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**UNITED STATES DISTRICT
COURT NORTHERN DISTRICT
OF ILLINOIS EASTERN
DIVISION**

FILED
July 18, 2012
JUL 18 2012

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

Sharon Alicia Burke Anzaldi

Petitioner

No. 12 C 02987
No. 11 CR 0820
No. 11 CR 00820

vs.

Rachel Marie Cannon,
Judge Jeffery Cole,
Judge Jeffery Gilbert
Unidentified Kidnapper
David White,
Nick Zagotta

Defendants

**STATE OF ILLINOIS
Fictitious Foreign State**

**JUDGE Milton I. Shadur
JUDGE Harry Leinenweber**

**JUDICIAL NOTICE AND ANSWER TO MEMORANDUM
NOTICE TO THE ADMINISTRATIVE COURT
ALL COURTS ARE OPERATING UNDER
(1) *TRADING WITH THE ENEMY ACT* AS CODIFIED IN
TITLE 50 USC,
(2) TITLE 28 USC, CHAPTER 176, *FEDERAL DEBT
COLLECTION PROCEDURE*, AND
(3) FED.R.CIV.P. 4(j) UNDER TITLE 28 USC §1608, MAKING
THE COURTS "FOREIGN STATES" TO THE PEOPLE BY CONGRES-
SIONAL MANDATE**

"IT IS THE DUTY OF THE COURT TO DECLARE THE MEANING OF WHAT IS WRITTEN, AND NOT WHAT WAS INTENDED TO BE WRITTEN. J.W. Seavey Hop Corp. v. Pollock, 20 Wn.2d 337,348-49, 147 P.2d 310 (1944), cited with approval in Berg v. Hudesman, 115 Wn2d at 669.

COMES NOW, Petitioner, Sharon Alicia Burke Anzaldi, giving JUDICIAL NOTICE, that the Defendant(s) Rachael Marie Cannon, Judge Jeffery Cole, Judge Jeffery Gilbert, Unidentified Kidnapper, David White, and Nick Zagotta, lacked jurisdiction to convict, hear or bring any case against this Petitioner under Federal Rules of Civil Procedure 4(j), 12(b) (1), (2), (3), (6) as well as the 4th, 5th, 9th, 10th, 11th and 14th amendments of the Constitution, whereby Petitioner is not subject to a Foreign State.

ISSUE ONE:

OATH OF OFFICE MAKES PUBLIC OFFICIALS "FOREIGN"

1. Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch, including Court Officials, Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, and etc., before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with Title 5 USC, Sec. §3331, "Oath of office." State Officials are also required to meet this same obligation, according to State Constitutions and State statutory law.
2. All oaths of office come under 22 CFR, Foreign Relations, Sections §§92.12 - 92.30, and all who hold public office come under Title 8 USC, Section §1481 "Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions."
3. Under Title 22 USC, Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle.
4. The Oath of Office requires the public official in his / her foreign state

capacity to uphold the constitutional form of government or face consequences.

Title 10 USC, Sec. §333, "Interference with State and Federal law"
The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

5. Such willful action, while serving in official capacity, violates Title 18 USC, Section §1918:

Title 18 USC, Section §1918 "Disloyalty and asserting the right to strike against the government"

Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

shall be fined under this title or imprisoned not more than one year and a day, or both.

and also deprives claimants of "honest services:

Title 18, Section §1346. Definition of "scheme or artifice to defraud"

"For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

and the treaties that placed your public offices in that foreign state under international law and under the United Nation jurisdiction

49 Stat. 3097; Treaty Series 881 CONVENTION ON RIGHTS AND DUTIES OF STATES

1945 IOIA –That the International Organizations Act of December 29, 1945 (59 Stat. 669; Title 22, Sections 288 to 2886 U.S.C.) the US relinquished every office

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101

The term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states

**ISSUE TWO:
JUDGE SERVES AS A DEBT COLLECTOR**

6. Judges hold public office under Title 28 USC, Chapter 176, Federal Debt Collection Procedure:

*Title 28, Chapter 176, Federal Debt Collection Procedure, Section §3002
As used in this chapter:*

*(2) "Court" means any court created by the Congress of the United States, excluding the United States Tax Court. (3) "Debt" means—
(A) an amount that is owing to the United States on account of a direct loan, or loan insured or guaranteed, by the United States; or (B) an amount that is owing to the United States on account of a fee, duty, lease, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond forfeiture, reimbursement, recovery of a cost incurred by the United States, or other source of indebtedness to the United States, but that is not owing under the terms of a contract originally entered into by only persons other than the United States;*

*(8) "Judgment" means a judgment, order, or decree entered in favor of the United States in a court and arising from a civil or criminal proceeding regarding a debt. (15) "United States" means—
(A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the United States; or (C) an instrumentality of the United States.*

Title 22 USC, Sec. §286. "Acceptance of membership by United States in International Monetary Fund," states the following:

The President is hereby authorized to accept membership for the United States in the International Monetary Fund (hereinafter referred to as the "Fund"), and in the International Bank for Reconstruction and Development (hereinafter referred to as the "Bank"), provided for by the

Articles of Agreement of the Fund and the Articles of Agreement of the Bank as set forth in the Final Act of the United Nations Monetary and Financial Conference dated July 22, 1944, and deposited in the archives of the Department of State.

8. Title 22 USC, Sec. § 286e-13, "Approval of fund pledge to sell gold to provide resources for Reserve Account of Enhanced Structural Adjustment Facility Trust," states the following:

The Secretary of the Treasury is authorized to instruct the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.

**ISSUE THREE:
NO IMMUNITY UNDER "COMMERCE"**

9. All immunity of the United States, and all liability of States, instrumentalities of States, and State officials have been waived under commerce, according to the following US Codes:

Title 15 USC, Commerce, Sec. §1122, "Liability of States, instrumentalities of States, and State officials"

(a) Waiver of sovereign immunity by the United States. The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this Act. (b) Waiver of sovereign immunity by States. Any State, instrumentality of a State or any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this Act.

