IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 17-mc-1557
	)	
JOHN PARKS TROWBRIDGE,	)	
	)	
Respondent.	)	

RESPONDENT'S MOTION FOR RELIEF FROM ORDER (60b4)

In accordance with Rule 60(b)(4) of the Federal Rules of Civil Procedure, respondent hereby moves the Court to relieve respondent from the Order Compelling Compliance with Summons (Document 11) (the "Order") as the Order is void for the issuer's, i.e., Keith P. Ellison's, lack of constitutional authority to discharge or perform the duties of a judge of the United States within the exterior limits of Texas.

The basis of this motion is not whether the 28 U.S.C. § 453 oath of office taken by Keith P. Ellison is authorized by the Constitution but rather the geographic area in which Keith P. Ellison is authorized by law to discharge or perform the duties of a judge of the United States.

CONGRESS CREATE A SPECIAL "UNITED STATES" FOR THE COURTS

At the time of that certain constitution ordained and established September 17, 1787, and implemented March 4, 1789, Independence Hall, Philadelphia, Pennsylvania (the "Constitution"), "United States" is a proper noun the definition of the words of which is found in dictionaries and whose popular and ordinary meaning is understood by everyone: the collective

of the several commonwealths united by and under authority of the Constitution and admitted into the Union.

Today, however, every civil or criminal proceeding in every United States district court—such as the instant civil action—is administered in accordance with the provisions of 28 U.S.C. Chapter 176, which provides its own exclusive definition of "United States"; to wit:

> § 3002. Definitions
> As used in this chapter:
> . . . (15) "United States" means—
> (A) a Federal corporation;
> (B) an agency, department, commission, board, or other entity of [a Federal corporation] the United States; or
> (C) an instrumentality of [a Federal corporation] the United States.

When Congress expressly define by legislative act a particular word or group of words, such as "United States," said word or group of words becomes a statutory term and the popular and ordinary definition and meaning thereof, as found in the dictionary or elsewhere, is stripped away and thereafter the new term means only what the restricted definition provides.

The Supreme Court confirms Keith P. Ellison's duty to follow and construe the definition of statutory terms created by Congress, to the exclusion of all other definitions and meanings thereof; to wit (Underline emphasis added in each citation):

> It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v. Franklin, 439 U.S. 379, 392 , [*sic*] and n. 10 (1979). . . . As judges it is our duty to construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987).

> When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. *Meese* v. *Keene*, 481 U. S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti* v. *Franklin,* 323 U. S. 490, 502 (1945); *Fox* v. *Standard Oil Co. of N. J.,* 294 U. S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction §47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). . . . *Stenberg v. Carhart*, 530 U.S. 914, 943-943 (2000).

> [D]efinition by the average man or even by the ordinary dictionary with its studied enumeration of subtle shades of meaning is not a substitute for the definition set before us by the lawmakers [Acts W. Va. 1933, c. 36] with instructions to apply it to the exclusion of all others. Cf. Midwestern Petroleum Corp. v. State Board of Tax Commissioners (Ind. Sup.) 187 N.E. 882. There would be little use in such a glossary if we were free in despite of it to choose a meaning for ourselves. *Fox v. Standard Oil Co. of New Jersey*, 294 U.S. 87, 96 (1935).
>
> Of course, statutory definitions of terms used therein [Fair Labor Standards Act of 1938, 29 U.S.C.A. 201 et seq.] prevail over colloquial meanings. Fox v. Standard Oil Co., 294 U.S. 87, 95 , 55 S.Ct. 333, 336. . . . *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945).

Whereas: The provisions of 28 U.S.C. Chapter 176 control the administration of this case; and

Whereas: There is no geographic "United States" in Title 28 U.S.C. Chapter 176; and

Whereas: In this civil action, the controlling definition of the statutory term "United States" is "a Federal corporation" and also comprehends any agency, department, commission, board, or other entity or instrumentality of a Federal corporation; and

Whereas: The only Federal corporation with its own agencies, departments, commissions, boards, and other entities and instrumentalities is the District of Columbia, a municipal corporation,[1]

Wherefore: In this civil action, unless otherwise expressly identified or quoted from the Constitution, every appearance of "United States" (a) is a statutory term that means *the District of Columbia, a municipal corporation*, and (b) excludes the meaning of the proper noun "United States" as used in the Constitution.

