

# *The “Great Mystery” solved: seminal act of congressional, executive, and judicial fraud and treason*

This post reveals the ultimate reason why, when Petitioner on September 14, 2015, in the Lufkin action at law demanded the constitutional authority that gives the court the capacity to take jurisdiction and enter judgment against Petitioner’s real property in Tyler County, Texas, the United States attorney went silent on the subject and remained so for the duration of the case (which ended five and half months later), the magistrate gave his adverse recommendation, and the court accepted the recommendation and entered judgment against Petitioner by pretending that Petitioner had never made such demand, thereby concealing by way of deliberate omission from court process the United States attorney’s failure to respond to said demand or prove jurisdiction (despite burden to do so) or oppose Petitioner’s subsequent motion to dismiss.

This post also gives a remedy for the situation it reveals, as well as an application thereof in a new case filed against Petitioner for failure to produce books and records for an IRS summons.

## **Legislative power determines executive and judicial jurisdiction**

The executive and judicial power of the new government implemented by the Constitution March 4, 1789, is *co-extensive* with the legislative power established by that instrument; officers of the executive and judicial branches have jurisdiction to the same extent that Congress have legislative power in a particular geographic area; to wit:

It [the judicial power] is indeed commensurate with the ordinary legislative and executive powers of the General Government . . . *Chisholm v Georgia*, 2 U.S. 419, 435, (1793).

[I]t is an obvious maxim, “that the judicial power should be competent to give efficacy to the constitutional laws of the Legislature.” The judicial authority, therefore, must be co-extensive with the legislative power. . . . *Osborn v. Bank of United States*, 9 Wheat., 738, 808 (1824).

The Constitution confers upon Congress either limited or exclusive (general) legislative power, depending upon the geographic area; to wit:

It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. . . . *Cohens v. Virginia*, 19 U.S. 264, 434 (1821).

## **Three kinds of legislative power and executive or judicial jurisdiction**

“Jurisdiction” is synonymous with “authority” and means, essentially, the geographic area in which a particular officer is authorized by law to discharge or perform his duties.

There are three and only three kinds of legislative power and executive or judicial jurisdiction:

- Territorial (over cases arising or those residing in a particular geographic area);
- Personal (over someone's rights); and
- Subject-matter (over the nature of the case or type of relief sought).

Unilateral authority to exercise all three types of legislative power or executive or judicial jurisdiction in a particular geographic area is called “power of exclusive legislation” or “general jurisdiction”; anything less is called “limited legislative power” or “limited jurisdiction.”

The totality of the limited or exclusive legislative power conferred upon Congress by a particular provision of the Constitution, and the respective geographic area in which such power obtains, consists of:

- power of subject-matter legislation throughout the Union and upon the high seas, over the subjects enumerated at Art, I, § 8, cl. 1-16;
- power of subject-matter and personal legislation throughout the Union and upon the high seas and, in certain instances, residents thereof, over the types of cases and controversies enumerated at Art. III, § 2;
- power of personal legislation throughout the Union and upon the high seas, over anyone accused of a criminal offense cognizable under authority of the government established by the Constitution March 4, 1789, at Art. III, § 2;
- power of territorial, personal, and subject-matter legislation over (what will be) the District of Columbia at Art, I, § 8, cl. 17; and
- constructive (inferred) power of territorial, personal, and subject-matter legislation at Art. IV, § 3, cl. 2 in the form of “Rules and Regulations,” *id.*, “respecting the Territory or other Property belonging to the United States,” *id.*, i.e., federal territories and enclaves.

Please note that the Constitution confers upon Congress **no power of territorial legislation** anywhere in the Union.

This means that executive and judicial officers of the United States have **no territorial jurisdiction** anywhere in the Union.

“Territorial jurisdiction” is defined as follows:

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

Were Congress to be authorized to exercise territorial legislative power over the Union they would have absolute exclusive legislative control over the entire country and there would be no need for any Union-member legislature or the Constitution in its present form.

Blackletter law<sup>1</sup> confirms that no executive or judicial officer of the United States has territorial jurisdiction over property located or Americans residing anywhere in the Union; to wit (Underline emphasis added.):

[W]ithin any state of this Union the preservation of the peace and the protection of person and property are the functions of the state government. . . . The laws of congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government [sic]. *Caha v. U.S.*, 152 U.S. 211, 215 (1894).

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 possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to . . . regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred. . . . *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878).

[95 U.S. 723] [T]he exercise of this jurisdiction [over those domiciled within its limits] in no manner interferes with the supreme control over the property by the State within which it is situated. *Penn v. Lord Baltimore*, 1 Ves. 444; *Massie v. Watts*, 6 Cranch 148; *Watkins v. Holman*, 16 Pet. 25; *Corbett v. Nutt*, 10 Wall. 464.