Title 42 USC, Sec. §12202, "State immunity"

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter,

remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State

Title 42 USC, Sec. §2000d-7, "Civil rights remedies equalization"

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance. (2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

10. The Administrative Procedure Act of 1946 gives immunity in Administrative Court to the Administrative Law Judge (ALJ) only when an action is brought by the people against a public, agency or corporate official / department. Under Title 5 USC, Commerce, public offices or officials can be sanctioned.

Title 5, USC, Sec. §551:

*(10) "sanction" includes the whole or a part of an agency—
(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;(B) withholding of relief;(C) imposition of penalty or fine;(D) destruction, taking, seizure, or withholding of property;(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;(F) requirement, revocation, or suspension of a license; or
(G) taking other compulsory or restrictive action;*

11. Justice is required to be BLIND while holding a SET OF SCALES and a TWO-EDGED SWORD. This symbolizes true justice. The Administrative Procedure Act of 1946 (60 stat 237) would allow the sword to cut in either direction and give the judge immunity by holding his own court office accountable for honest service fraud, obstruction of justice, false statements, malicious prosecution and fraud placed upon the court. Any willful intent to uncover the EYES OF JUSTICE or TILT THE SCALES

is a willful intent to deny Due Process, which violates Title 18 USC §1346, "Scheme or Artifice to Defraud," by perpetrating a scheme or artifice to deprive another of the intangible right of honest services. This is considered fraud and an overthrow of a constitutional form of government and the person depriving the honest service can be held accountable and face punishment under Title 18 USC and Title 42 USC and violates Title 28 USC judicial procedures.

12. Both Title 18 USC, Crime and Criminal Procedure, and Title 42 USC, Public Health and Welfare, allow the Petitioner to bring an action against the United States and/or the State agencies, departments, and employees for civil rights violations while dealing in commerce. Title 10 places all public officials under this Title 10 section 333 while under a state of emergency. (Declare or undeclared War this fall under TWEA.)

ISSUE FOUR: COURTS OPERATING UNDER WAR POWERS ACT

13. The Courts are operating under the Emergency War Powers Act. The country has been under a declared "state of emergency" for the past 70 years resulting in the Constitution being suspended (See Title 50 USC Appendix - Trading with the Enemy Act of 1917). The Courts have been misusing Title 50 USC, Sec. §23, "Jurisdiction of United States courts and judges," which provides for criminal jurisdiction over an "**enemy of the state**," whereas, Petitioner comes under Title 50 USC Appendix Application Sec. §21, "**Claims of naturalized citizens as affected by expatriation**" which states the following:

*The claim of any naturalized American citizen under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] shall not be denied **on the ground of any presumption of expatriation** which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.*

14. 15 Statutes at Large, Chapter 249 (section 1), enacted July 27 1868, states the following:

PREAMBLE - Rights of American citizens in foreign states.

WHEREAS the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed.

SECTION I - Right of expatriation declared.

THEREFORE, Be it enacted by the Senate of the and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

SECTION II - Protection to naturalized citizens in foreign states.

And it is further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native born citizens in like situations and circumstances. SECTION III - Release of citizens imprisoned by foreign governments to be demanded.

And it is further enacted, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in the violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

Approved, July 27, 1868

15. The Courts and the States are enforcing the following code on American nationals: Title 50 USC Appendix App, Trading, Act, Sec. §4, "Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States," as a result of

the passage of The Amendatory Act of March 9, 1933 to Title 50 USC, Trading with the Enemy Act Public Law No. 65-91 (40 Stat. L. 411) October 6, 1917. The original Trading with the Enemy Act **excluded** the people of the United States from being classified as the enemy when involved in transactions wholly within the United States. The Amendatory Act of March 9, 1933, however, **included the people of the United States as the enemy**, by incorporating the following language into the Trading With The Enemy Act: "**by any person within the United States.**" The abuses perpetrated upon the American people are the result of Title 50 USC, Trading With The Enemy Act, which turned the American people into "enemy of the state."

**ISSUE FIVE:
LANGUAGE NOT CLARIFIED**

16. Clarification of language:
the State of Illinois has failed to state the meaning or clarify the definition of words. The Petitioner places before the Court legal definitions and terms, along with NOTICE OF FOREIGN STATE STATUS OF THE COURT. This court, pursuant to the Federal Rules of Civil Procedure (FRCP) Rule 4(j), is, in fact and at law, a FOREIGN STATE as defined in Title 28 USC §1602, et. seq., the FOREIGN SOVEREIGN IMMUNITIES ACT of 1976, Pub. L. 94-583 (hereafter FSIA), and, therefore, lacks jurisdiction in the above captioned case. The above-mentioned "real party in interest" hereby demands full disclosure of the true and limited jurisdiction of this court. Any such failure violates 18 USC §1001, §1505, and §2331. This now violates the PATRIOT ACT, Section 800, Domestic terrorism.

17. There are three different and distinct forms of the "**United States**" as revealed by this case law:
"The high Court confirmed that the term "United States" can and does mean three completely different things, depending on the context."
Hooven & Allison Co. vs. Evatt, 324 U.S. 652 (1945) & *United States v. Cruikshank*, 92 U.S. 542 (1876) & *United States v. Bevans*, 16 U.S. 3 Wheat. 336 336 (1818)

The Court and its officers have failed to state which United States they represent, since they can represent only one, and it's under Federal Debt Collection Procedure, as a corporation, the United States has no jurisdiction over the Petitioner. As an American national and as a belligerent claimant, Petitioner hereby asserts the right of immunity inherent in the 11th amendment: "*The judicial power shall not be construed*

to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens of any Foreign State." This court, by definition is a FOREIGN STATE, and is misusing the name of this Sovereign American by placing Petitioner's name in all capital letters, as well as by using Petitioner's last name to construe Petitioner erroneously, as a "person" which is a "term of art" meaning: *a creature of the law, an artificial being, and a CORPORATION or ens legis:*

"Ens Legis. L. Lat. A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law." —Blacks Law Dictionary, 4th Edition, 1951.