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

HOW JUDGES OF THE 28 U.S.C. CHAPTER 176 § 3002(15) "UNITED STATES" (THE DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION), ASSERT JURISDICTION

In Title 28 U.S.C. § 297, the 50 members of the Union are foreign countries to the 28 U.S.C. § 3002(15) "United States" (the District of Columbia, a municipal corporation).

Under municipal law, there is no substantial difference between a *citizen* and a *resident* of an incorporated municipality: Said terms are interchangeable. The method by which judges of the United States (the District of Columbia, a municipal corporation) assert jurisdiction over alleged "citizens of the United States," i.e., citizen-residents of the District of Columbia, a municipal corporation, is in keeping with the meaning of the aforesaid 28 U.S.C. Chapter 176 § 3002(15) non-geographic definition of "United States" (the District of Columbia, a municipal corporation); to wit:

> While it appears that the petitioner removed his residence to France in the year 1924, it is undisputed that he was, and continued to be, a citizen of the United States. He continued to owe allegiance to the United States. By virtue of the obligations of citizenship, the United States retained its authority over him, and he was bound by its laws made applicable to him in a foreign country. Thus, although resident abroad, the petitioner remained subject to the taxing power of the United States. Cook v. Tait, 265 U.S. 47, 54 , [*sic*] 56 S., 44 S. Ct. 444. For disobedience to its laws through conduct abroad, he was subject to punishment in the courts of the United States. United States v. Bowman, 260 U.S. 94, 102 , [*sic*] 43 S. Ct. 39. **With respect to such an exercise of authority, there is no question of international law, but solely of the purport of the municipal law which establishes the duties of the citizen in relation to his own government**. While the legislation of the Congress, unless the contrary intent appears, is construed to apply only within the territorial jurisdiction of the United States, the question of its application, so far as citizens of the United States in foreign countries are concerned, is one of [judicial] construction, not of legislative power. American Banana Co. v. United Fruit Co., 213 U.S. 347, 357 , 29 S. Ct. 511, 16 Ann. Cas. 1047; United States v. Bowman, supra; Robertson v. Labor Board, 268 U.S. 619, 622 , 45 S. Ct. 621. Nor can it be doubted that the United States possesses the power inherent in sovereignty to require the return to this country of a citizen, resident elsewhere, whenever the public interest requires it, and to penalize him in case of refusal. Compare Bartue and the Duchess of Suffolk's Case, 2 Dyer's Rep. 176b, 73 Eng. Rep. 388; Knowles v. Luce, Moore 109, 72 Eng. Rep. 473.4 What in England was the prerogative of the sovereign in this respect pertains under our constitutional system to the national authority which may be exercised by the Congress by virtue of the legislative power to prescribe

> the duties of the citizens of the United States. It is also beyond controversy that one of the duties which the citizen owes to his government is to support the administration of justice by attending its courts and giving his testimony whenever he is properly summoned. Blair v. United States, 250 U.S. 273, 281 , 39 S. St. Ct. 468. And the Congress may provide for the performance of this duty and prescribe penalties for disobedience. [Underline and bold emphasis added.] *Blackmer v. United States*, 284 U.S. 421, 436-438 (1932).

Firstly, the Constitution is devoid of reference to any class of Americans known as "citizens of the United States"[2] or mention, express or implied, of municipal law or any duties of any citizen. The only provisions of the Constitution that confer upon Congress legislative power to prescribe the duties of citizens are implied authorities, Art. I, § 8, cl. 17 and Art. IV, § 3, cl. 2, and only over citizen-residents of (what will become) the District of Columbia or one of the territories / possessions.