“Every State,” *Pennoyer, supra*, possesses supreme and “exclusive jurisdiction and sovereignty,” *id.*, over property located and Americans residing within its borders, and there is no provision of the Constitution that gives Congress power of territorial legislation anywhere in the Union or any executive or judicial officer of the United States the capacity to take territorial jurisdiction or direct the disposition of any property located or American residing there.

### The “Great Mystery”

The “Great Mystery,” then, is how certain officers of the United States can—with a straight face and no hesitation, even when directly challenged—knowingly and willfully repudiate the provisions of the Constitution relating to the legislative power of Congress and the commensurate jurisdiction of executive and judicial officers of that certain government established by the Constitution March 4, 1789, and usurp exercise of territorial jurisdiction over property located or Americans residing within the Union.

Such officers include the attorney general of the United States, assistant attorneys general of the United States, United States attorneys, assistant United States attorneys, United States marshals and deputy marshals, and other officers of the United States Department of Justice, Supreme Court justices, United States circuit judges, United States district judges, and United States magistrate judges, as well as personnel of the Department of the Treasury and Internal Revenue Service.

A primary example of such usurpation of exercise of territorial jurisdiction within the Union by officers of the United States is the United States district judge in the Houston action at law ordering (a) Petitioner to vacate the premises of Petitioner’s home in Montgomery County,

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

Texas, under threat of application of deadly force by the United States marshal, and (b) seizure and sale of said real property.

Other examples of usurpation of exercise of territorial jurisdiction within the Union by executive or judicial officers of the United States, as facilitated by congressional legislation, against property located or Americans residing there, are:

- IRS summonses
- Lawsuits for failure to respond to an IRS summons
- Judicial orders to show cause why defendant should not be compelled to obey an IRS summons
- Judicial orders to show cause why defendant should not be held in contempt for failure to produce books and records in response to an IRS summons
- Judicial reduction of tax liens to judgment for purposes of foreclosure on real property
- IRS summons hearings and audits
- IRS seizure of funds in bank accounts by levy
- IRS seizure / garnishment of wages by levy
- Executive seizure of real or personal property
- Judicial or executive enforcement of the USA PATRIOT ACT
- Judicial or executive enforcement of the Patient Protection and Affordable Care Act (Obamacare)
- Judicial or executive enforcement of the Homeland Security Act of 2002 (e.g., orders issued by Department of Homeland Security personnel to travelers at airports for non-immigration or non-customs reasons; detention of such travelers)
- Judicial or executive enforcement of the National Defense Authorization Act for Fiscal Year 2017
- Judicial or executive enforcement of among others, the Fourteenth, Sixteenth, and Eighteenth Articles of Amendment to the Constitution

### **Principal part of executive and judicial jurisdiction**

*Cujusque rei potissima pars principium est.* The principal part of everything is the beginning. John Bouvier, *Bouvier's Law Dictionary*, Third Revision (Being the Eighth Edition), revised by Francis Rawle (St. Paul, Minn.: West Publishing Co., 1914) (hereinafter "BOUVIER'S"), p. 2130.

The beginning of our tripartite system of government is the Constitution, ordained and established by the People September 17, 1787, and implemented March 4, 1789, where Articles I, II, and III thereof establish, respectively, the legislative, executive, and judicial branches.

The beginning of the authority for any elected official or officer of the United States to exercise the legislative, executive, or judicial power of the United States is Article VI, Clause 3 of the Constitution, which provides:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

The beginning of all congressional legislation is Section 1 of Statute I, Chapter I, "An Act to regulate the Time and Manner of administering certain Oaths," 1 Stat. 23, June 1, 1789, which provides the oath of office for the president of the Senate and all members of the Senate and House of Representatives of the United States; to wit (Underline emphasis added):

SEC. 1. Be it enacted by the Senate and [House of] [*sic*] Representatives of the United States of America in Congress Assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit : “I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States.” The said oath or affirmation shall be administered within three days of the passing of this act . . .

The beginning of authority for executive and judicial officers of the United States to exercise the executive or judicial power of the United States is Section 4 of the Act of June 1, 1789, 1 Stat. 24; which provides (Underline emphasis added):

SEC. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation [as provided in Section 1], which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office ; and such officers shall incur the same penalties, in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

### **Seminal act of congressional treason to the Constitution and American People**

The rich rules over the poor, and the borrower is the servant of the lender. Proverbs 22:7.