18. All complaints and suits against such CORPORATION, or *ens legis*, fall under the aforementioned FSIA and service of process must therefore be made by the clerk of the court, under Section 1608(a)(4) of Title 28 USC, 63 Stat. 111, as amended (22 U.S.C. 2658) [42 FR 6367, Feb. 2, 1977, as amended at 63 FR 16687, Apr. 6, 1998], to the Director of the Office of Special Consular Services in the Bureau of Consular Affairs, Department of State, in Washington, D.C., exclusively, pursuant to 22 CFR §93.1 and §93.2. A copy of the FSIA must be filed with the complaint along with "a certified copy of the diplomatic note of transmittal," and, "the certification shall state the date and place the documents were delivered." The foregoing must be served upon the Chief Executive Officer and upon the Registered Agent of the designated CORPORATION or FOREIGN STATE.

19. MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of FOREIGN STATE, and under all related definitions below. Said jurisdiction lies with the "district court of the United States," established by Congress in the states under Article III of the Constitution, which are "constitutional courts" and do not include the territorial courts created under Article IV, Section 3, Clause 2, which are "legislative" courts. *Hornbuckle v. Toombs*, 85 U.S. 648, 21 L.Ed. 966 (1873), (See Title 28 USC, Rule 1101), exclusively, under the FSIA Statutes pursuant to 28 USC §1330.

20. It is an undisputed, conclusive presumption that the above-mentioned real party in interest is a not a CORPORATION, and, further, is not registered with any Secretary of State as a CORPORATION. Pursuant to Rule 12(b)(6), the Prosecuting Attorney has failed to state a claim for which relief can be granted to the Petitioner. This is a FATAL DEFECT, and, therefore, the instant case and all related matters must be DISMISSED WITH PREJUDICE for lack of *in personam*, territorial, and subject matter

jurisdiction, as well as for improper Venue, as well as pursuant to the 11th amendment Foreign State Immunity.

21. Moreover, the process in the above-captioned case is not "regular on its face."

Regular on its Face -- "Process is said to be "regular on its face" when it proceeds from the court, officer, or body having authority of law to issue process of that nature, and which is legal in form, and contains nothing to notify, or fairly apprise any one that it is issued without authority."

TABLE OF DEFINITIONS

Foreign Court The courts of a foreign state or nation. In the United States, this term is frequently applied to the courts of one of the States when their judgment or records are introduced in the courts of another.

Foreign jurisdiction Any jurisdiction foreign to that of the forum; e.g., a sister state or another country. Also, the exercise by a state or nation jurisdiction beyond its own territory. Long-arm service of process is a form of such foreign or extraterritorial jurisdiction

Foreign laws The laws of a foreign country, or of a sister state. In conflicts of law, the legal principles of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called "*jus receptum*." **Foreign corporation** A corporation doing business in one State though chartered or incorporated in another state is a foreign corporation as to the first state, and, as such, is required to consent to certain conditions and restrictions in order to do business in such first state. Under federal tax laws, a foreign corporation is one which is not organized under the law of one of the States or Territories of the United States. I.R.C. § 7701 (a) (5). Service of process on foreign corporation is governed by the Fed. R. Civ. P. 4 See also Corporation.

Foreign service of process Service of process for the acquisition of jurisdiction by a court in the United States upon a person in a foreign country is prescribed by Fed R. Civ. P. 4 (i) and 28 U.S.C.A. § 1608. Service of process on foreign corporations is governed by Fed. R. Civ. P. 4(d) (3).

Foreign states Nations which are outside the United States. Term may also refer to another state; i.e. a sister state. **Foreign immunity** With respect to jurisdictional immunity of foreign states, see 28 USC, Sec. §1602 *et seq.* Title 8 USC, Chapter 12, Subchapter I, Sec. §1101(14) The term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

Profiteering Taking advantage of unusual or exceptional circumstance to make excessive profit; e.g. selling of scarce or essential goods at inflated price during time of emergency or war. **Person** In general usage, a human being (i.e. natural person) though by statute the term may include a firm, labor organizations, partnerships, associations, corporations, legal representative, trusts, trustees in bankruptcy, or receivers. National Labor Relations Act, §2(1). **Definition of the term "person"** under Title 26, Subtitle F, Chapter 75, Subchapter D, Sec. Sec. §7343 The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs. A **corporation** is a "person" within the meaning of equal protection and due process provisions of the United States Constitution. **Tertius interveniens** A third party intervening; a third party who comes between the parties to a suit; one who interpleads. Gilbert's Forum Romanum. 47. **Writ of error Coram nobis** A common-law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact, for which it was statutes provides no other remedy, which fact did not appear of record, or was unknown to the court when judgment was pronounced, and which, if known would have prevented the judgment, and which was unknown, and could of reasonable diligence in time to have been otherwise presented to the court, unless he was prevented from so presenting them by duress, fear, or other sufficient cause."A writ of error **Coram nobis** is a common-law writ of ancient origin devised by the judiciary, which constitutes a remedy for setting aside a judgment which for a valid reason should never have been rendered." 24 C.J.S., Criminal Law. § 1610 (2004)."The principal function of the **writ of error Coram nobis** is to afford to the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered, and which could not have been presented by a motion for a new trial, appeal or other existing statutory proceeding." Black's Law Dictionary., 3rd ed., p. 1861; 24 C.J.S., Criminal Law, § 1606 b., p. 145; *Ford v. Commonwealth*, 312 Ky. 718, 229 S.W.2d [HYPERLINK "http://470.at/" 470.At](http://470.at/) common law in England, it issued from the Court of Kings Bench to a judgment of that court. Its principal aim is to afford the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered. It is also said that at common law it lay to correct purely ministerial errors of the officers of the court. Furthermore, the above-mentioned "real party in interest" demands the strict adherence to Article IV, section one of the National Constitution so that in all matters before this court, the Full Faith and

Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State; and to Article IV of the Articles of Confederation, still in force pursuant to Article VI of the National Constitution, so that "Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State," selective incorporation notwithstanding. The *lex domicilii* shall also depend upon the Natural Domicile of the above-mentioned "real party in interest." The *lex domicilii*, involves the "law of the domicile" in the Conflict of Laws. Conflict is the branch of public law regulating all lawsuits involving a "foreign" law element where a difference in result will occur depending on which laws are applied.