Secondly, the record of *Blackmer* and that of every other civil or criminal proceeding in every United States district court within the Union is devoid of competent evidence[3] that the defendant / respondent is a "citizen of the United States"—i.e., a citizen-resident of the District of Columbia, a municipal corporation, i.e., either physically resides in the District of Columbia or realizes earnings or owns real property or a business within the District of Columbia—only the presumption thereof, a denial of procedural due process of law.[4]

The judicial solution for these defects is to remain silent on the subject or ignore mention of the same by the defendant / respondent.

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[2] The origin of the class known as "citizens of the United States" is the Fourteenth Article of Amendment to the Constitution, § 1, created by Congress 79 years after implementation of the Constitution, March 4, 1789.

[3] *Non refert quid notum sit judici, si notum non sit in forma judici.* It matters not what is known to the judge, if it is not known to him judicially. John Bouvier, *Bouvier's Law Dictionary,* 3rd rev. (8th ed.), rev. by Francis Rawle (St. Paul, Minn.: West Publishing Co., 1914), p. 2150.

[4] This court has never treated a presumption as any form of evidence. *See, e.g., A.C. Aukerman Co. v. R.L. Chaides Constr. Co.,* 960 F.2d 1020, 1037 (Fed.Cir.1992) ("[A] presumption is not evidence."); *see also Del Vecchio v. Bowers,* 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935) ("[A presumption] cannot acquire the attribute of evidence in the claimant's favor."); *New York Life Ins. Co. v. Gamer,* 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) ("[A] presumption is not evidence and may not be given weight as evidence."). Although a decision of this court, *Jensen v. Brown,* 19 F.3d 1413, 1415 (Fed.Cir.1994), dealing with presumptions in VA law is cited for the contrary proposition, the *Jensen* court did not so decide. *Routen v. West,* 142 F.3d. 1434, 1439 C.A.Fed. (1998).

Notwithstanding the sufficiency of the foregoing as to the Order being void, as shown herein below, Keith P. Ellison has no constitutional authority to discharge or perform the duties of a judge of the United States—**whether the "United States" of the Constitution (as an Article III constitutional judge) or the "United States" of Title 28 U.S.C. Chapter 176 (as an Article I municipal judge)**—within the exterior limits of Texas: geographic area reserved exclusively for judges who have taken an oath or affirmation that conforms to all provisions, both mandatory and prohibitive, of Article VI, Clause 3 of the Constitution and acceded to "The judicial Power of the United States," Constitution, Art. III, § 1.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWER

The Constitution provides for the legislative power at Art. I, § 8, Art. III, § 3, cl. 2, and Art. IV, § 3, cl. 2; executive power at Art. II, § 1, cl. 1; and judicial power at Art. III, §§ 1 and 2.

Except for "a President of the United States of America," Constitution, Art. II, § 1, cl. 1, whose oath or affirmation is exacted by the Constitution at Art. II, § 1, cl. 8 thereof, all other prospective holders of an office or public trust, as the case may be, under the national government must, before they enter on their respective execution thereof, satisfy a statutory exaction that conforms with all provisions of Article VI, Section 3 of the Constitution, which provides (Underline emphasis added.):

> 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.

RELIGIOUS TEST OATHS

The religious-test prohibition of Article VI, Section 3 of the Constitution is an enshrinement of the principle of separation of church and state (later further memorialized in the Establishment Clause in the First Article of Amendment to the Constitution); to wit:

> When our Constitution was adopted, the desire to put the people "securely beyond the reach" of religious test oaths brought about the inclusion in Article VI of that document of a provision that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." Article VI supports the accuracy of our observation in *Girouard* v. *United States,* 328 U. S. 61, 69, that "[t]he test oath is abhorrent to our tradition." *Torcaso v. Watkins*, 367 U.S. 488, 491 (1961).

Whether their intended purpose be benign or sinister, religious test oaths are "notorious tools of tyranny" and "an abomination to the founders of this nation"; to wit:

> All that was forbidden [in Article VI, Clause 3 of the Constitution] was a "religious Test." . . .
>
> As we recently stated in *United States v. Ballard,* 322 U. S. 78, 322 U. S. 86, "Freedom of thought, which includes freedom of religious belief, is basic in a society of free men. *Board of Education v. Barnette,* 319 U. S. 624." The test oath is abhorrent to our tradition. . . . *Girouard v. United States*, 328 U. S. 61, 68-69 (1946).

