing Judiciary Powers.**

21
22 **HE has made Judges dependent on his Will alone, for the**
23 **Tenure of their Offices, and the Amount and Payment of**
24 **their Salaries.**

25
26 **HE has erected a Multitude of new Offices, and sent hither**
27 **Swarms of Officers to harrass our People, and eat out their**
28 **Substance.**

29
30 **Your personal Declaration of Independence can be a simple**

1 **recognition that Americans have managed to govern**
2 **themselves without real federal judicial trial courts for more**
3 **than 200 years.**

4
5
6 Very truly yours,
7 Dr. Eduardo M. Rivera
8

9 **RECOMMENDATIONS**

10
11 **Since the federal courts in your state are, just that, federal**
12 **courts, you are cautioned again **not to enter** United States**
13 **territory lest you be taken into custody on a trumped up**
14 **administrative tax evasion or similar charge.**

15
16 **Despite the overwhelming evidence, I predict that the federal**
17 **courts will not readily admit their territorial status and less**
18 **than Article III status.**

19
20 **The last place you would want to appear to prove these**
21 **courts are territorial is in one of them.**

22
23 **The federal courts are only presumed to be Article III.**

24
25 **The abuses and usurpations complained of in the**
26 **Declaration of Independence are common symptoms of all**
27 **governments. No form of government is immune to**
28 **them. Judges dependent on the will of the king are like the**
29 **territorial judges disguised as Article III judges.**

30
31 **Under no circumstances should you believe that you will be**
32 **the first litigant to correct an Article I judge's perception of**

1 **his Article I court. The only way to correct an erroneous**
2 **presumption is to correct the public's and the legal**
3 **profession's perception of these courts.**

4
5 **You should immediately prepare letters setting forth the**
6 **issue of federal territorial courts in place of Article III courts**
7 **to your Congressman and Senators, and other influential**
8 **people especially those in the media.**

9
10 **Federal judges and court personnel** are **without power to**
11 **correct abuses** caused by Congress.

12
13 **Do not attempt** to communicate with the **judges or**
14 **court personnel. The realization that socialism would never**
15 **work destroyed the Union of Soviet Socialist Republics. We**
16 **have not built our nation on such a flimsy economic system**
17 **but the federal courts are an important part of the federal**
18 **government and they need to be reformed.**

19
20 **Protect your privacy. The national government was granted**
21 **no power in the Constitution that permits it to obtain**
22 **information about you without your consent. The right to**
23 **privacy is the most difficult right to regain once it has been**
24 **lost. Most of those who retain my services are attempting to**
25 **terminate a past association with the Internal Revenue**
26 **Service or one that the IRS is attempting to initiate, in order**
27 **to regain their privacy.**

28
29 **The IRS and Department of Justice have used the public's**
30 **perception of Article III courts to persuade federal grand**

1 **juries to bring true bills against innocents. Any legally**
2 **constituted grand jury that intends to encroach upon your**
3 **privacy has not been made aware of the material presented**
4 **in this opinion letter.**

5
6 **Every federal grand jury is led to believe that the court that**
7 **is to provide the trial for any indictments they bring is the**
8 **lawful one and that the indictment gives them the right to**
9 **invade your privacy. The individuals on the grand jury have**
10 **no idea of the difference between an Article III court and an**
11 **Article I court. The persistence of the men and women of the**
12 **IRS is attributable to their collective status as employees.**

13
14 **Their collective job and the IRS Mission is to get everyone to**
15 **voluntarily comply with Subtitle A, Title 26 U.S.C. by self-**
16 **assessing a tax on a U.S. Individual Income Tax Return. The**
17 **Internal Revenue Service Mission is a relentless assault on**
18 **the privacy of Americans. Nothing would be more**
19 **detrimental to the IRS Mission than the establishment of**
20 **real Article III national government courts. Begin your own**
21 **investigation of the local federal grand jury and assist others**
22 **making their own investigations.**

23
24 **Once it is apparent to the reader that my research**
25 **establishes that there are no national government courts,**
26 **any action of the federal grand jury becomes transparent**
27 **and it can be seen as the machinations of the United States**
28 **Attorney.**

29
30 **He is attempting to either lure you into the United States**
31 **territory upon which the United States district court sits so**

1 that he can institute or pursue **a territorial criminal action**
2 **against you or he seeks to have you admit jurisdiction.**

3
4 It is often suggested that an appearance should be made as is
5 suggested in the initiating documents. **This should never**
6 **be done because** it is an admission of jurisdiction.