DECLARATION OF STATUS AND RIGHT OF AVOIDANCE

The above-mentioned "real party in interest" hereby declares the status of a "foreign state" as defined in 28 USC 1331(b)(1), as "a separate legal person, corporate or otherwise," (in the instant case, "otherwise"), (b)(2), "an organ (a vital part) of a foreign state" and (b)(3), "neither a citizen of a State of the United States as defined in section 1332(c)" (a corporation, an insurer, or the legal representative of a decedent, an infant or an incompetent), "nor created under the laws of any third country." Furthermore, the above-mentioned "real party in interest" is not an artificial, corporate "person" as defined and created by PUBLIC STATUTES, and is not a juristic person which may be "affected" by PUBLIC STATUTES; but, is invested with and bears the status, condition and character of "a sovereign without subjects." The above-mentioned "real party in interest" is always and at all times present in his [her] "asylum home state," which is "the common case of the place of birth, *domicilium originis*," also referred to as Natural Domicile, which is "the same as domicile of origin or domicile by birth," (See *Johnson v. Twenty-One Bales*, 13 Fed.Cas. 863; Black's Law Dictionary, 4th edition), which is the source and the seat of his [her] sovereignty and immunity. Accordingly, the above-mentioned "real party in interest" exercises his [her] Right of Avoidance and hereby rejects the offered commercial venture and declines to fuse with or to animate the above-mentioned Defendant in Error, or to stand as STRAWMAN [PERSON], which is defined in Barron's Law Dictionary, 4th edition, (1996), as "a term referred to in commercial and property contexts when a transfer is made to a third party, the strawman [person], simply for the purpose of retransferring to the transferrer in order to accomplish some purpose not otherwise permitted," *i.e.*, obtaining jurisdiction over the above-mentioned "real party in interest" or relying upon the rebuttable presumption that the above-mentioned "real party in interest" is a corporation. The definition also

contains the admonition to "See dummy," which, at that entry is therein defined as "a strawman; a sham." The above-mentioned party is, NOT a strawman, NOT a sham, and is certainly NOT a dummy. This DECLARATION OF STATUS constitutes a conclusive presumption, of which the court is bound to take NOTICE, that the "real party in interest" is NOT a corporation; and, the court can exercise no jurisdiction whatsoever over the "real party in interest" or in the above-captioned case, but is duty-bound according to the due process of the law, to which the above-mentioned "real party in interest" is a belligerent claimant, and by the Rule of Law to DISMISS [OR REVERSE] it.

TABLE OF AUTHORITIES – PERSON

"This word 'person' and its scope and bearing in the law, involving, as it does, legal fictions and also apparently natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all the phases of its proper use . . . A person is here not a physical or individual person, but the status or condition with which he is invested . . . not an individual or physical person, but the status, condition or character borne by physical persons . . . The law of persons is the law of status or condition." -- American Law and Procedure, Vol. 13, page 137, 1910.

The following case citation declares the undisputed distinction in fact and at law of the distinction between the term "persons," which is the plural form of the term "person," and the word "People" which is NOT the plural form of the term "person." The above-mentioned "real party in interest" is NOT a subordinate "person," "subject," or "agent," but is a "constituent," in whom sovereignty abides, a member of the "Posterity of We, the People," in whom sovereignty resides, and from whom the government has emanated: "The sovereignty of a state does not reside in the **persons** who fill the different departments of its government, but in the **People**, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government." (Persons are not People).--*Spooner v. McConnell*, 22 F 939, 943: "Our government is founded upon compact. Sovereignty was, and is, in the people" -- *Glass v. Sloop Betsey*, supreme Court, 1794. "People of a state are entitled to all rights which formerly belong to the King, by his prerogative." --supreme Court, *Lansing v. Smith*, 1829. "The United States, as a whole, emanates from the people ... The people, in their capacity as sovereigns, made and adopted the Constitution ..." --supreme Court, 4 Wheat 402. "The governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they

have delegated and entrust to whom they please. ... The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure." --*Luther v. Borden*, 48 US 1, 12 LEd 581. "While sovereign powers are delegated to ... the government, sovereignty itself remains with the people" -- *Yick Wo v. Hopkins*, 118 U.S. 356, page 370. "There is no such thing as a power of inherent sovereignty in the government of the United States In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." -- *Julliard v. Greenman*, 110 U.S. 421. "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it." -- *Wilson v. Omaha Indian Tribe* 442 US 653, 667 (1979). "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it." -- *U.S. v. Cooper*, 312 US 600,604, 61 SCt 742 (1941). "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so." -- *U.S. v. United Mine Workers of America*, 330 U.S. 258, 67 SCt 677 (1947). "Since in common usage, the term 'person' does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." -- *US v. Fox* 94 US 315. "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign." -- *U.S. v. General Motors Corporation*, D.C. Ill, 2 F.R.D. 528, 530: The following two case citations declare the undisputed doctrine, in fact and at law, that the word (term of art) "person" is a "general word," and that the "people," of whom the above-mentioned "real party in interest" is one, "are NOT bound by general words in statutes." Therefore, statutes do not apply to, operate upon or affect the above-mentioned "real party in interest:" **"The word `person' in legal terminology is perceived as a general word** which normally includes in its scope a variety of entities other than human beings., --*Church of Scientology v. US Department of Justice* 612 F2d 417, 425 (1979). **"The people, or sovereign are not bound by general words in statutes**, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign ... It is a maxim of the common law, that when an act is made for the common good and to prevent injury, the King shall be bound, though not named, but when a statute is general and prerogative right would be divested or taken from the King (or the People) he shall not be bound." -- *The People v. Herkimer*, 4 Cowen (NY) 345, 348 (1825): "In the United States, sovereignty resides in

people." --*Perry v. U.S.* (294 US 330). "A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends." --*Kawananakoa v. Polyblank*, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).