> Painful awareness of the evils of thought espionage made such oaths [test oaths] "an abomination to the founders of this nation," *In re Summers*, 325 U. S. 561, 576, dissenting opinion. Whether religious, political, or both, test oaths are implacable foes of free thought. . . . *American Communications Assn. v. Douds*, 339 U.S. 382, 447 (1950). (Black, J., dissenting.)

> It cannot be denied, for example, that the religious test oath or the restrictions upon assembly then prevalent in England would have been regarded as measures which the Constitution prohibited the American Congress from passing. . . . *Bridges v. California*, 314 U.S. 252, 265 (1941).

> I concur in all the Court says in condemnation of Oklahoma's test oath. I agree that the State Act prescribing that test oath is fatally offensive to the due process guarantee of the United States Constitution.
>
> . . . Test oaths are notorious tools of tyranny. . . . *Wieman v. Updegraff*, 344 U.S. 183, 192-193 (1952). (Black, J. concurring.)

The key is whether a religious test oath is exacted by law (congressional statute) and therefore intrinsic to an oath or affirmation, or extrinsic thereto and therefore extraneous.

For example, the oath or affirmation of "a President of the United States of America," Constitution, Art. II, § 1, cl. 1, exacted by the Constitution at Art. II, § 1, cl. 8 thereof, conforms to both the mandate and express-prohibition provisions of Art. VI, § 3; to wit:

> Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Upon completion of the above oath, the taker, "a President of the United States of America," Constitution, Art. II, § 1, cl. 1, accedes to "The executive Power," *id.*, and enters on the execution of his office.

There are credible reports that at his first inauguration upon taking the above oath of office April 30, 1789, and acceding to "The executive Power," *id.*, the Republic's first president, George Washington, thereafter uttered the words "So help me God."[5]

At the time President Washington evidently summoned the help of God by way of religious invocation he had already satisfied the aforesaid constitutional exaction, acceded to "The executive Power," *id.*, and entered upon the execution of his office; the words subsequently spoken by him, "So help me God," were voluntary and extrinsic to the aforesaid oath or affirmation, amounting to nothing more than a personal prayer.

OATH OF OFFICE TAKEN BY KEITH P. ELLISON

As shown hereinabove, in this civil action the definition of the 28 U.S.C. Chapter 176, § 3002(15) term "United States," i.e., "a Federal corporation," means the District of Columbia, a municipal corporation.

Keith P. Ellison, on July 7, 1999,[6] receives his commission and sometime thereafter takes his oath of office, as found at 28 U.S.C. § 453 (62 Stat. 907, 104 Stat. 5124), which provides (Underline emphasis added.):

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[5] M. Riccards, *A Republic, If You Can Keep It: The Foundation of the American Presidency*, 1700-1800, pp. 73-74 (1987), quoted in *Elk Grove Unified School Dist. v. Newdow*, 543 U.S. 1 (2004).

[6] Federal Judicial Center, "Biographical Directory of Federal Judges," "Ellison, Keith P.," https://www.fjc.gov/history/judges/ellison-keith-p. (accessed September 19, 2017).

> § 453. Oaths of justices and judges
>
> 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."

"SO HELP ME GOD"

The words "So help me God," exacted of Keith P. Ellison by Congress at 28 U.S.C. § 453, are religious in nature; to wit:

> The fact that religious words are common to many faiths — or are used repeatedly — does not diminish their religious meaning. Neither the numbing effect of repetition nor the brevity of a prayer extinguishes the religious nature of words such as "help me God." *Newdow v. Roberts*, 603 F. 3d 1002 (D.C. Cir. 2010). (Kavanaugh, Cir. J., concurring.)