Congress always has had other loyalties, bought and paid for by the highest bidder—in 1789 the Rothschild-run private Bank of England, world’s first state-sanctioned fractional-reserve “lender”<sup>2</sup> and future parent bank<sup>3</sup> of today’s Rothschild-run<sup>4</sup> private Federal Reserve,<sup>5</sup> sole “lender” (creditor) to today’s financially insatiable “borrower,” Congress.

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<sup>2</sup> [T]he Bank [of England] had the power to issue [*i.e., create from thin-air and loan into circulation its own promissory*] notes.

It issued [*created from thin-air and loaned*] these [*promissory notes*] to an amount equal to the sum [*of gold*] advanced [*loaned*] to the Government [*thereby doubling its wealth as to the value of the loan, every time it made a loan of gold to the government*]. . . . A. Andréadès, *History of the Bank of England 1640 to 1903*, Fourth Edition (Reprint), Christabel Meredith, Translator (London: Frank Cass & Co., Ltd., 1966), p. 85.

It [*Bank of England*] coined, in short, its own credit into paper money. Thorold Rogers, *The First Nine Years of the Bank of England* (Oxford, 1887), p. 9, quoted in ANDRÉADÈS, *supra*, p. 82.

<sup>3</sup> The Federal Reserve Act of December 23, 1913, is the creation of Baron Alfred Charles de Rothschild (1842–1918), director of the Bank of England (Eustace Mullins, *The World Order: Our Secret Rulers*, Second Edition, 1992 Election Edition (Staunton, Va.: Ezra Pound Institute of Civilization, 1992), p. 102), implemented via his straw author, Paul Moritz Warburg (id. at 128), a German banker and Rothschild confederate awarded United States citizenship in 1911 specifically for this purpose; later dubbed “Father of the Federal Reserve” by the *New York Times*. The private Federal Reserve, incorporated under aegis of the District of Columbia Municipal Corporation, is modeled by its architect, Baron Rothschild, after the private Bank of England.

<sup>4</sup> An extremely rare public disclosure (Rothschild proxies own 96% of all media worldwide) reveals unilateral Rothschild control of the American economy (via controlling interest in each of the New York Fed’s nominal-stockholder banks, which, collectively, own controlling interest in the stock of the other 11 regional Federal Reserve Banks; thereby securing Rothschild control of the entire private Federal Reserve System and documenting the reality of unilateral, alien domination of the Fed’s primary borrower-servant, Congress, and Congress’ employer, the U.S. Government, and, by virtue of the Fed’s private ownership of the currency, Federal Reserve Notes, the American economy); to wit, in pertinent part:

This said Rothschild [*i.e., the Rothschild Dubai office, institutional proxy of Sir Evelyn Robert Adrian de Rothschild*] is not getting directly involved but will act through commercial banks in which it has equity or has connections with, like JP Morgan and other ones. Moreover, through the same commercial banks, Rothschild has a say, and a powerful one, over the Federal Reserve Bank of New York (FRBNY).

By law the latter plays a key role in the Federal Open Market Committee (FOMC) and thus has a crucial role in making key decisions about interest rates and the US money supply.

Through the FRBNY Rothschild is in a privileged position to influence US monetary policy and shaping US monetary supply, crucially important since the US dollar remains the main reserve currency in the world. AsiaNews, “Signs of a new financial storm for September coming from Dubai and Saudi Arabia,” June 1, 2009, <http://www.asianews.it/index.php?l=en&art=15402&size=A>.

Notwithstanding the clarity of Sections 1 and 4 of the Act of June 1, 1789, *supra*, as to the oath of office to be taken by all executive and judicial “officers appointed, or hereafter to be appointed under the authority of the United States,” *supra*, 1 Stat. 24, Congress 12 weeks later in “An Act to establish the Judicial Courts of the United States,” Ch. 20, 1 Stat. 73, September 24, 1789 (the “Judiciary Act”), repudiate the provisions of Section 4 of the Act of June 1, 1789, at 76 in Section 8 thereof and create a special oath or affirmation exclusively for judicial officers of the United States; to wit (Underline emphasis added):

SEC. 8. And be it further enacted, That the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit : ‘I, A.B., do solemnly swear or affirm, that I will administer justice without respect to persons, a do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God.

The above oath, taken by the original Supreme Court justices and district judges differs materially from the oath mandated at Section 1 of the Act of June 1, 1789, 1 Stat. 23, *supra*, and taken by the president of the Senate (vice president of the United States) and every member of the Senate and House of Representatives, in that it contains a religious test; to wit: “So help me God.”

Irrespective of how noble or virtuous said organic oath or affirmation for judicial officers may seem, said oath or affirmation and the ordinary act of Congress providing it are repugnant to Article VI, Clause 3 of the U.S. Constitution, as such species of oath or affirmation is expressly prohibited by the provisions of said article and clause, *supra*, and therefore, for purposes of accession to “The judicial Power of the United States,” Constitution, Art. III, § 1, **void**; to wit:

It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it . . .

. . . Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void.

. . . If then the courts are to regard the constitution; and he [*sic*] constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. *Marbury v. Madison*, 5 U.S. 137, 177-178 (1803).

Article III, Section 1 of the Constitution tells us that “The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

The religious test required as a qualification to the office of justice of the Supreme Court or district judge in the oath or affirmation at Section 8 of the Judiciary Act taken by every such judicial officer means that no such justice or judge is authorized to exercise “The judicial Power of the United States,” Constitution, Art. III, § 1, anywhere within the Union for failure to have taken an oath or affirmation that conforms to the provisions of Article VI, Clause 3 of the Constitution.

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<sup>5</sup> Federal Reserve Banks . . . are not federal instrumentalities . . . but are independent, privately owned and locally controlled corporations. *Lewis v. United States*, 680 F.2d 1239 (9th Cir.1982).  
The Federal Reserve is not an agency of government. It is a private banking monopoly. . . . Rep. John R. Rarick, “Deficit Financing,” *Congressional Record* (House of Representatives), 92<sup>nd</sup> Congress, First Session, Vol. 117—Part 1, February 1, 1971, p. 1260.

Every oath or affirmation taken by every justice or judge of the United States since September 24, 1789, requires a religious test as a qualification to the office of justice of the Supreme Court of the United States, circuit judge of the United States, United States district judge, or United States magistrate judge, the most modern of which is 28 U.S.C. § 453 *Oath of justices and judges of the United States*, December 1, 1990, 104 Stat. 5124, which provides (Underline emphasis added.):

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: “I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States. So help me God.”

Whereas, any oath or affirmation that has a religious test as a qualification to any judicial office under the United States operates as an automatic bar to accession to authority to exercise “The judicial Power of the United States,” Constitution, Art. III, § 1, there has never been a justice or judge of the United States in the history of the Republic authorized to exercise “The judicial Power of the United States,” *id.*, for universal failure to take an oath or affirmation that conforms to the provisions of Article VI, Clause 3 of the Constitution.<sup>6</sup>

No judge of the United States has taken an oath or affirmation that conforms to Article VI, Clause 3 of the Constitution and no such judge has any business sitting on the bench of any United States district court anywhere in the Union—and each and every judge who does is a **rogue judge**.

### **Three species of court and judge**

United States attorneys and district and magistrate judges and Supreme Court justices are constantly chirping about how federal courts are courts of limited jurisdiction; to wit:

As we have repeatedly said: “Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute . . .” *Rasul v. Bush*, 542 U.S. 466, 489 (2004) (quoting *Kokkonen v. Guardian Life Ins. Co. of America*, 611 U. S. 375, 377 (1994) (citations omitted)).

However true said statement may be, federal courts of limited jurisdiction are devoid of federal judges *per se*—because those who haunt the corridors and chambers of the federal courts of limited jurisdiction throughout the Union are not *federal judges per se* but judges of a different species.

It is essential that the reader understand the actual meaning of the word “federal”; to wit:

fed'er-al . . . Of or pertaining to, or founded upon and organized by, a compact or act or union between separate sovereign states . . . *A Standard Dictionary of the English Language*, Isaac K. Funk, Editor in Chief (New York: Funk & Wagnalls Company, 1903), p. 667.

In the case of the Republic, the compact is the Constitution and the “separate sovereign states” the members of the Union.<sup>7</sup>

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<sup>6</sup> It will come as a shock for every officer of the uniformed services who has taken the oath at 5 U.S.C. § 3331 to learn that he or she and his or her compatriots are serving something other than the Republic or “their country”: the District of Columbia Municipal Corporation (*infra*, under “Three species of court and judge”).

As shown below, all official use of the term “federal judge” is specious and intended to deceive—because no such judge has ever existed.

The three kinds of courts brought into existence by Congress, and their respective judges, are:

1. Federal: courts of limited jurisdiction ordained and established by Congress under express authority Article III § 1 of the Constitution, and federal judges authorized to exercise “The judicial Power of the United States,” *id.*, in such courts throughout the Union for having taken an oath or affirmation that conforms to the provisions of Article VI, Clause 3 of the Constitution—**of which there has never been any such judge in American history.**
2. Territorial: courts of general jurisdiction created by Congress under implied authority of the territorial clause of the Constitution, Article IV, Section 3, Clause 2, and territorial judges authorized to exercise general jurisdiction in “Territory or other Property belonging to the United States,” *id.*, i.e. United States territories and enclaves; between the Judiciary Act (September 24, 1789) and sometime after incorporation of the District of Columbia, 16 Stat. 419 (February 21, 1871).
3. Municipal: courts of general jurisdiction created by Congress under implied authority of Article I, Section 8, Clause 17 of the Constitution following incorporation of the District of Columbia February 21, 1871, 16 Stat. 419, and municipal judges authorized to exercise general jurisdiction within the exterior limits of the District of Columbia; Congress on November 29, 1990, 104 Stat. 4935, Congress in 28 U.S.C. Chapter 176, § 3002(15), in Chapter 176 of Title 28 U.S.C. (under which all civil or criminal proceedings are conducted), define “United States” to mean “a Federal corporation,” *id.*, the object of which definition and meaning is the District of Columbia Municipal Corporation, and omit to define “United States” in a geographical sense—and today every United States district and magistrate judge in every district court of limited jurisdiction throughout the Union is a **District of Columbia municipal judge** usurping exercise of general jurisdiction and declaring municipal law of the District of Columbia Municipal Corporation throughout the Union with no authority to do so.

Bereft of authority to exercise “The judicial Power of the United States,” Constitution, Art. III, § 1, every justice of the Supreme Court and every United States district judge and magistrate judge is under the exclusive control of the legislative power (Congress), who manages the activities of such justices and judges by way of the laws of the “United States” (District of Columbia Municipal Corporation), i.e., municipal law of the District of Columbia known as, among others, the United States Code and Code of Federal Regulations.

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<sup>7</sup> These facts are acknowledged by Congress in but a single obscure provision of Title 28 U.S.C., which admits of members of the Union as actual countries; to wit (Underline emphasis added.):

§ 297 Assignment of judges to courts of the freely associated compact states

(a) The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit, district, magistrate, or territorial judge of a court of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states whenever an official duly authorized by the laws of the respective compact state requests such assignment and such assignment is necessary for the proper dispatch of the business of the respective court.

(b) The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a) of all necessary travel expenses, including transportation, and of subsistence, or of a reasonable per diem allowance in lieu of subsistence. The judge shall report to the Administrative Office of the United States Courts any amount received pursuant to this subsection.

## “Legal” tyranny

What distinguishes the Constitution from all other sovereign instruments of creation in the community of nations is the doctrine of separation of powers manifested in the tripartite system of government established by Articles I, II, and III thereof; to wit:

separation of powers. The division of governmental authority into three branches of government — legislative, executive, and judicial — each with specified duties on which neither of the other branches can encroach; the constitutional doctrine of checks and balances by which the people are protected against tyranny. *Black’s Law Dictionary*, Seventh Edition, Bryan A. Garner, Editor in Chief (St. Paul Minn.: West Group, 1999) (hereinafter “BLACK’S”), pp. 1369-1370.

The political opposite of *tyranny* is *liberty*; to wit (Underline emphasis added.):

LIBERTY (Lat. liber, free; libertas, freedom, liberty). Freedom from restraint. The faculty of willing, and the power of doing what has been willed, without influence from without.

Civil liberty . . . . Under the Roman law, civil liberty was the affirmation of a general restraint, while in our law it is the negation of a general restraint . . . .

Natural liberty is the right which nature gives to all mankind of disposing of their persons and property after the manner they judge most consistent with their happiness, on condition of their acting within the limits of the law of nature and so as not to interfere with an equal exercise of the same rights by other men. . . .

Personal liberty consists in the power of locomotion, of changing situation, of removing one’s person to whatever place one’s inclination may direct, without imprisonment or restraint unless by due course of law [\*] . . . . BOUVIER’S, pp. 1964-1965.

\* The essence of *due course of law*—also known as *due process of law* and *the law of the land*—is constitutional authority; to wit:

Due process of law . . . 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 . . . *Hurtado v. California*, 110 U.S. 516, 3 Sup. Ct. 111, 292 (1884).

The primary purpose of separation of powers in government is the preservation of liberty; to wit (Underline emphasis added in all citations.):

The framers of our political system had a full appreciation of the necessity of keeping separate and distinct the primary departments of the government. Mr. Hamilton, in the seventy-eighth number of the *Federalist*, says that he agrees with the maxim of Montesquieu, that “there is no liberty if the power of judging be not separated from the legislative and executive powers.” *Ex Parte Garland*, 71 U.S. (4 Wall.) 333 (1866).

This Court [Supreme Court] consistently has given voice to, and has reaffirmed, the central judgment of the Framers of the Constitution that, within our political scheme, the separation of governmental powers into three coordinate Branches is essential to the preservation of liberty. See, e. g., *Morrison v. Olson*, 487 U.S. 654, 685 -696 (1988); *Bowsher v. Synar*, 478 U.S., at 725 . Madison, in writing about the principle of separated powers, said: “No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty.” *The Federalist* No. 47, p. 324 (J. Cooke ed. 1961).” *Mistretta v. United States*, 488 U.S. 361, 380 (1989).

[488 U.S. 380-381] Madison, defending the Constitution against charges that it established insufficiently separate Branches, addressed the point directly. Separation of powers, he wrote, “d[oes] not mean that these [three] departments ought to have no partial agency in, or no controul over the acts of each other,” but rather “that where the whole power of one department is

exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution, are subverted.” The Federalist No. 47, pp. 325-326 (J. Cooke ed. 1961) (emphasis in original). See *Nixon v. Administrator of General Services*, 433 U.S., at 442, n. 5. . . .

[488 U.S. 394] [W]e recognize the continuing vitality of Montesquieu’s admonition: “Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul,” The Federalist No. 47, p. 326 (J. Cooke ed. 1961) (Madison), quoting Montesquieu . . .

[A]fter stating that the judiciary is the weakest of the three departments of the government, and that though oppression may now and then proceed from the courts of justice, he [Hamilton, in Federalist 78] says: “The general liberty of the people can never be endangered from that quarter: I mean so long as the judiciary remains truly distinct from both the legislative and the executive. For I agree that ‘there is no liberty, if the power of judging be not separated from the legislative and executive powers.’ And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments . . .” *McAllister v. United States*, 141 U.S. 174, 180-181 (1891).

Absent the faculty of liberty, as derived from Articles I, II, and III of the Constitution by way of institution of separation of the powers of government, there would be no substantial difference between the tyrannical sovereignty of Great Britain from which the American People originally freed themselves beginning in 1776, and the new government in America, with Congress as collective monarch and the People its subjects; to wit (Underline emphasis added.):

It will be sufficient to observe briefly that the sovereignties in Europe, and particularly in England, exist on feudal principles. That system considers the Prince as the sovereign, and the people as his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. . . . The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the Prince and the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.

Sovereignty is the right to govern; a nation or State sovereign is the person or persons in whom that resides. In Europe, the sovereignty is generally ascribed to the Prince; here, it rests with the people. . . . *Chisholm v Georgia*, 2 U.S. 419, 471–472 (1793).

### **The judicial power’s jurisdictional equal: the executive power**

We know that the judicial power is commensurate or co-extensive with the legislative power; the same is true for “The executive Power,” Constitution, Art. II, § 1, cl. 1.

Section 4 of Statute I, Chapter I cited *supra*, 1 Stat. 24, June 1, 1789, requires that all executive officers of the United States take the oath or affirmation provided in Section 1 thereof prior to exercising “The executive Power,” Constitution, Art. II, § 1, cl. 1.

Notwithstanding the provisions of Article VI, Section 3 of the Constitution, *supra*, and Section 4 of the Act of June 1, 1789, *supra*, as to the requirement to be bound by oath or affirmation to support the Constitution free of a religious test, the organic act establishing the first “attorney-general for the United States,” 1 Stat. 93, i.e., the Judiciary Act, requires only that said executive officer be “sworn or affirmed to a faithful execution of his office,” *id.*; no mention of the Constitution.

Today's attorney general of the United States, Jeff Sessions, and every other officer of the United States Department of Justice takes what is known as the Standard Form 61, Appointment Affidavit part A Oath of Office, which provides (Underline emphasis added.):

“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.”

Every officer of the United States Department of Justice who takes the above oath of office self-disqualifies himself from acceding to “The executive Power,” Constitution, Art. II, § 1, cl. 1—and now we have our answer as to why in the Lufkin action at law the United States attorney goes silent when Petitioner on September 14, 2015, demands the provision of the Constitution that gives the Court the capacity to take jurisdiction and enter judgment against property in Tyler County, Texas, and the magistrate and district judge pretend in their court process and judgment that Petitioner never asked the question: None are authorized to exercise “The executive Power,” *id.*, or “The judicial Power of the United States,” *id.* at Art. III, § 1 anywhere within the Union for failure to have taken an oath or affirmation that conforms to the provisions of Article VI, Clause 3 of the Constitution.

**Every executive and judicial officer of the United States in the history of the Republic is a legislative-branch officer under the absolute exclusive legislative control of Congress, a political alien to the executive or judicial power, and bereft of authority without the boundaries of federal territory.**

Beginning with the Judiciary Act of September 24, 1789, the People have been denied the “unalienable Rights,” *The unanimous Declaration of the thirteen united States of America*, Preamble, of “Life, Liberty, and the pursuit of Happiness,” *id.*, and deprived of life, liberty, and property<sup>8</sup> without due process of law by legislative-branch super-factotums ensconced in the so-called United States Department of Justice and district courts—courts where the power of judging is joined with that of legislating and executing and there is no separation of powers and there is no due process of law.

This means that in addition to the bulleted examples of usurpation of territorial jurisdiction cited *supra*, there is no authority for any such executive or judicial officer to exercise any form of jurisdiction anywhere in the Union, that every such act constitutes usurpation of exercise of jurisdiction and is an act of tyranny, and that the entire legal system is a fraud and hoax, with every United States district court a kangaroo court; to wit:

kangaroo court. 1. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. . . . 2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. BLACK'S, p. 359.

It also means that every single Supreme Court decision and district court judgment since September 24, 1789, is **void** for every participating executive and judicial officer's failure to have taken an oath or affirmation that conforms with the provisions of Article VI, Clause 3 of the Constitution and every such officer's culpability for betrayal of public trust, usurpation of exercise of general jurisdiction within the Union, and treason to the Constitution; to wit:

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<sup>8</sup> 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).

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, 404 (1821).

## **New lawsuit to enforce IRS summons; Petitioner's response**

In June of 2016 a certain IRS revenue agent issued and personally served on Petitioner an administrative summons, Internal Revenue Manual 25.5.6.3.1.1, deceitfully entitled "Summons," tacitly representing to be authorized to exercise "The executive Power," Constitution, Art. II, § 1, cl. 1, take territorial jurisdiction in Harris County, Texas, and issue the summons against Petitioner.

Petitioner responded with a "Notice and Warning of Commercial Grace" and heard nothing back for seven months when, on January 24, 2017, the same revenue agent personally served on Petitioner a petition instituted by the United States attorney in the local United States district court in behalf of the revenue agent and Internal Revenue Service, and accompanying Order to Show Cause, signed by the judge, as to why Petitioner "should not be ordered to comply with the Internal Revenue Service summons."

Notwithstanding that said petition only contemplates the need for an order for Petitioner to produce the documents described in the summons, which would be determined at the hearing, the Order to Show Cause nevertheless asserts its own preemptive order for Petitioner to bring to the hearing the documents enumerated in the IRS summons.

The judge wants Petitioner to suffer the object of the lawsuit—production of books and records—prior to having a fair hearing and determining the need for such an order, confirmation that there is no due process of law in any United States district court; to wit:

due process. The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case. BLACK'S, p. 516.

Also, the docket in the previous case, the Houston action at equity, now includes a new reference to the current IRS summons case, noting "Related Case: 4:16-mc-02878" (the IRS summons case)—which is unusual because that case was closed two months ago (December 5, 2016) and the subject matter of the two cases is unrelated; to wit: The previous case is an action at equity concerning a prior void judgment; the new case is about failure to respond to an IRS summons.

Wherefore, it is reasonable to presume that the judge in the new summons case is prejudiced against Petitioner, likely for steps taken by Petitioner against his co-worker, the judge in the said Houston action at equity—where Petitioner sued 47 defendants, the judge ruled against Petitioner, and Petitioner filed a criminal complaint against the judge and then amended it (upon resolution of the "Great Mystery")—and would be happy to be able to hold Petitioner in contempt and have Petitioner arrested and incarcerated and who knows what else.

In Petitioner's response to the IRS summons petition, which incorporates the fruits of resolution of the "Great Mystery," *supra*, Petitioner on February 8, 2017, sent to the court for filing February 9, 2017, and counsel for petitioner United States of America (and constructive petitioner Internal Revenue Service) a Rule 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted.

A Federal Rules of Civil Procedure 12(b)(6) motion to dismiss must be heard and decided before proceeding any further (Rule 12(i)).

Petitioner's Rule 12(b)(6) motion demonstrates that (a) the subject revenue agent has no authority to exercise "The executive Power," Constitution, Art. II, § 1, cl. 1, or take territorial jurisdiction in Harris County, Texas, or issue said summons against Petitioner, for failure to take an oath or affirmation that conforms to the provisions of Article VI, Clause 3 of the Constitution, and (b) the summons is a legal nullity, thereby depriving the United States attorney of any evidence of any fact upon which a claim for relief could be granted.

### **The actual situation**

As of September 24, 1789, the People have been denied the "unalienable Rights," *The unanimous Declaration of the thirteen united States of America*, Preamble, of "Life, Liberty, and the pursuit of Happiness," *id.*, and deprived of life, liberty, and property without due process of law by legislative-branch super-factotum executive and judicial officers—in courts where the power of judging is joined with that of legislating and executing and there is no separation of powers and the unalienable rights to life, liberty, and property are a fantasy—the essence of tyranny.

The raison d'être of the actors perpetrating the above organized treasonous conspiracy is the longevity of their sole "lender" (creditor), the Rothschild private Federal Reserve (*see* fns. 3-5)—for without wholesale extortion and retirement from circulation of a substantial amount of electronic digits in the paychecks and bank accounts of ordinary Americans the fraud of the banking system reveals itself through rampant inflation and higher and higher prices with no commensurate rise in wages.

Although Petitioner and those helping him, as well as the American People, are forced to cope in a legal context with the fraud and treason of those trusted with the custody of the law and its execution by the Framers and those who ratified the Constitution, the ultimate situation is not of a legal nature but rather political—a potential state of affairs for which the Founding Fathers presciently provided; to wit:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. . . . That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. *Id.*

### **Same family of bankers pulling the strings today as in 1776**

[T]he policies of the monarch are always those of his creditors. Rep. John R. Rarick, "Deficit Financing," *Congressional Record* (House of Representatives), 92<sup>nd</sup> Congress, First Session, Vol. 117—Part 1, February 1, 1971, p. 1261.

The ultimate source of the policies of today's stealth congressional, executive, and judicial tyranny is the same usurious family of fractional-reserve bankers and exclusive creditors to borrower-servant King George III: Rothschild.

Sen. Robert Latham Owen (D-Okla.), former Chairman of the Senate Committee on Banking and Currency and Senate sponsor of the Glass-Owen Federal Reserve Act of December 23, 1913, tries to make amends for supporting the Federal Reserve and on January 24, 1939, places into the *Congressional Record* the following historical account of Benjamin Franklin's visit to England and events shortly thereafter (Benjamin Franklin's words underlined); to wit:

Benjamin Franklin, on being asked in Great Britain how he accounted for the prosperous condition of the Colonies, said:

That is simple. It is only because in the Colonies we issue our own money. It is called colonial scrip<sup>9</sup>], and we issue it in the proper proportion to the demand of trade and industry.'

It was not very long until this information was brought to the Rothschilds' bank, and they saw that here was a nation that was ready to be exploited; here was a nation that had been setting up an example that they could issue their own money in place of the money coming through the banks. So the Rothschild Bank caused a bill to be introduced in the English Parliament which provided that no colony of England could issue their own money. They had to use English money. Consequently the Colonies were compelled to discard their scrip and mortgage themselves to the Bank of England in order to get money. For the first time in the history . . . our money began to be based on debt.

Benjamin Franklin stated that in 1 year from that date the streets of the Colonies were filled with the unemployed, because when England exchanged with them, she gave the Colonies only half as many units of payment in borrowed money from the Rothschild Bank as they had in scrip. In other words, their circulating medium was reduced 50 percent, and everyone became unemployed. The poor houses became filled, according to Benjamin Franklin's own statement. . . .

He said that this was the original cause of the Revolutionary War. In his own language:

The Colonies would gladly have borne the little tax on tea and other matter had it not been that England took away from the Colonies their money, which created unemployment and dissatisfaction.

Benjamin Franklin, quoted in John R. Elsom, *Lightning over the Treasury Building* (Boston: Forum Press, 1941), pp. 29-30, quoted in Robert Latham Owen, *National Economy and the Banking System of the United States: An Exposition of the Principles of Modern Monetary Science in their Relation to the National Economy and the Banking System of the United States*, Senate Document No. 23, January 24, 1939, 76<sup>th</sup> Congress, 1<sup>st</sup> Session (Washington: United States Government Printing Office, 1939), pp. 98-99.

It took only about one percent of the American Colonists to defeat the Bank of England-financed British army and navy and 30,000 paid killers (Hessian mercenaries) and break free of the Rothschild policies enforced by King George III.

There are today not near so many Rothschild quislings<sup>10</sup>], grunts, or white-collar mercenaries in the District of Columbia or scattered around the Union (and globe).

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<sup>9</sup> scrip. . . . [U. S.] paper currency of a denomination less than a dollar: not now issued. *A Standard Dictionary of the English Language*, Isaac K. Funk, Editor in Chief (New York: Funk & Wagnalls Company, 1903), p. 1606.

<sup>10</sup> quisling , , , noun . . . a traitorous national who aids the invader of his country and often serves as chief agent or puppet governor. *Webster's New Third International Dictionary, Unabridged* (Springfield, Mass.: Merriam-Webster, Incorporated, 1993), s.v. "Quisling."