TABLE OF AUTHORITIES—LACK OF SUBJECT MATTER JURISDICTION

In a court of limited jurisdiction, whenever a party denies that the court has subject-matter jurisdiction, it becomes the duty and the burden of the party claiming that the court has subject matter jurisdiction to provide evidence from the record of the case that the court holds subject-matter jurisdiction. *Bindell v City of Harvey*, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) ("the burden of proving jurisdiction rests upon the party asserting it."). Until the plaintiff submits uncontroversial evidence of subject-matter jurisdiction to the court that the court has subject-matter jurisdiction, the court is proceeding without subject-matter jurisdiction. *Loos v American Energy Savers, Inc.*, 168 Ill.App.3d 558, 522 N.E.2d 841(1988)("Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."). The law places the duty and burden of subject-matter jurisdiction upon the plaintiff. Should the court attempt to place the burden upon the defendant, the court has acted against the law, violates the defendant's due process rights, and the judge under court decisions has immediately lost subject-matter jurisdiction. In a court of limited jurisdiction, the court must proceed exactly according to the law or statute under which it operates. *Flake v Pretzel*, 381 Ill. 498, 46 N.E.2d 375 (1943) ("the actions, being statutory proceedings, ...were void for want of power to make them.") ("The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void."); *Armstrong v Obucino*, 300 Ill. 140, 143, 133 N.E. 58 (1921) ("The doctrine that where a court has once acquired jurisdiction it has a right to decide every question which arises in the cause, and its judgment or decree, however erroneous, cannot be collaterally assailed, is only correct when the court proceeds according to the established modes governing the class to which the case belongs and does not transcend in the extent and character of its judgment or decree the law or statute which is applicable to it." *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Where a court's power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the

strictures of the statute."); *In re Marriage of Milliken*, 199 Ill.App.3d 813, 557 N.E.2d 591 (1st Dist. 1990) ("The jurisdiction of a court in a dissolution proceeding is limited to that conferred by statute."); *Vulcan Materials Co. v. Bee Const. Co., Inc.*, 101 Ill.App.3d 30, 40, 427 N.E.2d 797 (1st Dist. 1981) ("Though a court be one of general jurisdiction, when its power to act on a particular matter is controlled by statute, the court is governed by the rules of limited jurisdiction."). "There is no discretion to ignore that lack of jurisdiction." *Joyce v. US*, 474 F2d 215. "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." *In Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon*, 187 P 27. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409. "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." *Wuest v. Wuest*, 127 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." *Merritt v. Hunter*, C.A. Kansas 170 F2d 739. "the fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." *Monroe v. Papa*, DC, Ill. 1963, 221 F Supp 685. "Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter." See *McNutt v. GMAC*, 298 US 178. The origins of this doctrine of law may be found in *Maxfield's Lessee v. Levy*, 4 US 308. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409. "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the

action." *Melo v. US*, 505 F2d 1026. "The law provides that once State and Federal jurisdiction has been challenged, it must be proven." --*Main v. Thiboutot*, 100 S. Ct. 2502 (1980). "Once jurisdiction is challenged, it must be proven." --*Hagens v. Lavine*, 415 U.S. 533. "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack." --*Thompson v. Tolmie*, 2 Pet. 157, 7 L.Ed. 381; *Griffith v. Frazier*, 8 Cr. 9, 3L. Ed. 471. "No sanctions can be imposed absent proof of jurisdiction." --*Standard v. Olsen*, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558 (b). "The proponent of the rule has the burden of proof." --Title 5 U.S.C., Sec. 556 (d). "Jurisdiction can be challenged at any time, even on final determination." --*Basso v. Utah Power & Light Co.*, 495 2nd 906 at 910. "Mere good faith assertions of power and authority (jurisdiction) have been abolished." --*Owens v. The City of Independence*, "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." --*Wuest v. Wuest*, 127 P2d 934, 937. "In a court of limited jurisdiction, whenever a party denies that the court has subject-matter jurisdiction, it becomes the duty and the burden of the party claiming that the court has subject matter jurisdiction to provide evidence from the record of the case that the court holds subject-matter jurisdiction." --*Bindell v City of Harvey*, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) ("the burden of proving jurisdiction rests upon the party asserting it."). "Until the plaintiff submits uncontroversial evidence of subject-matter jurisdiction to the court that the court has subject-matter jurisdiction, the court is proceeding without subject-matter jurisdiction." --*Loos v American Energy Savers, Inc.*, 168 Ill.App. 3d 558, 522 N.E.2d 841(1988)("Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."). The law places the duty and burden of subject-matter jurisdiction upon the plaintiff. Should the court attempt to place the burden upon the defendant, the court has acted against the law, violates the defendant's due process rights, and the judge under court decisions has immediately lost subject-matter jurisdiction. In a court of limited jurisdiction, the court must proceed exactly according to the law or statute under which it operates. --*Flake v Pretzel*, 381 Ill. 498, 46 N.E.2d 375 (1943) ("the actions, being statutory proceedings, ...were void for want of power to make them.") ("The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void."); *Armstrong v Obuci-*

no, 300 Ill. 140, 143, 133 N.E. 58 (1921) "The doctrine that where a court has once acquired jurisdiction it has a right to decide every question which arises in the cause, and its judgment or decree, however erroneous, cannot be collaterally assailed, is only correct when the court proceeds according to the established modes governing the class to which the case belongs and does not transcend in the extent and character of its judgment or decree the law or statute which is applicable to it." *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Where a court's power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the strictures of the statute."); *In re Marriage of Milliken*, 199 Ill.App.3d 813, 557 N.E.2d 591 (1st Dist. 1990) ("The jurisdiction of a court in a dissolution proceeding is limited to that conferred by statute."); *Vulcan Materials Co. v. Bee Const. Co., Inc.*, 101 Ill.App.3d 30, 40, 427 N.E.2d 797 (1st Dist. 1981) ("Though a court be one of general jurisdiction, when its power to act on a particular matter is controlled by statute, the court is governed by the rules of limited jurisdiction.").