7
8 **The doctrine of the Separation of Powers dictates that**
9 **Article III courts never have jurisdiction over internal**
10 **revenue issues.**

11
12 An understanding of this basic structure of our
13 government should be all that is necessary to support the
14 statute law establishing the district courts.

15
16 **Do not claim anything that you cannot prove.**

17
18 Besides avoiding any contacts within property under the
19 jurisdiction of the United
20 States, **you will want to avoid claiming that you are a citizen**
21 **of the United States.**

22
23 The best advice is to **never claim** anything that you cannot
24 prove. I personally know no one that can prove United
25 States citizenship. A birth certificate from one of the 50
26 states or a naturalization certificate is sufficient to establish
27 citizenship in any state of the Union and in the United States.

28
29 A claim on United States citizenship, being a taxpayer or a
30 U.S. person, unfortunately, is a fast track to loss of freedom

1 and privacy. Once lost, these intangibles cannot be regained
2 through the intervention of any of the courts that will be
3 discussed here.

4
5 Demand from academics proof of the assumptions they
6 peddle as facts. In the future I will publish a bibliography of
7 the pertinent legal literature on the subject of the ordination
8 and establishment of courts inferior to the United States
9 Supreme Court that exercise the judicial power of the
10 United States.

11
12 My review of all the legal literature show that the academics
13 assume Article III status for the United States district
14 courts. Of course, anecdotal or circumstantial evidence is
15 completely inadequate to establish a functioning part of the
16 third branch of government, but can be competent to show
17 how deficient government and public education
18 are.

19
20
21 The best legal advice is always to stay out of all litigation.

22
23 Ordinary litigants seldom, if ever, fare very well in any kind
24 of federal court.

25
26 You will learn in this opinion letter that all United States
27 district court judges believe that they sit in Article III
28 courts.

1 **This belief is based on the notion that the holding of an**
2 **office during good behavior is the sole criteria for an Article**
3 **III court and judge.**

4
5 **Apparently, good behavior doesn't mean that you**
6 **know what kind of court you, as a judge, are in or what the**
7 **limits of your authority is.**

8
9 **No federal judge has been impeached for**
10 **impersonating an Article III judge.**

11
12 **Your voluntary appearance at courthouse will be**
13 **interpreted as a consent to territorial jurisdiction of**
14 **that court, so, any appearance or acquiescence with a**
15 **demand or request will constitute acceptance**
16 **of jurisdiction.**

17
18 **Any compliance with requests, commands or**
19 **demands of a territorial court is a conformation of its**
20 **power.**

21
22 **Since we know that you have no federal income tax liability**
23 **and no other contacts that can form the basis for territorial**
24 **jurisdiction, any appearance before that court or any**
25 **agreement to provide testimony is evidence of your consent**
26 **to that court's jurisdiction.**

27
28 **Responsible citizens question the authority of all government**
29 **officers that present themselves as lawful representatives.**
30 **When you fully understand the principles set out, you will**

1 **see why only the alert citizen can protect himself, the**
2 **government and the people from unlawful or untrue claims**
3 **of authority.**

4
5 **Aside from can give you is to always question authority and never to act or**
6 **acquiesce unless you are fully satisfied that the government is authorized.**

7
8 **Those who have real authority will never object to demonstrating it and**
9 **discussing its limits. This, however, will never occur in a United States district**
10 **court for any state, because there can be no demonstration of Article III**
11 **authority in any of the federal court for any of the fifty states.**

12
13 **Legislative territorial courts cannot be introspective.** Such
14 **self-examination can only be conducted in real courts by real**
15 **judges.**

16
17 **All courts including the federal district courts are**
18 **territorial courts.**

19
20 **They have **no** jurisdiction beyond the federal territory**
21 **embraced within the judicial district.**

22
23 **Some clients feel that they should accommodate the local United States**
24 **Attorney because that official is located locally.**

25
26 **The proximity of the federal prosecutor has nothing to do**
27 **with jurisdiction.**

28
29 **It would be foolish for you to begin to accommodate every prosecutor of every**
30 **jurisdiction with a claim that you omitted to comply with its local laws.**

31

1 **The voluntary acceptance of jurisdiction of territorial**
2 **federal courts based on their proximity to you is not a**
3 **rational basis upon which to establish jurisdiction.**

4
5 There must exist some **national legislation** that
6 concerns you in order **to establish jurisdiction.**

7
8 I am aware of **no national laws** that can be **adjudicated**
9 **in a territorial administrative court.**

10
11 **Begin your investigation of the local federal court and**
12 **local federal grand jury immediately.**

13
14 Do not allow yourself to be rushed into **consenting to the jurisdiction**
15 **of a court without judicial authority.** Without judicial authority no
16 court can set deadlines and without authority a court can only make a void
17 judgment.

18
19 Making even a **special appearance to contest jurisdiction in an**
20 **administrative court is unwise.** Sample letters have been prepared for those
21 who are not certain of the conclusions that must result from my research.
22 **Federal courts that are exclusively territorial enable terrorists to**
23 **escape prosecution by the national government if a crime against**
24 **Americans is committed outside of federal territory. The total**
25 **absence of national courts and national laws weakens the nation's**
26 **stand against international terrorism.**

27
28 Your own study should be undertaken of any **self-proclaimed local**
29 **federal judicial authority to determine the legitimacy of their**
30 **claims.** You ought to join other investigators of all other United
31 States district court judges particularly those of the Hawaii and
32 Puerto Rico district courts. The study should include what judges
33 claim to be **able to exercise Article III judicial power of the U.S.**

1 **These judges appear no different from the other Title 28 judges appointed**
2 **to other than Article III district courts. Section 9 (a) provides conclusive proof**
3 **that judges appointed pursuant to sections 133 and 134 of title 28, United**
4 **States Code are not “Article III judges” unless appointed to Article III courts**
5 **without Title 28 restrictions.** The district court judges to the United States
6 District Court for the district of Puerto Rico

7
8 **The Constitution vests the judicial power in the Supreme Court and the**
9 **inferior Article III courts Congress has yet to ordain and establish**
10 **in any significant number.** All other courts established by Congress
11 may be tribunals but they do not exercise judicial power.

12 13 **SAMPLE LETTERS**

14 **Letter to Clerk of the United States District Court at**

15 _____
16 **Dear Court Clerk:**

17
18 **I have obtained the federal court research of Dr. Eduardo M.**
19 **Rivera, who received a Juris Doctor degree from the University of**
20 **California at Los Angeles in 1971 and has been a member of the**
21 **Bar of California since June 2, 1972. In addition to his legal**
22 **education and experience, he has a bachelor’s degree in government.**

23
24 **I want to verify certain facts about the status of the United**
25 **States District Court, I have been told that I can obtain a**
26 **copy of the Jury Service and Selection Plan approved by the**
27 **appeals court. I have been unable to obtain from the web site**
28 **of this court: statements of the status of the court and a**
29 **description of geographical boundaries of the**
30 **judicial district. I was told that if I could not obtain**
31 **these documents off the Internet was unable to obtain those**
32 **documents from the Internet, they might be available from**
33 **the Office of the Clerk of the Court.**

34
35 **I am making a request of the following documents because they**
36 **were not available from the court’s web site:**

1 **1. Document identifying Article of Constitution under which court**
2 **was established.**

3 **2. Document describing territory that comprises court's judicial**
4 **district.**

5 **3. Copy of the Jury Service and Selection Plan.**

6 **He has stated in the opinion letter that he prepared for me that**
7 **the statute law that established that court does not refer to**
8 **Article III of the United States Constitution and, therefore, the**
9 **court cannot be ordained and established under Article III.** I must
10 **obtain a statement from you, the clerk of the court, as to what**
11 **article of the United States Constitution was used to establish the**
12 **court.**

13
14 **His conclusion, based on the statute law which was provided to me**
15 **along with his opinion letter, is that the court was created pursuant**
16 **to Article I or IV of the United States Constitution and, therefore,**
17 **the court is limited to territorial jurisdiction consisting**
18 **of the lands and improvements over which the government of the**
19 **United States has exclusive jurisdiction.**

20
21 **The purpose of this letter is to alert you to the fact that the United States**
22 **District Court,**

23 **_____ (or here insert the name of the court that has no**
24 **Article III judicial power. If you disagree with his conclusion that the United**
25 **States District Court,**

26 **_____ is a territorial court, I will be happy to send you, upon your**
27 **request, the underlying material upon which he bases that conclusion and his**
28 **analysis. All you have to do is disagree with Doctor Rivera's conclusion that**
29 **the United States District Court, _____ is a territorial court and I**
30 **will send you copies of the statute law upon which he relied to make his**
31 **conclusion.**

32
33 **Very truly yours,**

34
35 **Letter To The**
36 **Foreman Of The Grand Jury**

1 I retained Dr. Eduardo M. Rivera, who received a Juris Doctor degree from
2 the University of California at Los Angeles in 1971
3 and has been a member of the Bar of California since June 2

4
5 1972, to prepare an opinion letter regarding the status of the
6 United States District Court, District of_____. In
7 addition to his legal education and experience, he has a bachelor's
8 degree in government.

9
10 He stated in the opinion letter that he prepared for me that
11 statute law including Title 28 U.S.C. that established that court
12 **does not refer to Article III of the United States Constitution**
13 **and, therefore, the court cannot be ordained and established under**
14 **Article III.**

15
16 I must obtain a statement from you, the clerk of the
17 court, **as to what article of the United States Constitution was**
18 **used to establish the court.**

19
20 Doctor Rivera told me, that to confirm his findings, I should obtain
21 from the web site of the above court: statements of the status of
22 the court and **a description of geographical boundaries of the**
23 **judicial district.**

24 He also told me to obtain a copy of the Jury Service and Selection Plan
25 approved by the appeals court. He told me that if I was unable to obtain those
26 documents from the Internet, they might be available from the Office of the
27 Clerk of the Court.

28
29 I am making a request of the following documents from you as
30 foreman of the grand jury of this court, because after repeated
31 unsuccessful attempts to obtain the documents from the clerk of
32 the court and they were not available from the court's web site.

33
34 **1. Document identifying the Article of the Constitution under**
35 **which the court was established.**

36 **2. Document describing territory that comprises court's judicial district.**

37 **3. Copy of the Jury Service and Selection Plan.**

1 He has stated in the opinion letter that he prepared for me that
2 the statute law that established that court does not refer to
3 Article III of the United States Constitution and, therefore, the
4 court cannot possibly be ordained and established under Article
5 III.

6
7 I must obtain a statement from you, the clerk of the court,
8 as to what article of the United States Constitution was used to
9 establish the court.

10
11 His conclusion based on the statute law which was provided to me
12 along with his opinion letter is that the court was created pursuant
13 to Article I of the United States Constitution and, therefore, the
14 court **is limited to territorial jurisdiction consisting of the lands and**
15 **improvements over which the government of the United States has**
16 **exclusive jurisdiction.**

17
18 The purpose of this letter is to alert you to the fact that the
19 **United States District Court of Arizona** (or here insert the
20 name of the court that has no Article III judicial power.

21
22 If you disagree with his conclusion that the United States District Court,
23 _____ is a territorial court, I will be happy to send you
24 the underlying material upon which he bases that conclusion and his
25 analysis. All you have to do is disagree with Doctor Rivera's
26 conclusion that the United States District Court,
27 _____ is a territorial court and I will
28 send you copies of the statute law upon which he relied to make his
29 conclusion.

30 Letter to Congressman
31 The Honorable (full name)
32 House of Representatives
33 Washington, D.C.

34
35 Dear Mr.
36 The United States District Court,
37 _____ is located within your
38 congressional district. My attorney told me to obtain a written
39 statement from your office as to the article of the United States

1 Constitution that was used to create the court.
2 I retained Dr. Eduardo M. Rivera, who received a Juris Doctor
3 degree from the University of California at Los Angeles in 1971
4 and has been a member of the Bar of California since June 2,
5 1972, to prepare an opinion letter regarding the status of the
6 United States District Court, _____.
7 His conclusion, based on the statute law which was provided to me
8 along with his opinion letter is that the court was created pursuant
9 to Article I of the United States Constitution and, therefore, the
10 court is limited to territorial jurisdiction consisting of the lands and
11 improvements over which the government of the United States has
12 exclusive jurisdiction. The purpose of this letter is to alert you to the fact that
13 the United States District Court _____ has no
14 Article III judicial power. If you disagree with his conclusion, that the United
15 States District Court, _____ is a territorial court, I will
16 be happy to send you the underlying material upon which he bases
17 that conclusion and his analysis. All you have to do is disagree with
18 Doctor Rivera's conclusion that the United States District Court,
19 _____ is a territorial court
20 and I will send you copies of the statute law upon which he relied
21 to make his conclusion.

22 Very truly yours,

23 _____
24 Letter to United States Senator
25 The Honorable (full name)
26 United States Senate
27 Washington, D.C.

28 Dear Mr.

29 The United States District Court,
30 _____ is located within the exterior
31 boundaries of (State). My attorney told me to obtain a written
32 statement from your office as to what article of the United States
33 Constitution was used to create the court. Will you please respond
34 in writing to my request?

35
36 I retained Dr. Eduardo M. Rivera, who received a Juris Doctor
37 degree from the University of California at Los Angeles in 1971
38 and who has been a member of the Bar of California since June 2,
39 1972, to prepare an opinion letter regarding the status of the
40 United States District Court,

1 _____.

2 **The purpose of this letter is to alert you to the fact that the**
3 **United States District Court, _____ has no**
4 **Article III judicial power. If you disagree with his conclusion that**
5 **the United States District Court, _____ is a**
6 **territorial court, I will be happy to send you the underlying**
7 **material upon which he bases that conclusion and his analysis. All**
8 **you have to do is disagree with Doctor Rivera's conclusion that the**
9 **United States District Court, _____ is**
10 **a territorial court and I will send you copies of the statute law**
11 **upon which he relied to make his conclusion.**

12 **Very truly yours,**

13 _____
14 **Letter to United States Attorney**
15 **The Honorable (full name)**
16 **United States Attorney**
17 **The United States District Court,**
18 **Middle District of _____**

19 **Dear Mr.**

20 **The United States District Court, Middle District of**
21 **_____ is located within the exterior boundaries of Florida.**

22 **My attorney told me to obtain a written statement from your**
23 **office as to what article of the United States Constitution was**
24 **used to create the court. Will you please respond in writing to my**
25 **request?**

26 **I retained Dr. Eduardo M. Rivera, who received a Juris Doctor**
27 **degree from the University of California at Los Angeles in 1971**
28 **and who has been a member of the Bar of California since June 2,**
29 **1972, to prepare an opinion letter regarding the status of the**
30 **United States District Court, Arizona.**

31 **His conclusion, based on the statute law which was provided to me**
32 **along with his opinion letter, is that the court was created**
33 **pursuant to Article I of the United States Constitution and,**
34 **therefore, the court is limited to territorial jurisdiction consisting**
35 **of the lands and improvements over which the government of the**
36 **United States has exclusive jurisdiction.**

37
38 **The purpose of this letter is to alert you to the fact that the**
39 **United States District Court, _____ has no**
40 **Article III judicial power. If you disagree with his conclusion that**

1 the United States District Court, Middle District of
2 _____ Division is a territorial court, I will be happy
3 to send you the underlying material upon which he bases that
4 conclusion and his analysis. All you have to do is disagree with
5 Doctor Rivera's conclusion that the United States District Court,
6 _____ is a territorial court and I will send you
7 copies of the statute law upon which he relied to make his
8 conclusion.

9 Sincerely,

11
12 **DR. EDUARDO M. RIVERA**
13 **Attorney and Counselor at Law**
14 **Admitted June 2, 1972**
15 **Cal Bar #52737**
16 **310-791-7480**
17 **PO Box 13887**
18 **Lomita, CA 90717-5387**
19 **Beverly J. Jones**
20 **Manager-Retirement**
21 **Records and Consulting**
22 **The Boeing Company**
23 **PO Box 3707**
24 **Seattle, WA 98124-2207**

April 27, 1999

25
26
27 **RE: Mrs. Lydia Lopez-Alvarez: House of Shaver, A corporation sole**
28 **Near: Thirteen-Twelve Pingston Creek Road Kettle Falls,**
29 **Washington, USA 99141**

30 **Dear Ms. Jones,**

31 **I have been retained by Mrs. Lydia Lopez-Alvarez to represent her in the**
32 **matter of a Notice of Levy, which I understand, you believe requires you to**
33 **pay to the IRS funds belonging to my client. Your belief is mistaken.**
34 **A Notice of Levy is merely that, a Notice. That document is**
35 **neither an authorization for you to act on behalf of the IRS nor an order to**
36 **act on its behalf. If you act on a mistaken belief that Mrs. Lydia Lopez-**
37 **Alvarez's money should be paid to the IRS, you will not thereby discharge**
38 **your obligation to her.**

1 It is our position that the IRS has no claim whatsoever on the funds you hold.
2 Please examine the Notice of Levy for any language that evidences any
3 command or order to you as the agent of the employer. You will find no such
4 language. Secondly, look for language that indicates you should act by any
5 date certain. You will not find a deadline.

6
7 The Notice of Leby is truly a Notice. It is a Notice to a government employee
8 that the Secretary of the Treasury will levy (seize) money from the
9 government paymaster, if the government employee doesn't pay what is owed.
10 Last, Mrs. Lydia Lopez-Alvarez is not a government employee and she is not
11 subject to a levy on the money that you owe to her. These facts can be
12 established along with others from the agent whose name appears on the
13 Notice. It will take some time to verify these facts but my client is willing to
14 allow you to hold her funds until these facts are verified. You may, if you
15 wish, notify the IRS that you will hold the funds until the purported IRS claim
16 is proved. We invite you to take this letter to your legal representative for
17 his/her counsel.

18
19 My representation is limited to the federal issues involved. I understand,
20 however, that my client will pursue any local claims she may have against the
21 entity or entities that fail to exercise reasonable care in protecting her
22 property interest.

23
24 Holding my client's funds until you are reasonably certain that the IRS has no
25 lawful claim on them will protect the interests of everyone involved. What
26 follows is a summary of some of the basic law involved in the operation of the
27 IRS Notice of Levy. The background law of the levy is not complex but the
28 Congress has constructed a code that snares employers, bankers and other
29 stakeholders. It is my hope that these few paragraphs will help in deciphering
30 the Notice of Levy.

31
32 It is generally conceded that Congress has the power to levy and collect taxes
33 on the incomes of its officers, employees, or elected officials and it can delegate
34 the administration of that tax to the Secretary of the Treasury of the United
35 States. These persons will be called individuals but they but they will all be
36 generally treated as and called employees throughout the Internal Revenue
37 Code (IRC). The Employer will be the United States, the District of Columbia,
38 or any agency or instrumentality of the United States or the District of
39 Columbia. To understand the operation of the IRC one must only realize that
40 the idea of self assessment began with the federal government's own

1 employees. The secret to understanding the IRC is that the employer in the
2 code is the federal government.

3
4 The power to levy given to the Secretary is merely the same power any
5 employer would have to retain money due back to the employer for whatever
6 legitimate reason the employer might have. Of course, the federal government
7 can call this power the power to tax. It is a return of its own income. The
8 Congress has given the Secretary of the Treasury the power to oversee a
9 partial return of its income.

10
11 Does the United States Congress have the judicial power over any other
12 employer anywhere in the world? The answer is no. **Article I, Section 8,**
13 **Clause 18, gives the Congress all legislative power in the seat of government.**
14 **Article IV, Section 3, Clause 2, gives it similar power over the territories and**
15 **other United States properties.** Article III, Section 1, of the Constitution
16 grants Congress the power to create courts inferior to the Supreme Court but
17 the Congress sits as a court only during impeachments.

18
19 To levy is to seize, distraint or attach property by judicial order. Terms tend to
20 be defined in the IRC in a way that implies an expansion way beyond their
21 real meaning. Levy is not something separate from the power of distraint and
22 seizure, it is those things. To levy is to seize. In every place, outside the seat of
23 the national government and the other places where Congress is the sovereign,
24 levies are judicial in nature. In Washington, D.C. Congress truly rules like a
25 king. In the District of Columbia, the Secretary of the Treasury can exercise
26 the judicial power to seize property because the sovereign governmental
27 power there, Congress, conferred such power on him. His power is limited to
28 those who are subject to federal excises, imposts and duties.

29 However, outside those specific areas where Congress may confer power on
30 the Secretary of the Treasury, the Secretary is just like any other man without
31 judicial powers. He is a member of the executive branch that has been
32 empowered by Congress to carry out administrative functions concerning its
33 taxing authority.

34
35 Whatever authority the Secretary has, it is certain that none of that authority
36 has been granted to you. Any attempt to authorize you to act on behalf of the
37 government would be improper and illegal. Such a delegation of authority to a
38 person not sworn to uphold and defend the Constitution would possibly
39 subvert my client's personal civil and property rights.

1 **A proper judicial levy empowers a state officer to act on behalf of a court in**
2 **carrying out a prior court order. The seal of the court and the language in the**
3 **levy imbue the state levying officer with the authority that he needs to seize**
4 **the property belonging to the person against whom the levy is to be executed.**
5 **The Notice of Levy Form 668-W(c)(DO) is not an authenticated document. If**
6 **you will closely examine this form you will find no oath or certification by any**
7 **government officer or official. Without such an oath, affirmation or**
8 **certification the form remains exactly what it is -- a pre-printed form without**
9 **any validity outside government.**

10
11 **These quasi-judicial summary collections of federal taxes do not violate the**
12 **United States Constitution because Congress has the power to exercise**
13 **exclusive legislation over the federal government, the District of Columbia**
14 **and all other possessions of the United States, pursuant to Article I, Section 8,**
15 **Clause 17. This exclusive power to legislate over the seat of government,**
16 **Washington D.C. includes the power to bestow judicial power on the**
17 **Secretary. This power is only effective in the District and other federal**
18 **possessions. The Secretary may easily levy the salary and wages of any officer,**
19 **employee, or elected official, of the United States, the District of Columbia, or**
20 **any agency or instrumentality of the United States of the District of Columbia,**
21 **by simply serving a notice of levy on the government agency or**
22 **instrumentality.**

23
24 **The Form 668-W (c)(DO) is the federal government's internal**
25 **document used to provide the 10 days notice required by the IRC to the**
26 **government's officer, employee, or elected official who owes a federal tax. The**
27 **IRS has been using this 10 Day Notice Form for many years to confuse non-**
28 **federal employers. That practice will soon be coming to an end. The IRS**
29 **Restructuring and Reform Act of 1998, authorizes remedies against agents**
30 **who falsify or destroy documents or provide false statements under oath with**
31 **respect to a material matter. Please do not remit my client's money to the IRS**
32 **until the IRS officer who signed the Notice of Levy can be questioned about**
33 **the document's validity and your obligations with respect to my client's funds**
34 **which you hold. Do not concern yourself with any time restraints. You will**
35 **find no language in the Form 668-W (c)(DO) that commands or orders**
36 **anything to be done. For years the IRS has provided excerpts of the Internal**
37 **Revenue Code, knowing that those sections would be misinterpreted against**
38 **the employee, insured or depositor.**

1 **The title: Notice of Levy on Wages, Salary, and Other Income, on the face of**
2 **this form simply informs the government officer, employee, or elected official**
3 **that the Secretary of the Treasury will be seizing money from wages, salary or**
4 **other income. If the form was demanding information from an employer the**
5 **requesting agency would have to display an OMB number. The language used**
6 **on the form is in the nature of a polite request: "Employer or Other**
7 **Addressee: Please complete the back of this page."**

8
9 **The back of the page is captioned: PLEAE REMOVE THIS PAGE BEFORE**
10 **COMPLETING IT." By the magic of merely turning the page, the Form is**
11 **now a levy. SECTION 1. is called LEVY ACKNOWLEDGEMENT. By**
12 **signing this section the respondent will indicate that any payment of money or**
13 **property is the voluntary act of the signatory. SECTION 2. LEVY RESULTS-**
14 **Check all applicable boxes. Completion of this section is an admission if**
15 **money is sent. SECTION 3. ADDITIONAL INFORMATION --Please**
16 **complete this section if this levy does not attach any funds. Completion of this**
17 **section violates the privacy of the person whose information has been supplied**
18 **and by now the respondent in thoroughly convinced that this form is a levy.**

19
20 **This summary is intended to provide the information you need to hold my**
21 **client's funds until the claims of the IRS can be determined. All your**
22 **questions will be addressed in the process of this determination.**
23 **Very truly yours, /s/ Dr. Eduardo M. Rivera (310) 791-7230**

24
25 **<https://satcomm911.com/PDFS/7.%20Right%20to%20Livelihood/Dr.%20Eduardo%20M.%20Rivera/>**

26 **Index of /PDFS/7. Right to Livelihood/Dr. Eduardo M. Rivera/**
27
28

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Last Modified

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[Nonfiler Opinion Ltr Proma \(4506\).doc](#)

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28 U.S.C. § 159

Current through P.L. 118-47 (published on www.congress.gov on 03/23/2024)

Section 159 - Bankruptcy statistics

(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11.

Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the "Director").(b) The Director shall-(1) compile the statistics referred to in subsection (a);(2) make the statistics available to the public; and(3) not later than July 1, 2008, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.(c) The compilation required under subsection (b) shall-(1) be itemized, by chapter, with respect to title 11;(2) be presented in the aggregate and for each district; and(3) include information concerning-(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;(B) the current monthly income, average income, and average

1 expenses of debtors as reported on the schedules and statements that each
2 such debtor files under sections 521 and 1322 of title 11;(C) the aggregate
3 amount of debt discharged in cases filed during the reporting period,
4 determined as the difference between the total amount of debt and obligations
5 of a debtor reported **on the schedules and the amount of such**
6 **debt reported in categories which are predominantly**
7 **nondischargeable;**(D) the average period of time between the date of the
8 filing of the petition and the closing of the case for cases closed during the
9 reporting period;(E) for cases closed during the reporting period-(i) the
10 number of cases in which a reaffirmation agreement was filed; and(ii)(I) the
11 total number of reaffirmation agreements filed;(II) of those cases in which a
12 reaffirmation agreement was filed, the number of cases in which the debtor
13 was not represented by an attorney; and(III) of those cases in which a
14 reaffirmation agreement was filed, the number of cases in which the
15 reaffirmation agreement was approved by the court;(F) with respect to cases
16 filed under chapter 13 of title 11, for the reporting period-(i)(I) the number of
17 cases in which a final order was entered determining the value of property
18 securing a claim in an amount less than the amount of the claim; and(II) the
19 number of final orders entered determining the value of property securing a
20 claim;(ii) the number of cases dismissed, the number of cases dismissed for
21 failure to make payments under the plan, the number of cases refiled after
22 dismissal, and the number of cases in which the plan was completed,
23 separately itemized with respect to the number of modifications made before
24 completion of the plan, if any; and(iii) the number of cases in which the debtor
25 filed another case during the 6-year period preceding the filing;(G) the
26 number of cases in which creditors were fined for misconduct and any
27 amount of punitive damages awarded by the court for creditor misconduct;
28 and(H) the number of cases in which sanctions under rule 9011 of the Federal
29 Rules of Bankruptcy Procedure were imposed against the debtor's attorney or
30 damages awarded under such Rule.

31 *28 U.S.C. § 159*

32 *Added Pub. L. 109-8, title VI, §601(a), Apr. 20, 2005, 119 Stat. 119; amended*
33 *Pub. L. 111-327, §2(c)(2), Dec. 22, 2010, 124 Stat. 3563.*

EDITORIAL NOTES

35 ***REFERENCES IN TEXT*** *The Federal Rules of Bankruptcy Procedure, referred*
36 *to in subsec. (c)(3)(H), are set out in the Appendix to Title 11, Bankruptcy.*

37 ***AMENDMENTS*** *2010-Subsec. (c)(3)(H). Pub. L. 111-327 inserted "the" after*
38 *"against".*

39 ***STATUTORY NOTES AND RELATED SUBSIDIARIES***

1 *EFFECTIVE DATE Pub. L. 109-8, title VI, §601(c), Apr. 20, 2005, 119 Stat.*
2 *120, provided that: "The amendments made by this section [enacting this*
3 *section] shall take effect 18 months after the date of enactment of this Act [Apr.*
4 *20, 2005]."*

5 6 **About**

7 **I went through UCLA Law School for three years,**
8 **graduating in 1971,** and became a member of the State Bar
9 of California on June 2, 1972. Shortly after my admission to
10 the State Bar of California, I was admitted to the United
11 States district court for the Central District of California so I
12 could handle **bankruptcies,** immigration and other federal
13 cases. I was also admitted to practice before the United
14 States Court of Appeals for the Ninth Circuit.

15
16 **I devoted many years to working as an advocate for people's**
17 **rights. For many years, I defended clients before the IRS.**

18
19 **As all written law is limited to territory owned by and**
20 **ceded to the United States of America, government**
21 **had me disbarred on August 16, 2006.**

22
23 **I now write about law and government and also teach people**
24 **how to understand what George Washington and the so-**
25 **called Founding Fathers did to government and the law.**

26
27 **I try to share all the knowledge I have accumulated about**
28 **law and government particularly what I have learned about**
29 **the origins and functions of the entities **known as "the****
30 **Federal Government of the United States"** and the "State of
31 California" and other state agencies.

1 **Being a lawyer involves a substantial amount of fraud in**
2 **the belief that written law extends over the lives of**
3 **most people.** Toward the end of my legal career as an
4 attorney and counselor at law admitted to the State Bar of
5 California, I was able to be a real lawyer. At the end, I could
6 explain to a judge sitting in judgment on my client the
7 government **had no territorial jurisdiction.** That last part of
8 my legal career did not last long. I hope my story will
9 explain to you why it is so important that you begin to study
10 what has taken me a lifetime to learn. Specialties: Writing
11 and teaching about law and government.