Because said religious words, i.e., "So help me God," are exacted by statute, Keith P. Ellison would have been barred from holding the office of United States district judge had he refused to utter them at the time of taking his oath of office; to wit:

> Clearly the Constitution permits the requirement of oaths by officeholders to uphold the Constitution itself. The obvious implication is that those unwilling to take such an oath are to be barred from public office. *American Communications Assn. v. Douds*, 339 U.S. 382, 414-415 (1950).

Wherefore, it is indisputable that the words "So help me God" in the 28 U.S.C. § 453 oath of office taken by Keith P. Ellison constitute a religious test required as a qualification to the office of United States district judge.

That the requirement of a religious test, such as "So help me God," as a qualification to "any Office or public Trust under the United States," Constitution, Art. VI, § 3, is expressly forbidden by Art. VI, § 3 of the Constitution, means that:

- The oath of office taken by Keith P. Ellison is insufficient for Keith P. Ellison to hold a judicial office under the organic "United States" of the Constitution; and

- Keith P. Ellison has never acceded to "The judicial Power of the United States," Constitution, Art. III, § 1, or entered on the execution of a judicial office under the organic "United States" of the Constitution.

JURISDICTION

The jurisdiction of judicial officers who have acceded to "The judicial Power of the United States," Constitution, Art. III, § 1, is co-extensive with the legislative power conferred upon Congress by the Constitution; 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*, 22 U.S. 738, 808 (1824).

The Constitution confers upon Congress limited legislative power throughout the Union and exclusive legislative power over the District of Columbia; 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).

A judge of the United States whose oath of office contains a religious test, such as the 28 U.S.C. § 453 oath of office taken by Keith P. Ellison: (a) has yet to take an oath or affirmation that conforms to both the mandate and express-prohibition provisions of Article VI, Section 3 of the Constitution, (b) has not acceded to "The judicial Power of the United States," Constitution, Art. III, § 1, (c) is not a judicial officer of the organic "United States" of the Constitution, and (d) has no authority to discharge or perform any judicial duty anywhere in the Union, *Chisholm*, *Osborn*, *Cohens*, *supra*.

CONSTITUTIONAL AUTHORITY

For Keith P. Ellison to be authorized to take jurisdiction, enter the Order, and enforce 26 U.S.C. § 7402(b) or 7604(a) against respondent in the geographic area occupied by the body politic of Texas, the Constitution must have given Keith P. Ellison the capacity to do so; to wit:

> As 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. Their concurrence is necessary to vest it. . . . It can be brought into activity in no other way. . . . *The Mayor v. Cooper*, 73 U.S. 247, 252 (1867).

That Titles 26 and 28 U.S.C. have supplied Keith P. Ellison with statutory authority to discharge or perform the duties of a United States district judge is not in question. What is in question, however, is whether there is a constitutional authority that gives Keith P. Ellison the capacity to take jurisdiction and discharge or perform such duties in Texas, *The Mayor*, *supra*.

Not having acceded to "The judicial Power of the United States," Constitution, Art. III, § 1, or entered on the execution of a judicial office under the organic "United States" of the Constitution for failure to have taken an oath or affirmation that conforms to both the mandate and express-prohibition provisions of the Constitution: **There is no provision of the Constitution that gives Keith P. Ellison the capacity to discharge or perform any judicial duty anywhere in the Union**, *Chisholm*, *Osborn*, *Cohens*, *The Mayor*, *supra*, in places like the geographic area occupied by the body politic of Texas.

The same, however, is not true for the District of Columbia: In the territory occupied by the body politic of the District of Columbia, a municipal corporation, Congress enjoy power of exclusive legislation, Constitution, Art. I, § 8, cl. 17, and are free to require as a qualification to any judicial office of said municipality, any religious test in any oath of office they desire, such as "So help me God" in the 28 U.S.C. § 453 oath of office.

Wherefore, Art. I, § 8, cl. 17 of the Constitution gives a judge of the United States (the District of Columbia, a municipal corporation) the capacity to take jurisdiction and enforce the statutes of Congress despite the requirement of a religious test as a qualification to such judgeship, **but only in the geographic area comprehended by the constitutional provision that authorizes such oath of office: the District of Columbia, a municipal corporation**.