TABLE OF AUTHORITIES – LACK OF JUDICIAL IMMUNITY

Thus, neither Judges nor Government attorneys are above the law. See *United States v. Isaacs*, 493 F. 2d 1124, 1143 (7th Cir. 1974). In our judicial system, few more serious threats to individual liberty can be imagined than a corrupt judge or judges acting in collusion outside of their judicial authority with the Executive Branch to deprive a citizen of his rights. In *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (K.B. 1613), Sir Edward Coke found that Article 39 of the Magna Carta restricted the power of judges to act outside of their jurisdiction such proceedings would be void, and actionable.

When a Court has (a) jurisdiction of the cause, and proceeds *inverso ordine* or erroneously, there the party who sues, or the officer or minister of the Court who executes the precept or process of the Court, no action lies against them. But (b) when the Court has not jurisdiction of the cause, there the whole proceeding is before a person who is not a judge, and actions will lie against them without any regard of the precept or process . . . Id. 77 Eng. Rep. at 1038-41.

A majority of states including Virginia (see, Va. Code §8.01-195.3(3)), followed the English rule to find that a judge had no immunity from suit for acts outside of his judicial capacity or jurisdiction. Robert Craig Waters, 'Liability of Judicial Officers under Section 1983' 79 Yale L. J. (December 1969), pp. 326-27 and 29-30).

Also as early as 1806, in the United States there were recognized restrictions on the power of judges, as well as the placing of liability on judges for acts outside of their jurisdiction. In *Wise v. Withers*, 7 U.S. (3 Cranch) 331 (1806), the Supreme Court confirmed the right to sue a judge for exercising authority beyond the jurisdiction authorized by statute.

In *Stump v. Sparkman*, 435 U.S. 349 at 360 (1978), the Supreme Court confirmed that a judge would be immune from suit only if he did not act outside of his judicial capacity and/or was not performing any act expressly prohibited by statute. See Block, *Stump v. Sparkman* and the History of Judicial Immunity, 4980 Duke L.J. 879 (1980). The Circuit Court overturned this case and the judge was liable.

Judicial immunity may only extend to all judicial acts within the court's jurisdiction and judicial capacity, but it does not extend to either criminal acts, or acts outside of official capacity or in the 'clear absence of all jurisdiction.' see *Stump v. Sparkman* 435 U.S. 349 (1978). "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid Constitutional provisions or valid statutes expressly depriving him of jurisdiction or judicial capacity, judicial immunity is lost." --*Rankin v. Howard* 633 F.2d 844 (1980), *Den Zeller v. Rankin*, 101 S.Ct. 2020 (1981).

As stated by the United States Supreme Court in *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872), 'where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction.' The constitutional requirement of due process of the law is indispensable: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty or property, without due process of law**; nor shall private property be taken for public use without just compensation." Article V, National Constitution. "A judgment can be void . . . where the court acts in a manner contrary to due process." --Am Jur 2d, §29 Void Judgments, p. 404. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." --*Merritt v. Hunter*, C.A. Kansas 170 F2d 739. "Moreover, all proceedings founded on the void judgment are themselves regarded as invalid." --*Olson v. Leith* 71 Wyo.

316, 257 P.2d 342. "In criminal cases, certain constitutional errors require **automatic reversal**," see *State v. Schmit*, 273 Minn. 78, 88, 139 N.W.2d 800, 807 (1966).

TABLE OF AUTHORITIES – RECIPROCAL IMMUNITY AND FOREIGN AGENT REGISTRATION

UNITED STATES INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT, PUBLIC LAW 79-291, 29 DECEMBER 1945(Public Law 291-79th Congress) TITLE I Section 2.(b) International organizations, their property and their assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of Judicial process as is enjoyed by foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract. (d) In so far as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connexion therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments. Section 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this title, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States. Also see 22 USC § 611 - FOREIGN RELATIONS AND INTERCOURSE; and, 22 USC § 612, Registration statement, concerning the absolute requirement of registration with the Attorney General as a "foreign principal," due to the undisputed status of the court and its alleged officers and employees as FOREIGN AGENTS, described *supra*. This requirement shall be deemed to include, but is not limited to, an affidavit of non-communist association.

CORPORATION NAMES

DEL CODE TITLE 8 Chapters 6 § 617: Delaware Code - Section 617: CORPORATE NAME

The corporate name of a corporation organized under this chapter shall contain either a word or words descriptive of the professional service to be rendered by the corporation or **shall contain the last names of 1** or more of its present, prospective or former shareholders or of persons who were associated with a predecessor person, partnership, corporation or other organization or whose name or names appeared in the name of such predecessor organization.

Texas Administrative Code

Subject: 1 TAC § 79.31 CORPORATIONS (ENTITY NAMES)

§ 79.31. Characters of Print Acceptable in Names

(a) Entity names may consist of letters of the Roman alphabet, Arabic numerals, and certain symbols capable of being reproduced on a standard English language typewriter, or combination thereof.

(b) **Only upper case or capitol letters, with no distinction as to type face or font, will be recognized.**

Delaware legislation March 10 1899

"An Act Providing General Corporate Law" This Act allow the corporation to become a "PERSON"

U.S.GPO STYLE MANUAL

3. Capitalization Rules

(See also Chapter 4 "Capitalization Examples" and Chapter 9 "Abbreviations and Letter Symbols")

Nationalities, etc.

5.22. The table on Demonyms in Chapter 17 "Useful Tables" shows forms

to be used for nouns and adjectives denoting nationality.

