

with intent to establish, maintain, and participate in a combination, deny Complainant Affiant due process of law, and commit theft of Complainant Affiant's property under pretext of a judicial proceeding, in dereliction / criminal negligence / defiance of the law of the land, i.e., the Constitution, lies in the pretended record of pretended United States District Court for the Eastern District of Texas (the "Pretended USDC"), pretended Tyler Division Civil Action No. 6:14-cv-595 (the "Pretended Tyler Litigation") and pretended Lufkin Division Civil Action No. 9:14-cv-138 (the "Pretended Lufkin Litigation"); wherefore, Complainant Affiant hereby solemnly swears, declares, and deposes as follows:

1. Complainant Affiant is competent to state the matters set forth herein.
2. Complainant Affiant has knowledge of the facts stated herein.
3. All the facts stated herein are true, correct, and complete in accordance with Complainant Affiant's best firsthand personal knowledge and belief, and if called upon as a witness, Complainant Affiant shall so testify.

Legislative background.

A. In order to (a) extend their territorial and personal legislative power beyond the boundaries fixed by the Constitution at Articles 1 § 8(17) and 4 § 3(2), and usurp exercise of *territorial legislation* in geographic area occupied by the respective commonwealths united by and under authority of the Constitution and admitted into the Union—identified throughout the Constitution individually as a "State," collectively as the "several States" or the "United States"—and *personal legislation* over the Americans residing there,¹ and (b) provide

[¹ The several States of the Union are not, it is true, in every respect independent, many of the right [*sic*] and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State [of the Union] possesses exclusive jurisdiction and

justification for the general government to usurp exercise of territorial jurisdiction throughout the Union and personal jurisdiction over the Americans residing there, Congress undertook a strategic plan to deceive and defraud the American People and deprive them of the “unalienable Rights” (*The unanimous Declaration of the thirteen united States of America* of July 4, 1776, Preamble) of “Life, Liberty, and the pursuit of Happiness” (*id.*), i.e., life, liberty, and property,² the first step of which was the Revenue Act of June 30, 1864, obscured by the chaos of the War Between the States, on the 84th page of an 84-page statute, in the 182nd of 182 sections,³ wherein Congress invoked the sovereign authority of the American People to override their will as declared in the Constitution, and legislated the absurdity that the word that represents the building block of the Union and component geographic area and body politic over which and whom Congress have no territorial or personal legislative power, i.e., State”/ “state,” is now a statutory term, and defined it to mean the same thing as its constitutional opposite, a geographic area and body politic over which and whom Congress enjoy power of exclusive legislation, i.e., the District of Columbia and the territories, deliberately excluding from said definition and meaning the members of the Union, effectively altering the Constitution by ordinary act, and thereafter concealing from the American People said legislative fraud and enacting and promulgating constitutional amendments and other congressional legislation using the novel statutory terms “State” / “state” and United “States” without revealing to the American People their absurd meaning and legal effect, and usurping

sovereignty over persons and property within its territory. . . . (Underline emphasis added.) *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878).]

[² Rights to life, liberty, and the pursuit of happiness are equivalent to the rights of life, liberty, and property. . . . *Slaughterhouse Cases*, 83 U.S. (16 Wall.) 36, 116 (1872).]

[³ “An Act to provide Internal Revenue to support the Government, to pay Interest on the Public Debt, and for other Purposes,” ch. 173, sec. 182, 13 Stat. 223, 306, June 30, 1864.]

exercise of territorial and personal legislation, and the general government territorial and personal jurisdiction, throughout the Union under color of authority, relying on the American People's general trusting nature and inability to understand how government actors could justify such apparent disobedience to the letter and spirit of the Constitution.

B. Without exception, every official American governmental utterance of the proper / common noun "State" / "state" or "United States" since and including June 30, 1864, as defined by statute, comprehends only the District of Columbia and, depending on the particular body of law, certain of the territories; including, without limitation, every appearance thereof in every article of amendment to the Constitution, those particularly of note being the 14th, 16th, and 18th, and every other legislative act since that time.

C. In every contemporary statute in every body of law enacted by the legislature of every Union member, (a) "State" goes undefined and is a *Federal term* by default, the ultimate meaning of whose definition is *the District of Columbia*, and (b) "state" is a statutory term whose ultimate meaning is the District of Columbia—and no such definition in any such statute comprehends any of the several commonwealths united by and under authority of the Constitution and admitted into the Union, the last of which being Hawaii, August 21, 1959.

D. In every case, civil or criminal, in every United States District Court, the statutory term "United States" is defined "a Federal corporation," 28 U.S.C. 3002(15), and the supreme parent Federal corporation, over all other Federal corporations and all other Federal entities of any kind, is the *District of Columbia Municipal Corporation*.⁴

[⁴ "An Act to provide a Government for the District of Columbia," ch. 62, 16 Stat. 419, February 21, 1871; later legislated in "An Act Providing a Permanent Form of Government for the District of Columbia," ch. 180, sec. 1, 20 Stat. 102, June 11, 1878, to remain and continue as a municipal corporation (brought forward from the Act of 1871, as provided in the Act of March 2, 1877, amended and approved March 9, 1878, *Revised Statutes of the United States Relating to the District of Columbia . . . 1873-'74* (in force as of December 1, 1873), sec. 2, p. 2); as Form AOI-011416

Plain statement of facts.

4. Upon Complainant Affiant's filing in the pretended record of the Pretended Lufkin Litigation—prosecution of which was requested of plaintiff United States of America, a.k.a. United States, a.k.a. District of Columbia Municipal Corporation (hereinafter collectively "United States"), by Jacob Joseph Lew, a.k.a. Secretary of the Treasury, and commanded by high managerial agent Eric Himpton Holder, Jr., a.k.a. Attorney General of the United States, and, beginning April 27, 2015, Loretta Elizabeth Lynch, a.k.a. Attorney General of the United States, and performed by John Malcolm Bales and Joshua David Smeltzer—of Complainant Affiant's September 14, 2015, objection to denial of due process of law and demand for the constitutional authority that gives the Pretended USDC in the Pretended Lufkin Litigation the capacity to take jurisdiction^[5] and enter judgments, orders, and decrees in favor of the United States arising from a civil or criminal proceeding regarding a debt, in Tyler County, Texas, all 11 defendants went silent^[6] and abandoned the Pretended Lufkin Litigation—the pretended record of which is devoid of any other writing of any kind since said September 14, 2015, filing,^[7] 122 days ago.

amended by the Act of June 28, 1935, 49 Stat. 430, ch. 332, sec. 1 (Title 1, Section 102, District of Columbia Code (1940)).]

[⁵ It remains rudimentary law that "[a]s regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. . . . To the extent that such action is not taken, the power lies dormant." *The Mayor v. Cooper*, 6 Wall. 247, 252, 18 L.Ed. 851 (1868) (emphasis added); accord, *Christianson v. Colt Industries Operating Co.*, 486 U.S. 800, 818, 108 S.Ct. 2166, 2179, 100 L.Ed.2d 811 (1988); *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 379-380, 101 S.Ct. 669, 676-677, 66 L.Ed.2d 571 (1981); *Kline v. Burke Construction Co.*, 260 U.S. 226, 233-234, 43 S.Ct. 79, 82-83, 67 L.Ed. 226 (1922); *Case of th [sic] Sewing Machine Companies*, 18 Wall. 553, 577-578, 586-587, 21 L.Ed. 914 (1874); *Sheldon v. Sill*, 8 How. 441, 449, 12 L.Ed. 1147 (1850); *Cary v. Curtis*, 3 How. 236, 245, 11 L.Ed. 576 (1845); *McIntire v. Wood*, 7 Cranch 504, 506, 3 L.Ed. 420 (1813). (Underline emphasis only added.) *Finley v. United States*, 490 U.S. 545, 109 S.Ct. 2003, 104 L.Ed.2d 593.]

[⁶ Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading²⁴. . .

. . . 24. See *United States v. Sclafani*, 265 F.2d 408 (2d Cir.), cert. den., 360 U.S. 918, 79 S.Ct. 1436, 3 L.Ed.2d 1534 (1959); c.f., *Avery v. Clearly*, 132 U.S. 604, 10 S.Ct. 220, 33 L.Ed. 469 (1890); *Atilus v. United States*, 406 F.2d 694, 698 (5th Cir. 1969); *American Nat'l Ins. Co., etc. v. Murray*, 383 F.2d 81 (5th Cir. 1967). *United States v. Prudden*, 424 F.2d 1021 (5th Cir., 1970).]

[⁷ *De non apparentibus et non existentibus eadem est ratio*. The law is the same respecting things which do not appear and things which do not exist. John Bouvier, *Bouvier's Law Dictionary*, Third Revision (Being

5. There being no constitutional authority that gives the Pretended USDC in the Pretended Lufkin Litigation the capacity to take jurisdiction and enter a judgment, order, or decree in favor of the United States arising from a civil or criminal proceeding regarding a debt, in Tyler County, Texas^[8]:

(a) With the intent to establish, maintain, and participate in a combination, defendants conspired to commit theft of the object of the Pretended Lufkin Litigation, i.e., Complainant Affiant's real property in Tyler County, Texas—the fair market value of which at commencement of the Pretended Lufkin Litigation July 7, 2014, is approximately \$653,610—by attempting to induce Complainant Affiant to submit to their pretended official authority or rely on their pretended official acts in a sham (pretended) judicial proceeding, by knowingly purporting to hold a position or office, including that of a judge and court, authorized to enter a judgment, order, or decree in favor of the United States arising from a civil or criminal proceeding regarding a debt, in Tyler County, Texas—a position or office which has no lawful existence under the Constitution; and

(b) Every official certificate or writing entered or caused to be entered in the pretended record of the Pretended Tyler Litigation or Pretended Lufkin Litigation or delivered to Complainant Affiant by any defendant, is unconstitutional, unlawful, false, and evidence of fraud and a criminal conspiracy between the defendants.

the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914) (hereinafter "BOUVIER'S"), p. 2130.]

[*Idem est non probari et non esse ; non deficit jus sed probatio.* What is not proved and what does not exist, are the same ; it is not the defect of the law, but of proof. *Id.* at 2136.]

[⁸ The several States of the Union are not, it is true, in every respect independent, many of the right [*sic*] and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State [of the Union] possesses exclusive jurisdiction and sovereignty over persons and property within its territory. . . . (Underline emphasis added.) *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878).]

6. Beginning no later than the respective date of first appearance, express or implied, in the pretended record of the Pretended Tyler Litigation or Pretended Lufkin Litigation, defendants Jacob Joseph Lew, United States, Eric Himpton Holder, Jr., Loretta Elizabeth Lynch, John Malcolm Bales, Joshua David Smeltzer, David J. Maland, Michael H. Schneider, K. Nicole Mitchell, Ron Clark, and Keith F. Giblin:

(a) denied Complainant Affiant due process of law,⁹ a right guaranteed by the Fifth Article of Amendment to the Constitution, defrauded Complainant Affiant, and attempted to deprive Complainant Affiant of Complainant Affiant's real property in Tyler County, Texas, by way of theft, under color of law, office, and authority;

(b) perjured themselves by knowingly and willfully making materially false and fraudulent statements and representations and making and using false writings containing materially false and fraudulent statements or entries and entering the same in the pretended record of the Pretended Tyler Litigation or Pretended Lufkin Litigation;

(c) knowingly made and delivered as true, official certificates or writings containing statements which they knew to be false;

(d) made, presented, or used the records or documents thus falsified, with knowledge of their falsity and with intent that they be taken by as genuine governmental records;

(e) deprived Complainant Affiant of the intangible right of honest services by causing to be sent and delivered to Complainant Affiant via the Postal Service or private or commercial interstate carrier, a false certificate or writing;

[⁹ Due process of law is process according to the law of the land. . . . Mr. Justice Matthews, delivering the opinion of the court in *Hurtado v. California*, 110 U.S. 516, 533, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884).

Due process of law in the latter [the Fifth Article of Amendment to the Constitution] refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . . *Id.* at 535.]

(f) either (i) usurped exercise of jurisdiction beyond the boundaries fixed by the Constitution at Article 4 § 3(2) for courts of general jurisdiction, of which the Pretended USDC is one, in geographic area fixed by the Constitution at Article 3 § 2(1) exclusively for courts of limited jurisdiction,^[10] or (ii) relied upon the usurpation of exercise of jurisdiction by defendant Michael H. Schneider, K. Nicole Mitchell, Ron Clark, or Keith F. Giblin, as Pretended USDC of the Pretended Tyler Litigation or Pretended Lufkin Litigation, to defraud Complainant Affiant and attempt to deprive Complainant Affiant of Complainant Affiant's property by theft under color of law, office, and authority; and

(g) violated their oath of office^[11], if any, through criminal negligence of the express and implied provisions of the Constitution relating to jurisdiction, in respect of the legislative powers therein conferred upon Congress, and repudiation, in substance, deed, and fact, of sworn allegiance to the Constitution, if any, i.e., treason to the Constitution [*see* fn. 10, *infra*].

Verification.

The Undersigned Complainant Affiant, John Parks Trowbridge, Jr., hereby solemnly swears, declares, and states that Complainant Affiant executes this Affidavit on Complainant Affiant's unlimited liability, that Complainant Affiant can competently state the matters set forth herein, and that the facts stated herein are true, correct, and complete in accordance with Complainant Affiant's best firsthand personal knowledge and belief.

Further Complainant Affiant sayeth naught.

[¹⁰ We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821).]

[¹¹ An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." . . . 5 U.S.C. 3331.]

Date: Subscribed and sworn to this fourteenth day of the first month in the year of our Lord two thousand sixteen [January 14, A.D. 2016], at Humble, Harris County, Texas.

John Parks Trowbridge, Jr.
John Parks Trowbridge, Jr.

1-14-16
Date

Lucrecia Fay Taylor
Witness: Lucrecia Fay Taylor

1-14-16
Date

Catherine Diane Guion
Witness: Catherine Diane Guion

1-14-16
Date

Rena Jeannette Parker
Witness: Rena Jeannette Parker