Whereas, Texas is situate without the District of Columbia, Keith P. Ellison is bereft of constitutional authority to discharge or perform any judicial act in any judicial district in Texas.

SUMMARY

The 28 U.S.C. § 453 oath of office for justices and judges of the United States requires that the taker swear an oath invoking the help of God, *Newdow*, *supra*, page 9.

By installing the religious test "So help me God" in the 28 U.S.C. § 453 oath of office, Congress deliberately foreclosed every prospective justice or judge taking it from acceding to "The judicial Power of the United States," Constitution, Art. III, § 1.

We know from the Supreme Court in *Abington School Dist. v. Schempp*, 374 U.S. 203, 220 (1963) that **the religious test in the 28 U.S.C. § 453 oath of office is biased toward those religions based on a belief in the existence of God as against those religions founded on different beliefs**; to wit:

> And MR. JUSTICE BLACK for the Court in Torcaso, without dissent but with Justices Frankfurter and HARLAN concurring in the result, used this language:
>
> > "We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs." 367 U.S., at 495 . [*sic*]

For the reason cited above in *Abington School Dist.*—and that reason alone—the judiciary should have struck down 28 U.S.C. § 453 at inception for failure to conform with the express-prohibition provision of Article VI, Section 3 of the Constitution concerning religious tests; to wit:

> The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. . . . *Id.* at 226.

That justices and judges of the United States (the District of Columbia, a municipal corporation) are unanimously behind a religious test oath for their respective office means they are all aware that they are ineligible to accede to "The judicial Power of the United States," Constitution, Art. III, § 1, or hold a judicial office under the "United States" of the Constitution.

Investigation reveals that the oath of office of every congressman and executive and judicial officer of what people believe is the general government of the Republic, requires the same religious test, "So help me God," as a qualification to each respective office.

This means that except for the "President of the United States of America," Constitution, Art. II, § 1, cl. 1:

- No congressman or executive or judicial officer of what people believe is the general government of the Republic, has acceded to the legislative, executive, or judicial power of the "United States" of the Constitution;
- All congressman and executive and judicial officers of what people believe is the general government of the Republic are:

- actually employed by the District of Columbia, a municipal corporation, also known as the United States (28 U.S.C. § 3002(15)); and
- part of the same branch of government, the legislative branch, and all such executive and judicial officers are under the exclusive control of Congress and there is no separation of powers; and

• The only provision of the Constitution to which those working for the District of Columbia, a municipal corporation, owe their support by way of oath of office is Art. I, § 8, cl. 17, the authority by which Congress created it (fn. 1, p. 3, *supra*).

CONCLUSION

There is no evidence that Keith P. Ellison has acceded to "The judicial Power of the United States," Constitution, Art. III, § 1, nor any provision of the Constitution that gives Keith P. Ellison the capacity to take jurisdiction or enter the Order within the exterior limits of Texas.

Whereas, constitutional authority is required for every judicial act taken by every judicial officer of the United States in the geographic area occupied by the body politic of Texas, *The Mayor*, *supra*, page 11, the Order is void for Keith P. Ellison's lack of constitutional authority to enter it and respondent is entitled to relief therefrom.

Wherefore, respondent respectfully moves the Court that the Court relieve respondent of the Order.

Date: September 25, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2017, I served a complete copy of MOTION FOR RELIEF FROM ORDER (60b4) by First Class mail on the following parties:

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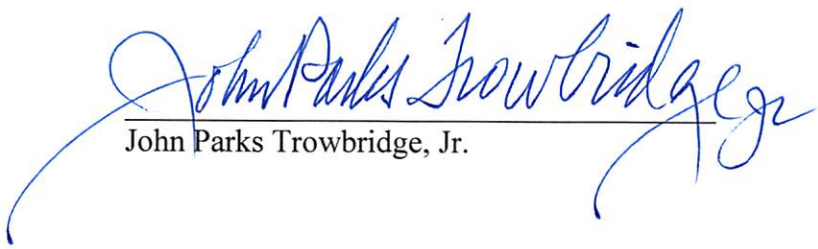

John Parks Trowbridge, Jr.