5.23. In designating the natives of the States, the following forms will be used.

SUPREME COURT RULING ON CORPORATE PERSON

SANTA CLARA COUNTY v. SOUTHERN PAC. R. CO., 118 U.S. 394

A **legal person**, also called **juridical person** or **juristic person**, HYPERLINK "http://en.wikipedia.org/wiki/Juristic_persons#cite_note-0%23cite_note-0" [1] is a legal entity through which the law allows a group of HYPERLINK "http://en.wikipedia.org/wiki/Natural_person" natural persons to act as if they were a single composite HYPERLINK "<http://en.wikipedia.org/wiki/Person>" individual for certain purposes, or in some jurisdictions, for a single person to have a separate legal personality other than their own. HYPERLINK "http://en.wikipedia.org/wiki/Juristic_persons#cite_note-1%23cite_note-1" [2] HYPERLINK "http://en.wikipedia.org/wiki/Juristic_persons#cite_note-2%23cite_note-2" [3] This HYPERLINK "http://en.wikipedia.org/wiki/Legal_fiction" legal fiction does not mean these entities are human beings, but rather means that the law allows them to act as HYPERLINK "<http://en.wikipedia.org/wiki/Person>" persons for certain limited purposes

New York Central R. Co. v. United States, 212 U.S. 481 (1909)

United States v. Dotterweich, 320 U.S. 277 (1943)

HYPERLINK "http://www.law.cornell.edu/uscode/26/usc_sup_01_26.html" TITLE 26 > HYPERLINK "http://www.law.cornell.edu/uscode/26/usc_sup_01_26_10_F.html" Subtitle F > HYPERLINK "http://www.law.cornell.edu/uscode/26/usc_sup_01_26_10_F_20_75.html" CHAPTER 75 > HYPERLINK "http://www.law.cornell.edu/uscode/26/usc_sup_01_26_10_F_20_75_30_D.html" Subchapter D > **§ 7343**
Sec. 7343. Definition of the term person.

The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs

ISSUE SIX:

COURT LACKS JUDICIAL POWER IN LAW OR EQUITY

Petitioner would also like to point out that the Federal or the State or County or municipal government can be sued in their corporate capacity functioning as federal debt collectors [under FDCPA]. If the Federal or

State government can claim immunity under the 11th Amendment, then the Federal or State or County or municipal government cannot use Law or Equity jurisdiction against the Petitioners or the people in Court, since the people are not subject to a "foreign state" under Title 28 USC, Judicial Procedure, §§1602 -1610. The States are made up of "State Citizens," and as "State Citizens" we cannot be sued by a "foreign state," under the 11th Amendment.

The Petitioner would like point out to the Federal or State, or County or municipal government, the Constitution under Article III section 2, and the XI Amendment. There is a conflict. The court cannot convene under Article III equity jurisdiction and then have its public officers claim 11th amendment immunity. They are operating in a foreign state capacity against the people once they take their oath, and they cannot have it both ways.

Article III Section 2

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;-- [HYPERLINK "http://topics.law.cornell.edu/constitution/amendmentxi"](http://topics.law.cornell.edu/constitution/amendmentxi) **between a state and citizens of another state**;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

When the Eleventh Amendment was ratified on February 7th, 1795, this effectively altered Article III Section 2, which "**All**" public offices had been using to hide behind as their defense. When the Eleventh Amendment was ratified, the judicial power no longer extended to any suit in Law or Equity which subsequently afforded the people the same protection as any level of government. The people cannot be charged in Law or Equity claims by any level of the government. The court only has one action as revealed by the Rules of Civil Procedure: Rule 2—One form of Action : "There is only one form of action – the civil action." Civil action can only be brought by the people and not any level of government.

Amendment XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects

of any foreign state.

The Petitioners are aware of the **Stripping Doctrine**. But the Constitution was amended again in 1868 to protect various civil rights, and Section 5 of the 14th Amendment granted Congress the power to enforce, by appropriate legislation, the provisions of that amendment. The courts have recognized that this new amendment, again a consensus of the people, abrogates the immunity provided by the 11th Amendment. When Congress enacted legislation under the auspices of Section 5 of the 14th Amendment, they specifically abrogated 11th Amendment immunity, and states can, under such federal statutes be prosecuted in federal court.

The Petitioner will refer the Court's attention to the 1875 Civil Rights Act. The Supreme Court Ruled that this Congressional enactment was unconstitutional. **Civil Rights Acts** (1866, 1870, 1875, 1957, 1960, 1964, 1968) US legislation. The Civil Rights Act (1866) gave African-Americans citizenship and extended civil rights to all persons born in the USA (except Native Americans). The 1870 Act was passed to re-enact the previous measure, which was considered to be of dubious constitutionality. In 1883, the US Supreme Court declared unconstitutional the 1870 law. The 1875 Act was passed to outlaw discrimination in public places because of race or previous servitude. **The act was declared unconstitutional by the Supreme Court (1883-85), (U.S. Supreme Court Civil Rights Cases, 109 U.S. 3 (1883) Civil Rights Cases Submitted October Term, 1882 Decided October 16th, 1888 109 U.S. 3) which stated that the 14th Amendment, the constitutional basis of the act, protected individual rights against infringement by the states, not by other individuals.** The 1957 Act established the [HYPERLINK "http://www.encyclopedia.com/doc/10142-Civil-RightsCommission.html"](http://www.encyclopedia.com/doc/10142-Civil-RightsCommission.html) Civil Rights Commission to investigate violations of the 15th Amendment. The 1960 Act enabled court-appointed federal officials to protect black voting rights. An act of violence to obstruct a court order became a federal offence. The 1964 Act established as law equal rights for all citizens in voting, education, public accommodations and in federally-assisted programs. The 1968 Act guaranteed equal treatment in housing and real estate to all citizens. No level of the Executive or Judicial government has ever introduced into any Court action a real party of interest under Rule 17. The Court has no jurisdiction under 12(b) (1), (2), (3) over the Petitioner or people. **Decision and Rationale:** The 8-1 decision of the Court was delivered by Justice Joseph P. Bradley, with John Marshall Harlan of Kentucky alone in dissent. The Court decided that the Civil Rights Act of

1875 was unconstitutional. Neither the 13th nor the 14th amendment empowers the Congress to legislate in matters of racial discrimination in the private sector, Bradley wrote. "The 13th Amendment has respect, not to distinctions of race...but to slavery...." The 14th Amendment, he continued, applied to State, not private, actions; furthermore, the abridgment of rights presented in this case are to be considered as "ordinary civil injuries" rather than the imposition of badges of slavery. Bradley commented that "individual invasion of individual rights is not the subject-matter of the 14th Amendment. It has a deeper and broader scope. **It nullifies and makes void all state legislation, and state action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws.**" Therefore, the Court limited the impact of the Equal Protection Clause of the 14th Amendment.

CONCLUSION AND *RECTUM ROGARE*

WHEREAS, the facts and the law contained herein are before this court; and; WHEREAS, the facts and the law contained herein are the Truth; and WHEREAS, we hold said Truths to be self-evident; and, WHEREAS, self-evident Truths are undisputed and incontrovertible, no oral argument is requested, for no words can alter or overcome these Truths; and, WHEREAS, Truth is Sovereign: She comes from God and bears His message, from whatever quarter her great eyes may look down upon you; Psalms 117:2; John 8:32; II Corinthians. 13:8; THEREFORE; this court must perform its duty under the Rule of Law, do Justice, *Rectum Rogare*, and DISMISS WITH PREJUDICE [OR REVERSE] the above-captioned case without delay for "Justice delayed is Justice denied." *Rectum Rogare* - "to do right; to petition the judge to do right." --Black's Law Dictionary 4th edition.

AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868

An Act to amend the act passed March 23, 1867, entitled "An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration. SUPPLEMENTARY RECONSTRUCTION ACT OF FORTIETH CONGRESS. An Act supplementary to an act entitled "An act to provide for the more efficient government of the rebel states," passed March second, eighteen hundred and sixty-seven, and to facilitate restoration. " This act created the 14th amendment federal citizen under section 3 of the federal constitution. All who hold public office fall under this sec-

tion as UNITED STATES citizens. Those who hold office have knowingly and willingly given up their citizenship to this country under Title 8 Section §1481 to become a foreign state agent under 22 USC. The oath of office to the constitution requires office-holders to uphold and maintain our Constitutional form of government under the people's authority. This right was never surrendered by the people; failure to do so violates 10 USC §333 and 18 USC §1918, chapter 115 §2382, §2383, §1505, §1001, §241, §242, 42 USC §1981 & 31 USC §3729 just to name a few.

The Federal Debt Collection Procedure places all courts under equity and commerce and under the International Monetary Fund. The International Monetary Fund comes under the Uniform Commercial Code under banking and business interest and Trust laws. This makes the Court / Judges trustee over the trust and responsible whether or not the Petitioner understands the trust issue. The 1933 bankruptcy act placed all public officials in a fiduciary position to write off the public debt, since this Nation is not solvent. The TWEA suspended the U.S. Constitution in the court room, and therefore, the standard American flag in the courtroom was replaced with a military Admiralty flag for dealing with alien enemy residents. The people never rescinded their nationality to the real united States of America. Those who hold public office rescinded their nationality to become a foreign agent in order to hold public office. International law requires the judge to uphold the people's Constitutional form of government as defined in the "Federalist Papers".

Federal Rules of Civil Procedure / Rules of Civil Procedure Rule 2 only allows civil action, and under Rule 17, a real party of interest has to be present in the courtroom in order for there to be any claims of injury or damages against "the people." Any charges under the "UNITED STATES" or "THE STATE OF....." fall under the TWEA Section 23. The people are not subject to this jurisdiction as it is a Foreign State jurisdiction. The people hold 11th amendment immunity to claims in equity and commerce from a foreign state. The courts lack jurisdiction over the Petitioner by Congressional mandate. For the aforesated reasons, the Plaintiff / Court lacks jurisdiction under Rule 4(j) & 12(b) (1), (2), (3), (4), (5), (6) over this Petitioner.

The Petitioner now demands this Court to dismiss this matter WITH PREJUDICE. **[if defendant only] [Remove this sentence if your are the Plaintiff]**

Adversarial System;

Mack vs. City of Detroit, Chief Justice Cavanagh, No. 118468, 2002.

"The adversarial system ensures the best presentation of arguments

and theories because each party is motivated to succeed. Moreover, the adversarial system attempts to ensure that an active judge refrain from allowing a preliminary understanding of the issues to improperly influence the final decision. This allows the judiciary to keep an open mind until the proofs and arguments have been adequately submitted. In spite of these underlying concerns, the majority today claims that the benefits of full briefing are simply a formality that can be discarded without care. The majority fails to comprehend how the skilled advocates in this case could have added anything insightful in the debate over the proper interpretation of a century's worth of precedent. Whatever its motivation, the majority undermines the foundations of our adversarial system.

The Petitioner is covered under Title 18 § 4 Misprision of felony & Title 31 USC §3729 False Claims as Whistle-blowers.

HYPERLINK "http://www.law.cornell.edu/uscode/18/usc_sup_01_18.html" TITLE 18 > HYPERLINK "http://www.law.cornell.edu/uscode/18/usc_sup_01_18_10_I.html" PART I > HYPERLINK "http://www.law.cornell.edu/uscode/18/usc_sup_01_18_10_I_20_1.html" CHAPTER 1 > § 4 Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

TITLE 31 > SUBTITLE III > CHAPTER 37 > SUBCHAPTER III

§3729. False claims(a) Liability for Certain Acts.— Any person who— (1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; (3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid; TITLE 31 > SUBTITLE III > CHAPTER 37 > SUBCHAPTER III

§3730 Civil actions for false claims(b) **Actions by Private Persons.—**

(1) A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting