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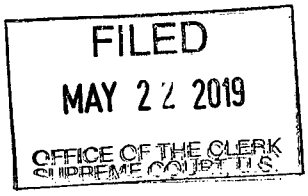

IN THE

SUPREME COURT OF THE UNITED STATES

In re Phillip Daniel Love

Petitioner,

v.

UNITED STATES

Respondent.

ON PETITION FOR WRIT OF HABEAS CORPUS TO THE

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CONSTITUTIONAL PETITION FOR WRIT OF HABEAS CORPUS

Phillip Daniel Love
Sui Juris
c/o 78847408
FCC
Florence, Arizona 85132

May 22, 2019

QUESTIONS PRESENTED FOR REVIEW

1. Can the federal government punish felonious crimes under the constitutional Interstate Commerce Clause within the 50 compact states of the Union?
2. Is there a difference between the statutory interstate commerce definition and the constitutional Interstate Commerce Clause?
3. Does the definition of "interstate commerce" found at 18 U.S.C. §10 include places outside the exclusive legislative jurisdiction of the "United States"?
4. Can the federal government punish felonious crimes under the constitutional Interstate Commerce Clause by and through the Necessary and Proper Clause?
5. Does the definition of "State" in the Federal Rules of Criminal Procedure also include the sovereign 50 compact states of the Union, also called "foreign states" throughout the federal code?
6. Is the word "includes" found in the Federal Rules of Criminal Procedure, Rule 1(b)(9) & Title 18 U.S.C. §10 a term of enlargement?
7. Does the federal government need to provide me with the nature, cause and essential elements constituting the offense charged?
8. Is the United States District Court for the District of Arizona a Article III "district court of the United States" ordained & established under the Constitution.
9. Is Homeland Security Investigations a police power?
10. Is Homeland Security Investigations authorized to execute a warrant and make arrests within the exterior boundaries of the of the Union state Arizona not on land ceded to the "United States"?
11. Is the definition of "act of Congress" in Title 18 U.S.C. §4001 only applicable to federal territories, as it was defined in the Federal Rules of Criminal Procedure, Rule 54(c), prior to December of 2002?
12. Is the statutory terms 'United States" and "United States of America" the same?
13. Is the Assistant United States Attorney authorized to prosecute crimes in the name of "The United States of America"?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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2. POINTS OF AUTHORITIES

Cases

3. INTRODUCTION

I am currently being held in violation of the federal Constitution. United States District Courts are not authorized to punish my activity under the constitutional Interstate Commerce Clause. When I am indicted by the federal government for any offense occurring within the exterior territorial boundaries of any ONE OF the states of the Union the federal courts always proceed as though I have committed the crime on federal land under the concurrent or exclusive jurisdiction of the "United States", regardless of whether or not the statute contains the words "within the special maritime and territorial jurisdiction of the United States". They are abusing the legal system to terrorize and persecute me, and has coerced me into giving up rights that the law entitles me to. If the government is trying to abuse the authority of statutes to impose a *mandatory duty* upon me, and I was not physically present on land owned or ceded to the federal government or the federal government is not exercising one of its delegated powers to punish then the only kind of law they can be enforcing is private or contract law to which I had to expressly consent at some point, and I have not.

4. OPINIONS AND ORDERS BELOW

Motion to dismiss and its order (see Appendix D1-15).

5. JURISDICTION AND VENUE

This Court has jurisdiction under Article III, as a matter of law, and Article I, Section 9, Clause 2 of the Constitution for the United States of America, also called the "Suspension Clause". This Court is a Constitutional Article III Court that has authority to hear a constitutional petition for a Writ of Habeas Corpus. The Constitution is law and I utilize this law for a writ of Habeas Corpus.

> ***[T]he Constitution itself is in every real sense a law****-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks.*
> *[Carter v. Carter Coal Company, 298 U.S. 238, 296 (1936)]*

The Petitioner is a Citizen of a foreign state and resides therein, and not within the "District of Arizona", which consist of federal territory. This Writ for Habeas Corpus is not made pursuant to any statutory authority because:

> ***[W]hen Congress creates a statutory right, it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right****.*
> *[Northern Pipeline Constr. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 83 (1982)]*

It is within the authority of this Court to inquire into the cause of my commitment, see *Ex parte Yarbrough, 110 U.S. 651, 653 (1884)*

6. CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

Relevant constitutional and statutory provisions are reproduced throughout section 8 and Appendix D16-17

7. STATEMENT

A. Facts Giving Rise To This Case

This cases arises out of alleged violation of statutes codified at 18 U.S.C. §§ 2252, 2252A and 2251, Case# CR-17-01470-TUC-RCC, which are "acts of Congress" and utilize the interstate commerce definition found at 18 U.S.C. §10. On August 23, 2017, in Arizona, on privately owned property, not within the jurisdiction of the "United States", Homeland Security Investigation Agents, hereinafter HSI, a police power and division of Immigration and Customs Enforcement, used an invalid warrant (not within the jurisdiction of the "United States" or anywhere else a federal statute [act of Congress] has

authorized an arrest) and undelegated authority to arrest the Petitioner. On September 20, 2017 an indictment was brought forward by a United States attorney with the United States of America as named plaintiff. The indictment alleges a nexus to statutory interstate commerce, which the United States Attorney has stated is the constitutional Interstate Commerce Clause and allows for the punishment of my alleged activity. The nature and cause of the charges have never been explained, nor do I understand them, in fact, at just about every hearing I have stated such, including the initial appearance and arraignment, only to be ignored. My affidavits and petitions are a testimony of the fact.

B. The District Court Proceedings

There have been no findings of fact and conclusions of law from the United States District Court for the District of Arizona for many of the Petitioners motions filed into the record. For example, in the Petitioners Motion to Dismiss, which the plaintiff never responded to (Doc. 81), filed 4/20/2018, no findings of fact and conclusions of law were given for its denial, the courts excuse for the denial was: "because I said so". What the court is saying, in other words, is that the Constitution, laws of Congress, rules of procedure (written by this Court), their own circuit precedent, the opinions of the other circuits, and the opinions of the this Court, all of which they are bound by, utilized in my motions for relief, are all meritless.

The record of the United States district court reflects multiple challenges of jurisdiction, to which plaintiff fails to produce evidence at any juncture; instead relying exclusively on allegation and statutes, which the district judge accepts and uses to deny Petitioners motions. The court also refuses to address which jurisdiction it is operating under pertaining to the Petitioners case.

8. REASONS WHY THE WRIT OF HABEAS CORPUS SHOULD BE GRANTED

A. Rules of Statutory Construction and Interpretation

In order to prevent the government undue discretion to abuse undefined or ambiguous legal "terms" in "acts of Congress", and to protect my rights, I have provided a memorandum on Rules of Statutory Construction and Interpretation, recognized standards of legal construction (Appendix A), these rules apply to any proceedings involving me and this entire petition.

> *"When words lose their meaning, people will lose their liberty"*
> *[Confucius, 500 B.C.]*

> *"It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government.* ***To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them****; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them."*
> *[Federalist Paper No. 78, Alexander Hamilton](Brackets mine)*

B. The Petitioner

The Petitioner is not in possession of any evidence that proves a lawful nexus between him and the statutory "United States", such as any form of contract, written, verbal, or implied. He is not in possession of any evidence proving he is a statutory "citizen of the United States", or that he lawfully possess a social security number and has a civil domicile within the exclusive jurisdiction of the "United States". See the Petitioners Memorandum at Appendix C. The Petitioner is in possession of legal documentation sent to the Department of State and Social Security Administration noticing said agencies of the above stated facts and its violations in United States and foreign state laws and regulations.

8.1. The Constitution

In the United States of America, the United States Constitution is the Supreme Law of the Land and includes supreme law

enacted by Congress. Those supreme laws of Congress are conditioned upon their being made pursuant to the Constitution. All laws that are contrary to the Constitution, whether written that way, or carried out as to reach a prohibited end, are unconstitutional. This includes laws that are "void for vagueness." Additionally this Court has stated that:

> *The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution.*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 296 (1936)]*

8.2. Commerce Clause

The federal government and its agents have told me that because some part of my property traveled in commerce, whether or not I had anything to do with that commerce, they have jurisdiction under the Constitutional Commerce Clause to send "police powers" to my property located in a Union state and punish my private behavior. This is patiently false.

Within states of the Union, the only type of jurisdiction the federal government can have over areas that are not its territory is *subject matter jurisdiction* and that jurisdiction must be explicitly identified in the federal Constitution in order to exist at all. There are very few issues over which the federal government has subject matter jurisdiction, Interstate Commerce "Crimes" under the "Criminal Code" is an example of an area where such jurisdiction does not exist. The "United States" has systematically tried to hide this fact over the years by obfuscating the interstate and foreign commerce definition and the definition of "State" in the federal rules and code.

The states put the federal government in charge of regulating commerce among and between the states, and the intention of this was to ***maximize***, not obstruct, commerce between the states so that we would act as a unified economic union and like a country. Even so, they didn't want our country to be a "nation" under the law of nations, because they didn't want a national government with unlimited powers. They wanted a "federation" so they called our central government the "federal government" instead of "national government".

1. In the law there are always statutory meanings of words and constitutional meaning of words. There is a constitutional Commerce Clause that the federal government may use to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes", and there is a statutory "interstate and foreign commerce" definition, which is not the same as the constitutional one. The latter being used to "punish" people. I would like to start with the history of the constitutional Commerce Clause and why the states of the Union delegated this power to "regulate" commerce to the federal government.
2. First, this Court has stated the Constitution:

> *"**speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and it was voted on and adopted on by the people of the United States**. Any other rule of construction would abrogate the judicial character of this court, and make it a mere reflex or the popular opinion or passion of the day."*
> *[South Carolina v. United States, 199 U.S. 437, 449 (1905)]*

> *"itself never yields to treaty or enactment; **it neither changes with time nor does it in theory bend to the force of circumstances**. It may be amended according to its own permission; but while it stands it is 'a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances.' Its principles cannot, therefore, be set aside in order to meet the supposed necessities of great crises. 'No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."*
> *[Downes v. Bidwell, 182 U.S. 244, 370 (1901)]*

and that;

In the construction of the Constitution we must look to the history of the times and examine the state of things existing when it was framed and adopted (12 Wheat. 354; 6 Wheat. 416; 4 Peters, 431, 432), to ascertain the old law, the mischief and the remedy.
[Rhode Island v. Massachusetts (US) 12 Pet 657, 723, (1838)]

***We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted**, not as reaching out for new guaranties of the rights of the citizen, but as securing to every individual such as he already possessed as a British subject-such as his ancestors had inherited and defended since the days of Magna Charta*
[Mattox v. United States, 156 U.S. 237, 243, (1895)]

If the Constitution speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, then allow me to address what the Commerce Clause actually meant at the time the Constitution was adopted.**8.2.1. Brief History**

1. Congress, before the treaty of peace with Great Britain, and again after the making of that treaty, had sought the power from the states to impose duties upon foreign imports and to control interstate commerce. The right of the states to impose duties upon foreign imports was of great value to some of them.
2. Rhode Island had one of the best harbors of that day at Newport, and imposed duties upon imported goods which she sold to Massachusetts. New Hampshire and Connecticut's people were able to meet the expenses of the state government. The great harbor of New York, midway between Connecticut and New Jersey, enabled her to lay duties on foreign importations, from which she secured each year around f60,000, to f80,000. As a portion of these imports were taken by Connecticut and New Jersey, they were obligated in this way to support the government of New York. But this was not all. She compelled every sailing vessel which came down from Hell Gate, and every market boat from New Jersey, pay an entrance fee and obtain clearance from her custom house, and the people of those states could not get a load of wood or a dozen eggs into New York without paying duties on them. New Jersey retaliated by laying a tax of $1800 per year on the lighthouse property off Sandy Hook, and the people of Connecticut, after submitting for some time, finally voted to suspend commercial intercourse with New York.

????. Pennsylvania imposed duties upon exports from New Jersey and Maryland, Virginia, by reason of her duties on both foreign and domestic imports, secured a considerable part of the revenues necessary for the payment of the coast of her government. The port of Charleston afforded an opportunity to the people of South Carolina to exact tribute from Georgia and North Carolina. As a result of all these duties upon imports from foreign countries and, imports from adjoining states, animosities had arisen between the states, and the need that the national government should have power to stop these obstructions to commerce was the very cause of the meeting at Annapolis and of the Constitutional Convention.**8.2.2. The regulation of commerce by the nation was intended to prevent obstructions to commerce**

1. I have shown the circumstances leading to the framing of the Constitution, and the only apparent causes, existing at that time, for delegating to the federal government the power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes".
2. In regard to foreign commerce , the general government stands in place of every state and represents it for every national purpose, yet when the states surrendered their rights to control interstate commerce, having in view of the abuses which had grown up, it was undoubtedly their intent to confer only the power to make commerce free between the states. This is the opinion declared by the writers in The Federalist. It was the desire for freedom of

commerce among the states which inspired this provision as to interstate commerce in the Constitution, and all the early cases I have read so indicate.

3. Mr. Justice Field, in Sherlock v. Alling, decided before the attempt to extend the meaning of the word "regulate", said:

> *"**[I]t will be found that the legislation adjudged invalid imposed a tax upon some instrument or subject of commerce; or exacted a license fee from parties engaged in commercial pursuits; or created an impediment to the free navigation of some public waters; or prescribed conditions in accordance with which commerce in particular articles or between particular places was required to be conducted**. In all the cases the legislation condemned, operated directly upon commerce, either by way of **tax** upon its business, **license** upon its pursuit in particular channels, or **conditions for carrying it on**. Thus, in The Passenger Cases, 7 How. 445, the laws of New York and Massachusetts exacted a tax from the captains of vessels bringing passengers from foreign ports for every passenger landed. In the Pa. v. Wheeling Bridge, 13 How. 518, the Statute of Virginia authorized the erection of a bridge, which was held to obstruct the free navigation of the River Ohio. In the case of Sinnot v. Davenport, 22 How. 227, 16 L. ed. 243, the Statute of Alabama required the owner of a steamer navigating the waters of the State to file, before the boat left the Port of Mobile, in the office of the probate judge of Mobile County, a statement in writing, setting forth the name of the vessel and of the owner or owners, and his or their place of residence and interest in the vessel, and prescribed penalties for neglecting [93 US 103] the requirement. It thus imposed conditions for carrying on the coasting trade in the waters of the State in addition to those prescribed by Congress. And in all the other cases where legislation of a State has been held to be null for interfering with the commercial power of Congress, as in Brown v. Md. 12 Wheat. 425, State Tonnage Tax Cases, 12 Wall. 204, 20 L. ed. 370, and Welton v. Missouri, ante, 347, **the legislation created, in the way of tax, license or condition, a direct burden upon commerce, or in some way directly interfered with its freedom.**"*
>
> *[Sherlock v. Alling, 93 U.S. 99, 102-03 (1876)]*

4. In fact it will be found that within the conception of the fathers, the control which they gave over interstate commerce was intended to cover only coast-wise shipping from the port of one state to the port of another state. Mr. Justice Bradley, in The B & O Railroad Co. v. Md., said:

> *"No doubt commerce by water was primarily in the minds of those who adopted the Constitution, although both its language and spirit embrace commerce by land and water as well."*
>
> *[Baltimore & O. R. Co. v. Maryland, 21 Wall. 456, 470 (1874)]*

5. There is an abundance of evidence found in the acts of the Constitutional convention, and in the construction of the Constitution by the early Presidents, to show that it was not the intent of the framers of the Constitution, under the power to regulate interstate commerce, to clothe Congress with the power to prohibit or punish under the Commerce Clause.

6. Edmund Randolph, who presented to the Constitutional Convention the Virginia Plan, while Attorney-General under the Administration of Washington, gave his opinion to Washington, February 12, 1791 on the extent of the power in Congress to regulate commerce, stating that its extent was:

> *"Little more than to establish the forms of commercial intercourse between the states, and **to keep the prohibitions which the Constitution imposed upon that intercourse undiminished in their operation**; that is, to prevent taxes on imports or exports, preference to one port over another by any regulation of commerce or revenue, and duties upon the entering or clearing of the vessels of one state in the ports of another."*
>
> *[Prentice, Fed Power over Carriers and Corporations, p. 102]*

7. And finally, the Lottery Case, in a dissenting opinion Mr. Chief Justice Fuller, with whom concur Mr. Justice Brewer, Mr. Justice Shiras, and Mr. Justice Peckham, states:

> *"**The scope of the Commerce Clause of the Constitution cannot be enlarged because of present***

views of public interests *... the power to regulate commerce with foreign nations and the power to regulate interstate commerce, are to be taken diverso intuitu, for the latter was intended to secure equality and freedom in commercial intercourse as between the states,* ***not to permit the creation of impediments to such intercourse.*** *[This attempt to regulate morals and take over the police powers of the state through an act of Congress was unconstitutional.]*
[...]
I regard this decision as inconsistent with the views of the framers of the Constitution*, and of Marshall, its great ex-pounder. Our form of government may remain notwithstanding legislation or decision, but, as long ago observed, it is with governments, as with religions, the form may survive the substance of the faith."*
[Champion v. Ames 188 U.S. 321, 372-373, 375 (1903)](Brackets Mine)

????. If the Commerce Clause was construed as it was the intent of the fathers, to protect commerce from tariff acts and other acts of interference on the part of the states of the Union, great blessings would be conferred upon the people.**8.2.3. The power to punish**

The contention, which most everyone believes, is that if a person transports, or causes to be transported, anything across state (of the Union) lines, which is "interstate commerce", then that activity can be regulated through the imposition of felonious criminal statutes. This simply is NOT true. This is being accomplished through the manipulation of law. Congress has written the "law" to allow this unconstitutional end to be achieved through obfuscation.

At the formation of the Union, the states delegated to the Federal Government authority to regulate commerce among the states. So long as the things done within the states by the United States are valid under that power, there can be no interference with the sovereignty of the state. ***It is the nondelegated power which under the Tenth Amendment remains in the state or the people.***
[United States v. Appalachian Electric Power Co., 311 U.S. 377, 428 (1941)]

1. Without cession of jurisdiction, or the delegated (enumerated) power to "punish", the federal courts do not have subject-matter jurisdiction, i.e., no "Offense against the laws of the United States" has been made out. 18 U.S.C. §3231.
2. Under Article I, §8, cl. 3, Congress is authorized to regulate commerce. Regulate is defined as:

TERM: regulate.

1. To replace confusion with order. To control or direct. To place and enforce limitations and restrictions upon conduct. Nichols v Yandra, 151 Fla 87, 9 So 2d 157, 144 ALR 1351; Thielen v Kostelecky, 69 ND 410, 287 NW 513, 124 ALR 820. To foster, protect, control and restrain. 2. ***The power to regulate does not include the power to prohibit. "To regulate" is not synonymous with "to prohibit."***

AUTHORITY: 1. 15 Am J2d Com § 64 (regulation of commerce.) 2. People v Gadway, 61 Mich 285, 28 NW 101.
[Ballentine's Law Dictionary, 3rd Edition, Lexus Nexus]

Regulate.

To fix, establish, or control; to adjust by ***rule****, method, or established mode; to direct by* ***rule*** *or restriction. For example, the power of Congress to regulate commerce is the power to enact all appropriate legislation for its* ***protection or advancement; to adopt measures to promote its growth and insure its safety****...*
[Black's Law Dictionary, Sixth Edition, p. 1286]

3. Rule is defined as:

TERM: rule.

A statement of law appearing in an opinion of the court in support of the decision rendered in the

*case. An order of court; a specific direction or requirement of a court, made in a particular matter or proceeding, with respect to the performance of some act incidental thereto. 37 Am J1st Motions § 20. That which is prescribed or laid down as a **guide to conduct**; that which is settled by authority or custom; a **regulation**; a prescription; a **minor law**; a uniform course of things.*

AUTHORITY: South Florida Railroad Co. v Rhoads, 25 Fla 40, 5 So 633.
[Ballentine's Law Dictionary, 3rd Edition, Lexus Nexus]

Rule.

*An established standard, guide, or **regulation**.*
[Black's Law Dictionary, Sixth Edition, p. 1331]

4. As can be seen by the legal definitions, the terms rule, and regulation are synonymous. This is also the interpretation of the legislative department, Congress. In the Code of Federal Regulations.

Title 1 C.F.R. §1.1
Definitions.

Regulation and Rule have the same meaning.

5. The judicial department also agrees with the above, in the seminal case of Gibbons v. Ogden, Chief Justice Marshall, speaking for this Court, stated that:

*Commerce, undoubtedly ... is regulated by prescribing **rules** for carrying on that intercourse.*
[...]
*What is this power? It is the power to regulate; that is, to prescribe the **rule** by which commerce is to be governed.*
[Gibbons v. Ogden, 9 Wheat 1, 189-190, 196 (1824)]

6. Clearly, pursuant to the aforementioned legal definitions, and this Courts authority, "commerce" is regulated by prescribing "regulations (rules)", not felony criminal statutes.

????. The Constitution also makes clear there is a difference in the term "regulate" and "punish".*Article I, §8, cl. 3*
*To **regulate** Commerce with foreign Nations, and among the several States, and with the Indian Tribes;*

Article I, §8, cl. 5
*To coin Money, **regulate** the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;*

Article I, §8, cl. 6
*To provide for the **Punishment** of counterfeiting the Securities and current Coin of the United States;*

Article I, §8, cl. 10
*To define and **punish** Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;*

Article III, §3, cl. 2
*The Congress shall have Power to declare the **Punishment** of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.*
[United States Constitution]

8. The fact that the power to "punish" has been delegated, by enumeration, in other provisions of the Constitution, yet has not been delegated, by enumeration, under the Commerce Clause, is proof on its face that it is a power not delegated to Congress in aid of their Commerce Clause powers.

The enumeration of powers is also a limitation of powers, because ``[t]he enumeration presupposes something not enumerated. The Constitution's express conferral of some powers

makes clear that it does not grant others. And the Federal Government ``can exercise only the powers granted to it.

Today, the restrictions on government power foremost in many Americans' minds are likely to be affirmative prohibitions, such as contained in the Bill of Rights. These affirmative prohibitions come into play, however, only where the Government possesses authority to act in the first place. ***If no enumerated power authorizes Congress to pass a certain law, that law may not be enacted, even if it would not violate any of the express prohibitions in the Bill of Rights or elsewhere in the Constitution.***

[Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519, 465 (2012)](Citations Omitted)

From the accepted doctrine that the United States is a government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the states or to the people. *To forestall any suggestion to the contrary, the Tenth Amendment was adopted. The same proposition, otherwise stated, is that powers not granted are prohibited.* ***None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden.*** *It is an established principle that the attainment of a prohibited end may not be accomplished under the pretext of the exertion of powers which are granted. "Should Congress, in the execution of its powers, adopt measures which are prohibited by the constitution; or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the government; it would become the painful duty of this tribunal, should a case requiring such a decision [297 US 69] come before it, to say that such an act was not the law of the land." "****Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not intrusted to the Federal Government.*** *And we accept as established doctrine that any provision of an act of Congress ostensibly enacted under power granted by the Constitution, not naturally and reasonably adapted to the effective exercise of such power but solely to the achievement of something plainly within power reserved to the States, is invalid and cannot be enforced."*

[United States v. Butler, 297 US 1, 68-69 (1936)](Citations Omitted)

9. The Framers would have never delegated the power to punish in certain provisions, and then delegate the power to regulate in other provisions, if the power to punish and the power to regulate were synonymous. Instead, they carefully chose the language used. For example, in Article I, §8, cl. 10, the Framers would have more easily stated to regulate the high Seas and Offenses against the Law of Nations".

10. Upon admission into the Union each of the states had to agree, by ratifying the Constitution, to surrender the punishing power where it is delegated by enumeration. The enumerated power to "punish" delegated in the Constitution is a grant of power to punish felonies nationwide. This is very apparent in Article I, §8, cl. 10, (the high Seas clause), by simply reading the clause without the word Piracies: "To define and punish ... Felonies ..." This Court explained that:

The criminal jurisdiction of the United States is wholly statutory, *but it has never been doubted that the grant of admiralty and maritime jurisdiction to the federal government includes the legislative power to define and punish crimes committed upon vessels lying in navigable waters of the United States. From the very organization of the government, and without intermission, Congress has also asserted the power, analogous to that exercised by English courts of admiralty, to punish crimes committed on vessels of the United States while on the high seas or on navigable waters not within the territorial jurisdiction of [289 US 152] a state. The Act of April 30, 1790, chap. 9, § 8, 1 Stat. at L. 112, 113, provided for the punishment of murder committed "upon the high seas or in any river, haven, basin or bay out of the jurisdiction of any particular state," and provided for the trial of the offender in the district where he might be apprehended or "into which he may first be brought." § 12 of this Act dealt with manslaughter, but only when committed upon the high seas. It is true that in United States v. Bevans, 3 Wheat. 336, 4 L. ed. 404, the prisoner, charged with murder on a warship in Boston Harbor, was discharged, as was one charged with manslaughter committed on a vessel on a Chinese river in United States v. Wiltberger, 5 Wheat. 76, 5 L. ed. 37. But the judgments were*

based not upon a want of power in Congress to define and punish the crimes charged, but upon the ground that the statute did not apply, in the one case, for the reason that ***the place of the offense was not out of the jurisdiction of a state, and in the other, because the offense, manslaughter, was not committed on the high seas.***

[...]

It is true that the criminal jurisdiction of the United States is in general based on the territorial principle, and criminal statutes of the United States are not by implication given an extra-territorial effect.

[United States v. Flores, 289 U.S. 137, 151-156 (1933)](Citations Omitted)

11. It is a principal of law that jurisdiction and the power to punish felonies is united with whoever is sovereign over the land and is supported by literally hundreds of cases. This power was not surrendered except in the aforementioned provisions. When the United States exercise an undelegated power to "punish" felonious crimes under the guise of carrying into execution their "Commerce Clause" power they are exercising exclusive legislation which must occur within lands under their concurrent or exclusive jurisdiction.

It is a general rule of criminal law that the crime must be committed within the territorial jurisdiction of the sovereignty seeking to try the offense in order to give that sovereign jurisdiction.

[...]

[T]he criminal jurisdiction of the United States is necessarily limited to their own territory, actual or constructive. Their actual territory is coextensive with their possessions."

[Yenkichi Ito v. United States, 64 F.2d 73, 75 9th Cir. (1933)]

Every independent state has as one of the incidents of its sovereignty the right of municipal legislation and jurisdiction over all persons within its territory*, and may therefore change their nationality by naturalization, and this, without regard to the municipal laws of the country whose subjects are so naturalized, as long as they remain or exercise the rights conferred by naturalization, within the territory and jurisdiction of the state which grants it.*

"It may also endow with the rights and privileges of its citizenship persons residing in other countries, so as to entitle them to all rights of property and of succession within its limits, and also with political privileges and civil rights to be enjoyed or exercised within the territory and jurisdiction of the state thus conferring its citizenship.

*"****But no sovereignty can extend its jurisdiction beyond its own territorial limits*** *so as to relieve those born under and subject to another jurisdiction from their obligations or duties thereto; nor can the municipal law of one state interfere with the duties or obligations which its citizens incur, while voluntarily resident in such foreign state and without the jurisdiction of their own country.*

[United States v. Wong Kim Ark, 169 U.S. 649, 690, (1898)]

In order for a federal court to exercise jurisdiction over a criminal action, the offense must have occurred within:

[L]ands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State *in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.18 U.S.C. § 7(3) (2000).*

[United States v. Perez, 2006 U.S. Dist. LEXIS 75086, No. CR-06-0001-MAG (2006)]

First. -Jurisdiction is conferred upon the District Courts "of all crimes and offenses cognizable under the authority of the United States." Judicial Code, § 24, 28 U. S. C. A. § 41(2).

Crimes are thus cognizable-

"When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building."

[Bowen v. Johnston, 306 U.S. 19, 22 (1939)]

12. The land I was on, is not within the exclusive jurisdiction of the United States.

> *The jurisdiction of a State is co-extensive with its territory; co-extensive with its legislative power. The place described is unquestionably within the original territory of Massachusetts. It is then within the jurisdiction of Massachusetts,* ***unless that jurisdiction has been ceded to the United States."***
> *[Manchester v. Massachusetts, 139 U.S. 240, 263 (1891)]*

13. The territorial places subject to the jurisdiction of the United States are defined in pertinent part at Title 18 U.S.C. §7

> ***TITLE 18 > PART I > CHAPTER 1***
> *§ 7. Special maritime and territorial jurisdiction of the United States defined.*
>
> *(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.*

This provision is identical in scope to Article I, §8, cl. 17, in the U.S. Constitution. Congress has clearly defined the territorial jurisdiction of the United States, pursuant to the limits imposed upon them by the Constitution.

14. This Court, 133 years after Ex Parte Watkins, 3 Pet 193, 7 L ed 650 (1830), quoted that:

> *In the leading case of Ex parte Watkins (US) 3 Pet 193, 7 L ed 650, the Court stated:*
> ***"An imprisonment under a judgment cannot be unlawful, unless that judgment be an absolute nullity; and it is not a nullity if the court has general jurisdiction of the subject, although it should be erroneous."*** *3 Pet, at 203.*
> *[Fay v. Noia, 372 U.S. 391, 450 (1963)]*

15. A federal court only has general jurisdiction over the subject-matter in the following types of cases: (1) Felonies-within federal territories, ceded lands, un-ceded lands pursuant to the power to "punish" (Article III courts only), and the high seas; (2) Misdemeanors-federal territories, ceded lands, un-ceded lands, pursuant to a delegated power (Article III courts only), and the high seas. This Court in New Orleans v. United States, 35 U.S. 662, 736-737, (1836) now standing for 183 years and reaffirmed 58 years later, stated that:

> *The government of the United States; as was well observed in the argument, is one of limited powers. It can exercise authority over no subjects, except those which have been delegated to it.* ***Congress cannot, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged under the treaty making power.***
> *[...]*
> ***"Special provision is made in the Constitution for the cession of jurisdiction from the states over places*** *where the Federal government shall establish forts or other military works,* ***and it is only in these places,*** *or in the territories of the United States,* ***where it can exercise a general jurisdiction.***
> *"The state of Louisiana was admitted into the Union on the same footing as the original states. Her rights of sovereignty are the same, and, by consequence, no jurisdiction of the Federal government, either for purposes of police or otherwise, can be exercised over this public ground, which is not common to the United States.*
> *[United States v. Illinois Central R. Co., 154 U.S. 225 (1894)]*

16. This Court 19 years ago, quoting Chief Justice Marshall in Cohens v. Virginia, 6 Wheat 264, 426 (1821), standing for nearly 200 years, stated that:

> *In recognizing this fact we preserve one of the few principles that has been consistent since the Clause was adopted. The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States. See, e.g., Cohens v Virginia, 6 Wheat 264, 426, 428, 5 L Ed 257 (1821) (Marshall, C. J.) (stating that Congress "has no general right to punish murder committed within any of the States," and* ***that it is "clear . . . that congress cannot punish felonies generally"****). Indeed, we can*

*think of no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims. See, e.g., Lopez, 514 US, at 566, 131 L Ed 2d 626, 115 S Ct 1624 ("The Constitution . . . <*pg. 677> withhold[s] from Congress a plenary police power"); id., at 584-585, 131 L Ed 2d 626, 115 S Ct 1624 (Thomas, J., concurring) ("[W]e always have rejected readings [529 US 619] of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power"), 596-597, and n 6, 131 L Ed 2d 626, 115 S Ct 1624 (noting that the first Congresses did not enact nationwide punishments for criminal conduct under the Commerce Clause).*
[United States v. Morrison, 529 U.S. 598, 618 (2000)]

This Court states "it is clear", not vague, not ambiguous but CLEAR. This Court has stated time and time again that Congress cannot punish felonies generally, except of course, the three provisions wherein the power to "punish" is delegated, by enumeration, in the Constitution.

17. Here this Court talks about "crimes" (felonies) and "offenses" (felonies and misdemeanors), and their implementation within the restrictions the Constitution imposes.

Among the powers which the Constitution expressly confers upon Congress is the power to make all laws necessary and proper for carrying into execution the powers specifically granted to it, and all other powers vested by the Constitution in the government of the United States, or in any department or officer thereof. In the exercise of this general power of legislation, Congress may use any means, appearing to it most eligible and appropriate, which are adapted to the end to be accomplished, and are ***consistent with the letter and the spirit of the Constitution.*** *Although* ***the Constitution contains no grant, general or specific, to Congress of the power to provide for the punishment of crimes, except piracies and felonies on the high seas, offenses against the law of nations, treason, and counterfeiting the securities and current coin of the United States,*** *no one doubts the power of Congress to provide for the punishment of all* ***crimes*** *and* ***offenses*** *against the United States, whether committed within one of the states of the Union, or within territory over which Congress has [144 US 284] plenary and exclusive jurisdiction.*
[Logan v. United States, 144 U.S. 263, 283-284 (1892)](Citations Omitted)

18. Thomas Jefferson, Founding Father, Creator and signer of the Declaration of Independence, and former President of the United States, understood exactly what the Constitution truly meant when it was adopted. In fact, in a document authored by him entitled the Kentucky Resolutions of 1798 he states:

[T]he Constitution of the United States, having delegated to congress the power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offenses against the law of nations, ***and no other crimes whatsoever****; and it being true as a general principal, and one of the amendments to the Constitution having so declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore ...* ***all other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution, are altogether void and of no force****; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States,* ***each within its own territory****.*
[The Kentucky Resolutions of 1798, reprinted in The Portable Thomas Jefferson, 281, 282 (Merrill Peterson ed., 1979)]

This coincides with Logan v. United States *supra*. Mr. Jefferson states that the power to punish other crimes is reserved "... solely and exclusively to the respective States, each within its own territory." He directly connects the power to punish other crimes to the states of the Union. He even uses the language in the Tenth Amendment, explaining that where this power to punish is not delegated , by enumeration, it is reserved to the states of the Union, each within their own territory. As can been seen the direct connection to "punish" other crimes is united with whoever has territorial jurisdiction (sovereignty) over the land.

19. Under the Doctrine of Conflict of Laws, no state or nation can exercise penal jurisdiction over persons or property outside of its territorial jurisdiction except by treaty:

*By the law of England and of the United States, **the penal laws of a country do not reach [127 US 290] beyond its own territory**, except when extended by express treaty or statute to offenses committed abroad by its own citizens; and they must be administered in its own courts only, and cannot be enforced by the courts of another country. Chief Justice Marshall stated the rule in the most condensed form, as an incontrovertible maxim: "The courts of no country execute the penal laws of another." The Antelope, 10 Wheat. 66, 123. **The only cases in which the courts of the United States have entertained suits by a foreign State have been to enforce demands of a strictly civil nature. ...***

*The rule that the courts of no country execute the penal laws of another applies not only to prosecutions and sentences for crimes and misdemeanors, but to all suits in favor of the State for the recovery of pecuniary penalties for any violation of statutes for the protection of its revenue, or other municipal laws, and to all judgments for such penalties. If this were not so, all that would be necessary to give ubiquitous effect to a penal law would be to put the claim for a penalty into the shape of a judgment. [127 US 291] Lord Kames, in his Principles of Equity, cited and approved by Mr. Justice Story in his Commentaries on the Conflict of Laws, after having said, **"The proper place for punishment is where the crime is committed, and no society takes concern in any crime but what is hurtful to itself;" and recognizing the duty to enforce foreign judgments or decrees for civil debts or damages, adds: "But this includes not a decree decerning for a penalty; because no court reckons itself bound to punish, or to concur in punishing, any delict committed extra territorium."***

[Wisconsin v. Pelican Ins. Co., 127 U.S. 265, 289-91 (1888)](Citations Omitted)

20. Black's Law Dictionary defines the term "territory" as follows:

***Territory**: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.*

***A portion of the United States not within the limits of any State**, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the president.*

[Black's Law Dictionary, Sixth Edition, p. 1473]

21. The 50 states of the Union of the country called the United States of America are not territories of the federal government of the United States, but instead are sovereign nations under the Law of Nations, except in respect to those matters specifically delegated to the federal government.

***The States between each other are sovereign and independent**. They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular**; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute. Congress have never provided for the proof of the laws of the States when they are brought forward in the courts of the United States, or in the courts of the States; and they are proved as foreign laws are proved.*

[Bank of Augusta v. Earle, 13 Pet. 519, 38 U.S. 519, 10 L. Ed. 274 (1839)]

22. While Congress may legislate in respect to all arid lands within limits of territories, it has no legislative control over the states of the Union, and must, so far are they are concerned, be limited to authority over property belonging to the "United States" within their limits. The states of the Union have no power to directly enlarge or contract federal jurisdiction. Congress has legislated the same way.

TITLE 40** > **SUBTITLE II** > **PART A** > **CHAPTER 31** > **SUBCHAPTER II§ 3112. Federal jurisdiction

(c) Presumption. It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

23. Clearly, if the federal government already had jurisdiction they they would not need to "accept" it. Unless and until notice and acceptance of jurisdiction has been given, federal courts are without jurisdiction to punish under criminal laws of the United States an act committed on lands acquired by the United States, as provided by 40 U.S.C. §3112 (former 40 U.S.C. § 255), See also Adams v. United States, 319 U.S. 312 (1943). This Court has explained that if the court is without jurisdiction then it would not matter if found guilty by a jury 100 times. See Maxfield's Lessee v. Levy, 4 U.S. 330 (1797).

24. If the federal government contends for the power to prosecute felonious crimes outside of their concurrent or exclusive legislative (territorial) jurisdiction they must prove an extra-territorial application of the statute in question as well as a Constitutional foundation supporting the same. Absent this showing, no federal prosecution can be commenced for offenses committed outside their concurrent or exclusive legislative (territorial) jurisdiction. All of Title 18 U.S.C. Is written to occur within the special maritime and territorial jurisdiction of the United States, unless a statute clearly conveys that it is meant to apply extra-territorially (which must be supported by a constitutional foundation, such as the power to "punish"). This is why the United States is defined in a "territorial sense" at 18 U.S.C. §5, as places subject to their jurisdiction (which places are defined at 18 U.S.C. §7, *supra*). Utilizing the people's ignorance of the law, Congress refers to places subject to their jurisdiction as the "United States." For example 18 U.S.C. §5

> ***TITLE 18*** > ***PART I*** > ***CHAPTER I***
> *§ 5. United States defined*
>
> *The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.*

For an excellent example of a statute that gives a clear indication of its extraterritorial application see 18 U.S.C. §470.

> ***TITLE 18*** > ***PART I*** > ***CHAPTER 25*** *§ 470. Counterfeit acts committed* ***outside the United States***
>
> *A person who,* ***outside the United States****, engages in the act of--*
> *(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or*
> *(2) making, dealing, or possessing any plate, stone, analog, digital, or electronic image, or other thing, or any part thereof, used to counterfeit such obligation or security,*
>
> *if such act would constitute a violation of section 471, 473, or 474 [18 USCS § 471, 473, or 474] if committed within the United States, shall be punished as is provided for the like offense within the United States.*

The above statute makes perfect sense, and is in harmony with the U.S. Constitution, the federal government has constitutional authority to "punish" outside the "United States" for the counterfeiting of the Securities and current Coin of the United States.**8.2.4 The Necessary and Proper Clause**

1. Pursuant to Article I, §8, cl. 18 (the Necessary and Proper clause), Congress is authorized, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers...." It has been construed as a grant of power to "punish" by the federal government, when it is not. This Court has stated:

> *The last paragraph of the section which authorizes Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof,* ***is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned.***

[Kansas v. Colorado, 206 U.S. 46, 88 (1907)]

> *The Necessary and Proper Clause authorizes congressional action ``incidental to [an enumerated] power ... Chief Justice Marshall was emphatic that no ``great substantive and independent power" can be ``implied as incidental to other powers, or used as a means of executing them." Id., at 418, 411, 4 L. Ed. 579; see also Gibbons v. Ogden, 9 Wheat. 1, 195, 6 L. Ed. 23 (1824) (``The enumeration presupposes something not enumerated").*
> *[United States v. Kebodeaux,186 L. Ed. 2d 540 (2013)(Brackets in original)]In fact, the Anti-Federalists objected that the Necessary and Proper Clause would allow Congress, inter alia, to "constitute new Crimes, . . . and extend [its] Power as far as [it] shall think proper; so that the State Legislatures have no Security for the Powers now presumed to remain to them; or the People for their Rights." Mason, Objections to the Constitution Formed by the Convention (1787), in 2 The Complete Anti-Federalist 11, 12-13 (H. Storing ed. 1981) (emphasis added). Hamilton responded that these objections were gross "misrepresentation[s]." The Federalist No. 33, at 204. He termed the Clause "perfectly harmless," for it merely confirmed Congress' implied authority to enact laws in exercising its **enumerated** powers.*
> *[Gonzales v. Raich, 545 U.S. 1, n5 (2005)]*

Since the "necessary and proper clause" is not a grant of power, but simply a provision for carrying into execution the foregoing powers, how then does it grant the power to punish where that power has not been delegated? Is the federal government not a government of delegated, limited, and enumerated powers?

2. Implication of the power to "punish" under the commerce clause, by and through the necessary and proper clause, is not favored nor appropriate. Congress cannot grant themselves jurisdiction or an undelegated power to "punish" felonies, pursuant to their delegated power to regulate interstate commerce, whenever they deem it "necessary and proper" because jurisdiction "cannot be acquired tortiously by disseisin of the state", and because "it [is] a fundamental precept that the rights of sovereignty are not to be taken away by implication."

> ***In deciding the case, the court said that the possession of the post by the United States must be considered as a possession for the State, not in derogation of her rights, observing that it regarded it as a fundamental principle that the rights of sovereignty were not to be taken away by implication.*** *"If the United States," the court added, "had the right of exclusive legislation over the Fortress of Niagara they would have also exclusive jurisdiction; but we are of opinion that the right of exclusive legislation within the territorial limits of any State can be acquired by the United States only in the mode pointed out in the Constitution, by purchase, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. **The essence of that provision is that the State shall freely cede the particular place to the United States for one of the specific and enumerated objects. This jurisdiction cannot be acquired tortiously by disseisin of the State**; [114 US 539] much less can it be acquired by mere occupancy, with the implied or tacit consent of the State, when such occupancy is for the purpose of protection."*
> *[Fort Leavenworth R. Co. v. Lowe, 114 U.S. 525, 538-539 (1885)]*

As Chief Justice Marshall stated:

> *It is a rule of construction, acknowledged by all, that the exceptions from a power mark its extent*
> *[Gibbons v. Ogden, 9 Wheat 1, 191 (1824)]*

3. If the power to "regulate" allowed Congress to "punish", by and through the necessary and proper clause, then there would have been no reason to delegate, by enumeration, the power to "punish" counterfeiting the securities and current coin of the United States (Article I, §8, cl. 6) in aid of their power to coin money and regulate the value thereof under the Constitution (Article I, §8, cl. 5). The power to punish counterfeiting was delegated to Congress because counterfeiting devalues legal tender and undermines the economy. Remember their power is to regulate the value of the coin.

The authority of the existing Congress is restrained to the regulation of coin struck by their own authority, or that of the respective States. It must have been seen at once that the proposed uniformity in the value of the current coin might be destroyed by subjecting that of foreign coin to different regulations of different States. ***The punishment of counterfeiting the public securities, as well as the current coin, is submitted of course to that authority which is to secure the value of both.***

[The Federalist Papers, No. 42]

4. Clearly, the power to punish counterfeiting was delegated in aid of Congress' power to regulate the value of the money they coin, They did not inherently have this power. The Framers of the Constitution would not have delegated to Congress an enumerated power to punish if they already had this power whenever they deemed it "necessary and proper", nor would they have done so if this power to punish could be implied pursuant to their delegated and enumerated power to regulate. The power to punish felonious crimes comes from other provisions of the Constitution. Not from regulatory or necessary and proper powers. Note this Courts admission as to the limit and extent of power.

Congress is expressly authorized "to provide for the punishment of counterfeiting the securities and current coin of the United States, and to define and punish piracies and felonies committed on the high seas and offenses against the laws of nations." It is also empowered to declare the punishment of treason, and provision is made for impeachments. ***This is the extent of power to punish crime [79 US 536] expressly conferred.***

[Knox v. Lee, 79 U.S. 457, 535-536, 20 L. Ed. 287, 12 Wall. 457 (1871)]

5. If Congress could expand their territorial jurisdiction to punish felonious crimes whenever they deemed it necessary and proper, or whether under the guise of regulating interstate commerce or, more noticeably, when regulating the value of the current coin, simply by writing laws (legislating), there would have been no need for the Framers of the Constitution to delegate the enumerated power to "punish" where it was delegated. Likewise, there would be no need for the Union States to cede jurisdiction to Congress, and no need for Congress to accept those cessions of jurisdiction. Chief Justice Marshall, speaking with regard to the necessary and proper clause, observed that:

Congress may pass all laws which are necessary and proper ***for giving the most complete effect*** *to this power[The judicial power extending to "all Cases of admiralty and maritime Jurisdiction" power]. Still, the* ***general jurisdiction over the place [of the crime], ... adheres to the territory****, as a portion of sovereignty not yet given away.*

[United States v. Bevans, 16 U.S. 336, 389 (1818)]

Even before Chief Justice Marshall, this Court stated that:

"In relation to crimes and punishments, the objects of the delegated power of the United States are enumerated and fixed. ***Congress may provide for the punishment of counterfeiting the securities and current coin of the United States; and may define and punish piracies and felonies committed on the high seas, and offences against the law of nations. Article 1, § 8. And, so likewise congress may make all laws which shall be necessary and proper for carrying into execution the powers of the general government. But here is no reference to a common law authority****: Every power is matter of definite and positive grant; and the very powers that are granted cannot take effect until they are exercised through the medium of a law.*

[...]

PETERS, District Judge. Whenever a government has been established, I have always supposed, that a power to preserve itself, was a necessary and an inseparable concomitant. But the existence of the federal government would be precarious, and it could no longer be called an independent government, if, ***for the punishment of offences of this nature, tending to obstruct and pervert the administration of its affairs****, an appeal must be made to the state tribunals, or the offenders must escape with absolute impunity.* ***The power to punish misdemeanours is originally and strictly a common law power; of which I think the United States are constitutionally possessed****. It might have been exercised by congress in the form of a legislative act; but it may also, in my opinion, be*

enforced in a course of judicial proceeding. ***Whenever an offence aims at the subversion of any federal institution, or at the corruption of its public officers, it is an offence against the well-being of the United States.***
[United States v. Worrall, 2 U.S. 384, 391, 395 (1798)]

6. If this power to "punish" under the guise of regulating commerce was the will of the people, why then was the Constitution not amended? If a constitutional amendment was needed to enforce the laws of the United States within the states of the Union for the manufacture, transportation, and sale of alcohol in the days of the prohibition, why is a constitutional amendment not needed for same enforcement authority regarding the possession of illicit images?
7. To reiterate, if the Necessary and Proper clause, or the power to regulate, allowed Congress to provide for the punishment of felonies by implication (because we can clearly see that the power to punish is not enumerated there, which proves it is not delegated), then it would not be essential for the states of the Union to cede legislative jurisdiction over land owned by the "United States", or consent to its purchase, under Article I, §8, cl. 17, since under the Property Clause Congress is authorized to "make all needful Rules and Regulations respecting the Territory or other Property" belonging to them. The erroneous construction of the Constitution presently being construed by the courts pursuant to the Commerce Clause power to regulate, would also mean that under the Property Clause Congress could feloniously punish as necessary and proper any crime they wished, like murder for example, without the need for concurrent or exclusive legislative jurisdiction to be ceded. It would also not be necessary for Congress to specify that the crime of murder must occur "within the special maritime and territorial jurisdiction of the United States." See 18 U.S.C. §1111, and 1112, murder and manslaughter, respectively. See United States v. Tully, 140 F. 899 (9th Cir. September 23, 1905); and United States v. Watkins, 22 F.2d 437 (1927).

????. How then does the United States Department of Justice, purport to punish under the guise of regulating commerce when the power to "punish" is not even a delegated power under the commerce clause? Because they are not using the Constitutional Commerce Clause, they are using the statutory interstate and foreign commerce definition, which only applies to federal territory.**8.3. Statutory Interstate Commerce**

1. The Federal Rules of Criminal Procedure, are made explicitly applicable to the United States district courts:

TITLE I > ***RULE 1***
Scope; Definitions

(a) Scope.
(1) In General. These rules govern the procedure in ***all criminal proceedings*** *in the* ***United States district courts****, the United States courts of appeals, and the Supreme Court of the United States.*

As can be plainly seen, the criminal rules of procedure govern every criminal proceeding in all United States district courts. These rules trump all laws in conflict with them:

TITLE 28 > ***PART V*** > ***CHAPTER 131***
§ 2072. Rules of procedure and evidence; power to prescribe

(b) Such rules shall not abridge, enlarge or modify any substantive right. ***All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.***

2. Title 18, the Criminal Code, Congress has defined Interstate and Foreign Commerce as:

TITLE 18 > ***PART I*** > ***CHAPTER 1****§10 Interstate commerce and foreign commerce defined*

The term "interstate commerce", as used in this title, includes commerce between one ***State,***

*Territory, Possession, or the District of Columbia and another **State**, Territory, Possession, or the District of Columbia.*

The term "foreign commerce", as used in this title, includes commerce with a foreign country.

????. This Court has also defined the definition of "State" in the Federal Rules of Criminal Procedure, Rule 1(b)(9) to only include places under the concurrent or exclusive legislative jurisdiction of the "United States".***TITLE I** >*
RULE 1
Scope; Definitions

(b) Definitions.
(9) "State" includes the District of Columbia, and any commonwealth, territory, or possession of the United States.

????. In ascertaining the meaning of words like State, Territory, or Possession that are doubtful or otherwise obscure, I can utilize the rule of Ejusdem Generis or Noscitur a Sociis (Appendix A, Numbers 16 & 17)which inform me that they take on the same meaning as the words District of Columbia. That is, they are places under the concurrent or exclusive legislative jurisdiction of the "United States".**8.3.1. The term "includes"**

1. I believe that it is beyond contention that the use of includes is meant to mislead and deceive. As this Court has put forth several times, the statutes must be assumed to be written exactingly, and, therefore, taken to mean precisely what they say, this includes the rules prescribed by this Court as they are prescribed under the authority of Congress. Recently, in Arlington Central School Dist. Bd. of Educ. v. Murphy, the court emphasized a fundamental principle of statutory construction as follows:

*We have "stated time and again that **courts must presume that a legislature says in a statute what it means and means in a statute what it says there.**" When the statutory "language is plain, the sole function of the courts - at least where the disposition required by the text is not absurd - is to enforce it according to its terms." In construing statutes, Kentucky has long applied the legal maxim expression unius est exclusio alterius, "meaning the expression of one thing is the exclusion of another."*
[Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy, 548 U.S. 291, 296 (2006)](Citations Omitted)

2. The federal government is abusing "words of art" to deceive and undermine the sovereignty of the non-governmental opponent. This includes:

????.1. Adding things or classes of things to the meaning of statutory terms that do not expressly appear in their definitions by abusing the word "includes" in violation of the rules of statutory construction.Treasury Definition 3980, Vol. 29, January-December 1927, pages 64 and 65 where the terms includes and including are defined as follows:

*(1) To comprise, comprehend, or embrace. (2) To enclose within; contain; confine. But granting that the word including is a term of enlargement, it is clear that it only performs that office **by introducing the specific elements constituting the enlargement.** It thus, and thus only, enlarges the otherwise more limited, preceding general language. The word including is obviously used in the sense of its synonyms, **comprising**; comprehending; embracing.*

4. When the term "includes" is used as a word of limitation it will "contain" or "embrace" only certain meanings.

The determining word is, of course the word "including." It may have the sense of addition, [221 US 465] as we have seen, and of "also;" but, we have also seen, "may merely specify particularly that which belongs to the genus." Hiller v. United States, 45 C. C. A. 229, 106 Fed. 73, 74. It is the participle of the word "include," which means, according to the definition of the Century Dictionary, (1) "to confine within something; hold as in an inclosure; inclose; contain." (2) "To comprise as a part, or as something incident or pertinent; comprehend; take in; as the greater includes the less; . . . the Roman Empire included many nations." "Including," being a participle, is in the nature of an adjective and is a modifier.

[...]
the court [the Supreme Court of the State] also considered that the word "including" was used as a word of enlargement, the learned court being of opinion that such was its ordinary sense. With this we cannot concur. It is its exceptional sense, as the dictionaries and cases indicate. *We may concede to "and" the additive power attributed to it. It gives in connection with "including" a quality to the grant of 110,000 acres which it would not have had, the quality of selection from the saline lands of the state. And that such quality would not exist unless expressly conferred we do not understand is controverted. Indeed, it cannot be controverted.*
[Montello Salt Co. v. Utah, 221 US 452, 464-465, 466 (1911)]

5. For example: "Trucks" includes Ford F150, Dodge Ram, and Chevy Silverado. Is there any reason to believe the definition of "Trucks" given includes other trucks not mentioned? Is it not true that the definition of "Trucks" given included unmentioned trucks, it would not be necessary to define the term "Trucks" to include the trucks it does, because the term "Trucks" would then be given it natural, plain, ordinary and commonly understood meaning of every type of truck imaginable?

In construing statutes, words are to be given their natural, plain, ordinary and commonly understood meaning unless it is clear that some other meaning was intended*, and where* ***Congress has carefully employed a term in one place and excluded it in another, it should not be implied where excluded****.*
[United States v. Wong Kim Bo, 472 F.2d 720, 722 (1972)](Citations Omitted)

6. The term "Trucks" must be given its "known and ordinary signification, unless that sense be repelled by the context." Lessee of Levy et al. v. M'Cartee, 31 U.S. 102, 6 Pet. 102, 110 (1832).

Context.

Those parts of a writing which precede and follow a phrase or passage in question, and which may be looked at to explain the meaning of the phrase or passage.
[The Law Dictionary, Anderson Publishing Co., 2002]

7. In order to determine the meaning of "Trucks", as I have defined it above, we must look to the words which precede or follow it. Since no words precede it to help us determine the meaning of "Trucks" we must look to the words that follow it. We can therefore explain the term "Trucks" to mean Ford F150, Dodge Ram, and Chevy Silverado. As we can see, without that explanatory context, the term "Trucks" would be given its ordinary, usually plural, and commonly understood meaning of every type of truck imaginable.

TERM Pick-up Truck.

A motor vehicle with small truck body, handy for the transportation of packages and other light articles, being also available for use as an ordinary one-seated automobile.
[Ballentine's Law Dictionary, 3rd Edition]

8. The same is true for the term "State" as defined in the Federal Rules of Criminal Procedure. Because the words (context) that follow the term "State" do not include the "states of the Union", or the "50 states", we can explain its meaning to be limited to the District of Columbia, any commonwealth, territory, or possession of the United States.

"We cannot supply what Congress has studiously omitted."
[FTC v. Simplicity Pattern Co., 360 U.S. 55, 67 (1959)]

If Congress intended to use the term "disability" as a term of art, a shorthand way of referring to the statutory definition, the employer must pay total compensation. If Congress intended a broader and more usual concept of the word, the judgment below must be affirmed. ***Statutory definitions control the meaning of statutory words****, of course, in the usual case.*
[Lawson v. Suwannee Fruit & S.S. Co., 336 U.S. 198, 201 (1949)]

????. If Congress does not want to limit the term includes, they will explicitly say so, see for example The Federal Debt

Collection Procedure:***TITLE 28*** > ***PART VI*** > ***CHAPTER 176*** > ***SUBCHAPTER A***
§3003 Rules of construction

(a) Terms. For purposes of this chapter [28 USCS §§ 3001 et seq.]--
(1) the terms "includes" and "including" are not limiting;
(2) the term "or" is not exclusive; and
(3) the singular includes the plural.

And the Immigration and Nationality Act:***TITLE 8*** > ***CHAPTER 12***
§1101 Definitions

(a) As used in this Act-
(2) The term "advocates" includes, ***but is not limited to****, advises, recommends, furthers by overt act, and admits belief in.*

If "includes" and "including" were not meant to be limiting then Congress would not have needed to write the above statutes.

10. The courts possess no legislative power to construe meanings to definitions using words or phrases Congress and this Court has left out. If the definition of "State" included places not mentioned it would not be necessary to define the places it does because that would automatically be included. Therefore, neither the states of the Union or the 50 states can be construed into the definition of "State" in FRCrimP, Rule 1(b)(9), pursuant to the term "State" in the definition of "interstate commerce" at 18 U.S.C. §10, because they are not mentioned. The obvious reason the rules limit the territorial reach of the "interstate commerce" statute, as it related to Title 18 U.S.C. Interstate Commerce Crimes, is because Congress has no inherent power to "punish" felonious crimes under the constitutional Commerce Clause because the power to "punish" is not enumerated (delegated) there and because we know the definition of "State" in the Federal Rules of Criminal Procedure does not include unmentioned places, the interpretation of this rule of criminal procedure is in perfect harmony with the doctrines of law and cardinal rule of statutory construction that words or phrases omitted were intended to be omitted.

??????. Therefore a "State", as it pertains to the "interstate commerce" definition and the FRCrimP is any place subject to the United States jurisdiction, this is further proven below.**8.3.2. The term "State"**

Just as there is constitutional and statutory interstate commerce there is also a constitutional State and statutory State.

1. The Constitution is a compact/contract written by and between the states of the Union and their new servant, the federal government. It conveys authority to the federal government over the property under its control and stewardship, which was only the District of Columbia at the time. Since the states wrote it, the word "State" is capitalized because they are the sovereigns and authors. Federal statutes and "acts of Congress" is written by the Congress under the authority of the Constitution. Since the servant, in that case, is writing the law, then it becomes the sovereign and author over the property under its stewardship, which only includes federal "States" listed in Title 48 of the U.S. Code, to include territories and possessions of the United States only.
2. Blacks Law Dictionary has defined State as:

State Defined:

The section of territory, occupied by one of the United States. ***One of the component commonwealths or states of the United States of America****. The term sometimes applied also to governmental agencies authorized by state, such as municipal corporations.* ***Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States****.*

[Black's Law Dictionary, 6th Edition]

3. There are two very important differences in the above definition. First, there are states of the United States of America, the states of the Union, and second, there is mention of "Any state of the United States", these are federal "States". See also Appendix B for a table.

4. The term "of the United States" means "belonging to the United States". The land making up the states of the Union are not territories of the United States government.

> *Congress possesses no power to legislate except such as is affirmatively conferred upon it through the Constitution, or is fairly to be inferred therefrom...*
> *An act which may be constitutional upon its face, or as applied to certain conditions, may yet be found to be unconstitutional when sought to be applied in a particular case.... It is unnecessary to lay special stress on the title to the soil in which the channels were dug, but it may be noticed that it was not in the United States. The language of the acts is "public works of the United States." As the works are things upon which the labor is expended, **the most natural meaning of "of the United States" is "belonging to the United States."***
> *[Ellis v. United States, 206 U.S. 246, 259 (1907)]*

5. Any state of the United States is not any ONE OF the 50 states of the Union. The states of the Union are not districts, cantons, subdivisions, or territories of the United States government, while the insular possessions and other territories are property of the United States and subject to its sovereignty.

> ***"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States, and does not necessarily include all the territorial possessions of the United States, but may include only the portions thereof which are organized and exercise governmental functions under act of congress."***
>
> ***"Territories' or territory' as including 'state' or 'states." While the term 'territories of the' United States may, under certain circumstances , include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.***
>
> ***"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."***
> *[86 Corpus Juris Secundum (C.J.S.), Territories, §1]*

6. States of the Union are "foreign" with respect to the federal government for the purposes of legislative jurisdiction. In federal law, they are called "foreign states" and they are described with the lower case word "states" within the U.S. Code and in upper case "States" in the Constitution. Federal "States", which are actually territories of the United States are spelled in upper case in most federal statutes and codes.

> ***Foreign States**: "Nations outside of the United States ... Term may also refer to another state; i.e. a sister state. The term 'foreign nations', ... should be construed to mean all nations and states other than in which the action is brought; and hence, one states of the union is foreign to another, in that sense."*
> *[Black's Law Dictionary, Sixth Edition, p. 648]*
>
> ***Foreign Laws**: "The laws of a foreign country or 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'."*
> *[Black's Law Dictionary, Sixth Edition, p.647]*

The U.S District Court in Salonen v. Farley, 82 F. supp 25 (1949) stated that:

> *The defendants have correctly stated the well established principle of law that the **Government of the United States is foreign as to the States of the Union** within the rule of private international law that the penal statutes of one sovereignty will not be enforced by another. It is universally recognized that foreign jurisdictions will not enforce penal statutes of another state.*

[Salonen v. Farley, D.C., 82 F.Supp. 25, 27 (1949)](Citations Omitted)

7. Diversity of citizenship is a prerequisite to jurisdiction in federal district courts. Citizens of the same state (who are under the same sovereignty and jurisdiction) are foreclosed from access to the federal district courts unless a federal question is at issue. Moreover, federal law at 28 U.S.C. §1332(a) requires that those who file suit in federal district court must be "(1) Citizens of different States; or (2) citizens of a State and citizens or subjects of a foreign state..." When congress originally enacted this provision for federal district courts to have jurisdiction over controversies between citizens of various (federal) "States", it did not include a provision for citizens of foreign "states" (states of the Union) to bring suit therein. The history note provides the following information.

> *The revised section conforms with the views of Philip F. Herrick, United States Attorney, Puerto Rico, who observed that the act of April 20, 1940, **permitted action between a citizen of Hawaii and of Puerto Rico [federal "States"], but not between a citizen of New York [a foreign state] and Puerto Rico [a federal State], in the district court.** This changes the law to insure uniformity. The 1940 amendment applied only to the provision as to controversies between "citizens of different States." The new definition in subsection (b) extends the 1940 amendment to apply to controversies between citizens of the Territories or the District of Columbia, and foreign states or citizens or subjects thereof.*
> *[28 U.S.C. §1332, History: Ancillary Laws and Directives. p. 2](Brackets Mine)*

8. This observation, made by the United States attorney for Puerto Rico while Hawaii was still a Territory of the United States, recognized that citizens of Hawaii and Puerto Rico could access the federal district courts because they were citizens of different federal "States". He further observed that the federal district courts did not have jurisdiction over controversies between citizens of Puerto Rico (who are citizens of the United States) and New York because citizens of New York are under the sovereignty and jurisdiction that is foreign to the United States, and there was no provision for citizens of foreign states to file suit therein. Congress added the provision for citizens of foreign states to have access to the federal district courts to resolve this problem. This is because Puerto Rico and other territories/States belonging to the federal government are under the sovereignty of the United States, while each of the states of the Union has a sovereignty and jurisdiction that is separate, distinct and foreign to that of the United States.

9. Positive Law from Title 28 of the U.S. Code agrees that states of the Union are foreign with respect to federal jurisdiction:

> ***TITLE 18** > **PART I** > **CHAPTER 13** § 297. Assignment of judges to courts of the freely associated compact states*
>
> *(a) The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit, district, magistrate, or territorial judge of a court of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states whenever an official duly authorized by the laws of the respective compact state requests such assignment and such assignment is necessary for the proper dispatch of the business of the respective court.*
>
> *(b) The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a) of all necessary travel expenses, including transportation, and of subsistence, or of a reasonable per diem allowance in lieu of subsistence. The judge shall report to the Administrative Office of the United States Courts any amount received pursuant to this subsection.*

10. The legal encyclopedia Corpus Juris Secundum says on this subject:

> *"Generally, the states of the Union sustain toward each other the relationship of independent*

sovereigns or independent foreign states, except in so far as the United States is paramount as the dominating government, and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and judicial proceedings of the other states..".
[81A Corpus Juris Secundum (C.J.S.) United States, §29 (2003)]

The phrase "except in so far as the United States is paramount" refers to subject matters delegated to the national government under the United States Constitution. For all such subject matters ONLY, "acts of Congress", under the Criminal Code, are NOT foreign and therefore are regarded as "domestic".

??????. In 1962, to clarify the meaning of the word "State" in federal tax statutes, the Secretary of the Treasury wrote definitions for the terms "State" and "United States" at 26 C.F.R. §31.3132(e)-1*26 C.F.R §31.3132(e)-1*..

*(a) When used in the regulations in this subpart, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the **Territories of Alaska and Hawaii before their admission as** States, and (when used with respect to services performed after 1960) Guam and American Samoa.*
*(b) When used in the regulations in this subpart, the term "United States", when used in a geographical sense, means the several States (including the **Territories of Alaska and Hawaii before their admission as States**), the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. When used in the regulations in this subpart with respect to services performed after 1960, the term "citizen of the United States" includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and effective January 1, 1961, a citizen of Guam or American Samoa.*
[Emphasis added]

This regulation shows that the Secretary of the Treasury of the United States understood that each of the Territories of Alaska and Hawaii, which were under the sovereignty and legislative jurisdiction of the United States government as inchoate States before admission to the Union, no longer qualified as "States" as defined in the Code of Federal Regulations for Title 26. As Congress admitted each of these entities into the Union, they were thereby granted a separate sovereignty on the same footing as the original states that formed The United States of America. The relationship of the United States government with respect to Alaska and Hawaii was not the same before as it now is after the admission of these these territories as states of the Union. Moreover, the United States government lost its inherent sovereignty over these former territories and was now restricted from exercising any authority over these new sovereign states where the delegation of authority (such as punishing under the Interstate Commerce Clause) was absent from the U.S. Constitution. While the territories of Alaska and Hawaii were part and parcel of the United States, upon admission to the Union as states, they each became separate, distinct, independent. And FOREIGN to the United States government – taking on the same character as the other states of the Union from the inception of our political alliance. The Alaska and Hawaii Omnibus Acts make it absolutely clear how the statutory term "State" is used by Congress.

12. When Alaska was admitted into the union, in 1959, IRC §7701(a)(10) was amended by striking out "Territories" and submitting "Territory of Hawaii". Then, when Hawaii was admitted, we read in the Hawaii Omnibus Act, 2nd Session, Volume 74, 1960, at Section 18:

(j) Section 7701(a)(10) of the Internal Revenue Code of 1954 (relating to the definition of State) is amended by striking out the Territory of Hawaii and ...

13. Looking at the IRC after Alaska had been admitted as a Union state, in January 1959, it **then** reads, at 22(a) of the Alaska Omnibus Act of the 86th Congress, 1st Session, Volume 73, 1959

Sec. 22. [Internal Revenue.]

(a) Section 2202 of the Internal Revenue Code of 1954 (relating to missionaries in foreign service),

*and sections 3121(e)(1), 3306(j), 4221(d)(4), and 4233(b) of such Code (**each relating to a special definition of 'State'**) are amended by **striking out 'Alaska,'***
(Parentheses in original.)

14. This was done again, when Hawaii joined the union, in August.

Sec. 18. [Internal revenue.]

*(c) Section 3121(e)(1) of the Internal Revenue Code of 1954 (**relating to a special definition of 'State'**) is amended by striking out 'Hawaii',.*
*(d) Sections 3306(j) and 4233(b) of the Internal Revenue Code of 1954 (each **relating to a special definition of 'State'**) are amended by striking out 'Hawaii, and.*
[Hawaii Omnibus Act. Act July 12, 1960, P. L. 86-624, 74 Stat. 411]

15. The above Act supplies a great number of amendments similar to the following:
"Sec. 14. [Education.]

*(a)(1) Subsection (a) of section 103 of the National Defense Education Act of 1958 [20 USCS 403(a)], relating to **definition of State**, is amended by **striking out 'Hawaii,' each time it appears therein.***
[Hawaii Omnibus Act. Act July 12, 1960, P. L. 86-624, 74 Stat. 411]

16. In other words, when Alaska and Hawaii became the 49th and 50th states of the Union, Congress had to immediately drop them from the various definitions of State, throughout the 48 titles and statutes! This means that ipso jure, the definition of state found throughout the majority of the federal code does not apply to Alaska and Hawaii (unless they are included), and therefore, pari ratione, by like reasoning, not the other 48 Union states as well. So, after the only two incorporated federal Territories/States left the fold, only the District of Columbia remains as an example which presents a problem. For, this Court ruled in *Hepburn & Dundas v. Ellsey, 6 U.S. 445 (1805)* that within the meaning of the Constitution, the District of Columbia is not a "State".

17. Only on rare occasions in the codes and statutes is it found necessary to refer to the fifty states, such as in the sentencing guidelines.

TITLE 18 > TITLE 18 APPENDIX - SENTENCING GUIDELINES FOR THE UNITED STATES COURTS > CHAPTER TWO > PART C > Sec. 2C1.8§2C1.8 Making, Receiving, or Failing to Report a Contribution, Donation, or Expenditure in Violation of the Federal Election Campaign Act; Fraudulently Misrepresenting Campaign Authority; Soliciting or Receiving a Donation in Connection with an Election While on Certain Federal Property.

Application Notes:
1. Definitions. For purposes of this guideline:
"Foreign national" has the meaning given that term in section 319(b) of the Federal Election Campaign Act of 1971, 52 U.S.C. § 30121(b).
"Government of a foreign country" has the meaning given that term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. § 611(e)).
*"Governmental funds" means money, assets, or property, of the United States government, of a State government, or of a local government, including any branch, subdivision, department, agency, or other component of any such government. **"State" means any of the fifty states**, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa.*

18. The territories are inchoate "States" under the sovereignty of the United States. Notice these explanations.

"State" Compared and Distinguished

"The word 'state' is often used in contradistinction to 'territory', and it is only in exceptional cases that the word applies to a territory. The chief distinction between a state and territory is in the matter of sovereignty and the relation of each of the government of the United States...
Embryo or inchoate state. Although a territory has been regarded as an embryo or inchoate state,

the use of the term 'territory' does not necessarily involve the idea or promise of future statehood." [86 Corpus Juris Secundum (C.J.S.), Territories §10]

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*The impermanent character of these governments has often been noted. Thus, it has been said, "**The territorial state is one of pupilage at best," "A territory, under the Constitution and laws of the United States, is an inchoate state**," "During the term of their pupilage as Territories, they are mere dependencies of the United States."*
[O'Donoghue v. United States, 289 U.S. 516, 539-41 (1933)](Citations Omitted)

?????? Under the treaty with Spain, the territories (insular possessions) were called "States" for the purpose of ownership, disposition, and inheritance of property. These "States" include such territories as the Philippines (which elected to become independent of the United States in 1946), Puerto Rico, The U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, etc., they vary from section to section in the various codes and statutes, as the particular application requires. It is these inchoate "States", and not the sovereign states of the Union, that are subject to the interstate commerce definition. The federal government is a creation of the people of the states of the Union, and the states of the Union have not become absorbed into the federal government which they created.**8.4.**

Police Powers

1. "Police Power" is defined as:
   The inherent power of a government to exercise reasonable control over persons and property within its jurisdiction in the interests of the general security, health safety, morals, and welfare except where legally prohibited (as by constitutional provision).
   [Webster's Third New International Dictionary, unabridged (1981), p. 1754]
2. The CPP Act is a "police power", because it substantially affects the safety, health, welfare, and morals of the people.
3. HSI is a "police power", because they were exercising control over my person and property.
4. The Tenth Amendment reserves all powers not delegated to the "United States", to the states respectively, or to the people. Because the power to "punish" is not delegated, by enumeration, in aid of Congress' commerce clause power, the places wherein Congress can regulate interstate commerce through the imposition of felonious criminal statutes is limited by the Constitution. This Court has stated time and again that, "The federal government has nothing approaching a police power".

   Justice Thomas, concurring:
   *The Court today properly concludes that the Commerce Clause does not grant Congress the authority to prohibit gun possession within 1,000 feet of a school, as it attempted to do in the Gun-Free School Zones Act of 1990, Pub L 101-647, 104 Stat 4844. Although I join the majority, **I write separately to observe that our case law has drifted far from the original understanding of the Commerce Clause**. In a future case, we ought to temper our Commerce Clause jurisprudence in a manner that both makes sense of our more recent case law and is more faithful to the **original understanding of that Clause**. We have said that Congress may regulate not only "Commerce . . . among the several States," US Const, Art I, § 8, cl 3, but also anything that has a "substantial effect" on such commerce. **This test, if taken to its logical extreme, would give Congress a "police power" over all aspects of American life. Unfortunately, we have never come to grips with this implication of our substantial effects formula.** Although we have supposedly applied the substantial effects test for the past 60 years, **we always have rejected readings of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power**; our cases are quite clear that there are real limits to federal power. ("[N]o one disputes the proposition that '[t]he Constitution created a Federal Government of limited powers'.") (quoting Gregory v Ashcroft, 501 US 452, 457,(1991); ("Each State in the Union is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no claim to any authority but such as the States have*

surrendered to them") (emphasis deleted). Indeed, on this crucial point, the majority and Justice Breyer agree in principle: ***The Federal [514 US 585] Government has nothing approaching a police power.***

[United States v. Lopez, 514 U.S. 549, 584-585 (1995)](Citations Omitted)

5. The federal government of the United States has no police powers within states of the Union:

By the Tenth Amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." ***Among the powers thus reserved to the several States is what is commonly called the police power-that inherent and necessary power, essential to the very existence of civil society, and the safeguard of the inhabitants of the State against disorder, disease, poverty and crime. "The police power belonging to the States in virtue of their general sovereignty," said Mr. Justice Story, delivering the judgment of this court, "extends over all subjects within the territorial limits of the States, and has never been conceded to the United States, ... [135 US 128] The police power includes all measures for the protection of the life, the health, the property and the welfare of the inhabitants, and for the promotion of good order and the public morals.*** *It covers the suppression of nuisances, whether injurious to the public health, like unwholesome trades, or to the public morals, like gambling houses and lottery tickets.* ***This power, being essential to the maintenance of the authority of local government, and to the safety and welfare of the people, is inalienable. As was said by Chief Justice Waite, referring to earlier decisions to the same effect, "No Legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. The supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation, and cannot devest itself of the power to provide for them. For this purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than the power itself."***

[...].

All rights are held subject to the police power of the State." "Whatever differences of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection of the lives, health and property of the citizens, and to the preservation of good order and the public morals. The Legislature cannot, by any contract, devest itself of the power to provide for these objects. They belong emphatically to that class of objects which demand the application of the maxim, salus populi suprema lex; and they are to be attained and provided for by such appropriate means as the legislative discretion may devise. *That discretion can no more be bargained away than the power itself.".*

[Leisy v. Hardin, 135 U.S. 100, 127-29, (1890)](Citations Omitted)

6. The reason why the federal government has no police power within the the states is because, "The police power of the states was not surrendered when the people of the states of the Union conferred upon Congress the general power to regulate commerce with foreign nations and between the states of the Union.

It was held by Chief Justice Shaw to be a settled principle, "Growing out of the nature of well-ordered society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community." ***In recognition of this fundamental principle, we have frequently decided that the police power of the States was not surrendered when the People of the United States conferred upon Congress the general power to regulate commerce with foreign nations and between the several States.***

[Patterson v. Kentucky, 97 U.S. 501, 505 (1879)](Citation Omitted)

[O]ur Federal government is one of enumerated powers; *"this principle," declared Chief Justice Marshall in M'Culloch v. Maryland, 4 Wheat. 316, 4 L. ed. 579, "is universally admitted." A statute must be judged by its natural and reasonable effect.* ***The control by Congress over interstate commerce cannot authorize the exercise of authority not intrusted to it by the Constitution.*** *The maintenance of the authority of the states over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters*

intrusted to the nation by the Federal Constitution. ***In interpreting the Constitution it must never be forgotten that the nation is made up of states, to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the national government are reserved.***
[Hammer v. Dagenhart, 1918, 247 U.S. 251, 275 (1918)](Citations Ommitted)

7. What police powers the federal government does have extends exclusively over the "federal zone", which includes federal territories and possessions, the District of Columbia, and enclaves within the states of the Union by default, unless a clear intent is expressed to the contrary.

It is no longer open to question that the general government, unlike the states, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.
[Carter v. Carter Coal Co., 298 U.S. 238, 296 (1936)](Citation Omitted)

If Congress is authorized to act in a field, it should manifest its intention clearly. *It will not be presumed that a federal statute was intended to [344 US 203] supersede the exercise of the power of the state unless there is a clear manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed.*
[Schwartz v. Texas, 344 U.S. 199, 202-203 (1952)]

That the United States lacks the police power, and that this was reserved to the states by the 10th Amendment, is true.
[Hamilton v. Kentucky Distilleries and Warehouse Co., 251 U.S. 146, 156 (1919)]

8. Chief Justice Roberts, speaking for this Court, recently opined concerning the "police power" reserved to the states of the Union as follows:

The Commerce Clause is not a general license to regulate an individual from cradle to grave, simply because he will predictably engage in particular transactions. Any police power to regulate individuals as such, as opposed to their activities, remains vested in the States.
[Nat'l Fed'n of Indep. Bus. v. Sebelius, 132 S. Ct. 2566, 183 L. Ed. 2D 450, 479 (2012)]

If the federal government lacks police powers within a state of the Union, and Arizona is one if the 50 states of the Union, how then did HSI, a police power, break into private property outside the jurisdiction of the "United States" and force me with an assault rifle and hand guns to cooperate, then arrest and confine me? I believe it is because the federal government is not telling me something important about the nature and cause of the charges.**8.5. The Warrant**

????. Federal Rules of Criminal Procedure, Rule 4, states that a warrant may only be executed in the jurisdiction of the United States or anywhere else a federal statute authorizes an arrest.*Federal Rules Of Criminal Procedure*
TITLE II > RULE 4
Arrest Warrant or Summons on a Complaint

(c) Execution or Service, and Return.
(2) Location. ***A warrant may be executed, or a summons served, within the jurisdiction of the United States or anywhere else a federal statute authorizes an arrest****. A summons to an organization under Rule 4(c)(3)(D) may also be served at a place not within a judicial district of the United States.*

2. I incorporate section 8.2.3, #13 herein, which codified at Title 18 U.S.C. §7 and describes the jurisdiction of the United States as "The Special Maritime and Territorial Jurisdiction of the United States"

????. There is no proof on the record that I and my property were located within the jurisdiction of the "United States" and there is no statute authorizing an arrest to be made on the property I was located at, which was within the exterior boundaries of Arizona (a foreign state), not on land ceded to the "United States".**8.6. The Courts**

The United States district court for the District of Arizona is not operating in an Article III capacity pertaining to my case.

The jurisdiction of the federal district and circuit courts is limited almost exclusively to disputes involving property and franchises. All such courts, in fact, are created and maintained under Article IV, Section 3, Clause 2, and Article I, Section 8, Clause 17 of the United States Constitution and they are NOT created under the authority of Article III. Nowhere, in fact, within the statutes creating such administrative franchise courts is Article III expressly invoked such as it is the case of the Court of International Trade. Hence, the only real Article III courts are the Court of International Trade and this Court. Every other federal court is an Article IV franchise or Article I territorial court. I have a right to be tried in a constitutional Article III court for crimes that occur on land where jurisdiction has not been ceded or relinquished to Congress through consent to purchase. This right cannot be knowingly intelligently waived by me or any attorney acting in my behalf because I cannot vest jurisdiction on a court, even by pleading guilty.

> ***[C]ases are legion holding that a party may not waive a defect in subject-matter jurisdiction or invoke federal jurisdiction simply by consent. This must be particularly so in cases in which the federal courts are entirely without Article III power to entertain the suit.***
> *[United States v. Union Gas Co., 491 U.S. 1, 26 (1989)](Citations Omitted)*

8.6.1. The District Courts

1. In the federal judicial system there are two type of courts. Constitutional courts "ordained and established" under Article III, of the U.S. Constitution, via Article I, §8, cl. 9, which are inferior to this Court, and "legislative" courts created under Article I, §8, cl. 17, and Article IV, §3, cl. 2. The courts created under Article I, §8, cl. 17, and Article IV, §3, cl. 2, are also referred to as "congressional", "legislative" and/or "territorial" courts. This Court explained that:

> *The Constitution nowhere makes reference to "legislative courts." The power given Congress in Art 1, § 8, cl 9, "To constitute Tribunals inferior to the supreme Court," plainly relates to the "inferior Courts" provided for in Art 3, § 1; it has never been relied on for establishment of any other tribunals. [370 US 544] The concept of a legislative court derives from the opinion of Chief Justice Marshall in American Ins. Co. v Canter (US) 1 Pet 511, 7 L ed 242, dealing with courts established in a territory.*
> *[...]*
> *"These Courts, then, **are not constitutional Courts, in which the judicial power conferred by the Constitution on the general government, can be deposited. They are incapable of receiving it. They are legislative Courts**, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause [Article IV, §3, cl. 2] which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States."*
> *[Glidden Co. v. Zdanok, 370 U.S. 530, 543-544 (1962)]*

2. Obviously this Court is created by the Constitution itself. When Congress "ordains & establishes" inferior Article III constitutional courts, they are created by the Constitution which delegates that power to Congress. Congress also has authority to establish legislative courts throughout the 50 states of the Union under their "Enclave Clause" (Article I, § 8 cl. 17) powers.
3. Every federal court not created under Article III of the U.S. Constitution is a legislative court. Their subject-matter jurisdiction is limited to matters occurring within the concurrent or exclusive legislative (territorial) jurisdiction of the United States. Their subjects of jurisdiction are defined by statutes created by Congress for these courts. Because legislative courts are not constitutional courts created under Article III, they are incapable of extending the judicial power under that Article to the subject of jurisdiction enumerated there in section 2 (although they are exercising legislative judicial power). This Court in Glidden Co. v. Zdanok, supra, speaks of Congress' power to assign specified jurisdiction to administrative agencies and "tribunal[s] having every appearance of a court and

composed of judges enjoying statutory assurances of life tenure and undiminished compensation." Id at 550.

4. This Court, explaining that the authority granted to legislative courts is judicial power, but is not that judicial power granted by §1 and defined by §2 of Article III of the Constitution; but rather is derived from the property clause.

> ***[J]udicial power apart from that article [Article III, U.S. Constitution] may be conferred by Congress upon legislative courts**, as well as upon constitutional courts, is plainly apparent from the opinion of Chief Justice Marshall in American Ins. Co. v. 356 Bales of Cotton, 1 Pet. 511, 546, 7 L. ed. 243, 256, dealing with the territorial courts. "The jurisdiction," he said, "with which they are invested, is not a part of that judicial power which is defined in the 3d article of the Constitution, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States." That is to say (1) that the courts of the territories (**and, of course, other legislative courts**) are invested with judicial power, but (2) **that this power is not conferred by the third article of the Constitution, but by Congress in the execution of other provisions of that** [289 US 566] **instrument**.*
>
> *[...]*
>
> *Congress cannot vest any portion of the judicial power granted by § 1 and defined by § 2 of the third article of the Constitution in courts not ordained and established by itself;*
>
> *[Williams v. United States, 289 U.S. 553, 565-66 (1933)]*

5. Constitutional courts on the other hand, are authorized to extend the judicial power under Article III of the U.S. Constitution to the subjects of jurisdiction enumerated there in section 2. This includes all felony offenses against the laws of the United States occurring within the territorial (legislative) jurisdiction of any particular state of the Union **where the power to "punish" has been delegated, by enumeration, in the Constitution**. It also includes all misdemeanor offenses against the laws of the United States, occurring within the territorial (legislative) jurisdiction of any particular state of the Union, if the alleged conduct is connected to the execution of a delegated power. This Court explained:

> *Constitutional power is merely the first hurdle that must be overcome in determining that a federal court has jurisdiction over a particular controversy.*
>
> *[...]*
>
> *It is a fundamental precept that federal courts are courts of limited jurisdiction. The limits upon federal jurisdiction, whether imposed by the Constitution or by Congress, must be neither disregarded nor evaded.*
>
> *[Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 372, 374 (1978)]*

6. When Congress establishes new courts they do so in an Act which is a statute. The argument that the court's status is determined by its physical location fails when applied to the 50 states of the Union. If Congress can establish Article III courts within the District of Columbia, why cant they establish legislative courts throughout the states of the Union in making all "needful Rules and Regulations" respecting the millions of acres of land under their concurrent or exclusive legislative jurisdiction. A legislative court is defined as:

> ***A court created by statute**, as opposed to one created by the Constitution.*
>
> *[Black's Law Dictionary, Eighth Edition, p. 382]*

7. The United States District Court for the District of Arizona is not an Article III court "ordained & established" under the United States Constitution, it is a "United States district court not a "district court of the United States. The term, words, or phrase "district courts of the United States" is not describing the "United States district courts" sitting throughout the states of the Union as if they are one and the same court established under Article III. This is subterfuge. The character of a federal court within the exterior boundaries of a state of the Union is not dependent on its physical location. I turn to the Federal Rules of Evidence which state that:

> *These various provisions do not in terms describe the same courts [and] In congressional usage the phrase "district courts of the United States," without further qualification, traditionally has*

included the district courts established by Congress in the states under Article III of the Constitution, which are "constitutional" courts, and has not included 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)
[Federal Rules of Evidence, Rule 1101, Applicability of Rules, Notes of Advisory Committee on Rules, para. 2]

8. This Court explained that:

The words "district court of the United States" [in their historic, technical sense], commonly describe constitutional courts created under Article 3 of the Constitution, not the legislative courts which have long been the courts of the Territories.
[International Longshoremen's & Warehousemen's Union v. Juneau Spruce Corp., 342 U.S. 237, 241 (1952)]

TITLE 28 > PART I > CHAPTER 5
§88 District of Columbia.

Prior law and revision:
*It is consonant with the ruling of the Supreme Court in O'Donoghue v. United States, 1933, 53 S. Ct. 740, 289 U.S. 516, 77 L. Ed. 1356, that **the (then called) Supreme Court and Court of Appeals of the District of Columbia are constitutional courts of the United States, ordained and established under article III of the Constitution**, Congress enacted that the Court of Appeals "shall hereafter be known as the United States Court of Appeals for the District of Columbia" (Act of June 7, 1934, 48 Stat. 926); and also **changed the name** of the Supreme Court of the District of Columbia to **"district court of the United States for the District of Columbia"** (Act of June 25, 1936, 49 Stat. 1921).*
[Title 28 U.S.C. §88, District of Columbia, History, Ancillary Laws and Directives, Prior Law and revision, paragraphs 2-3]

9. As can be clearly seen from the above passages, district courts ordained and established under Article III are constitutional courts of the United States named "district court of the United States." If the words "district court of the United States" describes constitutional courts created under Article III, then I know "United States district courts" are not the constitutional courts such as "district courts of the United States" established under Article III because of their name. If the current "United States district courts" (United States District Court for the District of Arizona) are clearly not the former "district courts of the United States", then what are they? In a Ninth Circuit case it was stated that:

The United States District Court for the Territory of Hawaii may not, for all purposes, be considered a District Court of the United States, but it has the jurisdiction of a District Court of the United States and is by law required to proceed in the same manner as a District Court of the United States
[Mookini v. United States, 92 F.2d 126 (1937)]

10. Just because a territorial "United States district court", or any other legislative court, is vested with jurisdiction (subject-matter jurisdiction), to hear the same kinds of cases as an Article III court (see Article III, §2, subjects of jurisdiction), it does not mean their jurisdiction comes from Article III. On certiorari to review the Mookini case, this Court explained that:

*The term "District Courts of the United States," [in its historic and proper sense] ... has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. **We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a "District Court of the United States."** Not only did the promulgating order use the term District Courts of the United States in its historic and proper sense, but the omission of provision for the application of the rules to the territorial courts and other courts mentioned in the authorizing act clearly shows the limitation that was intended.*

[Mookini v. United States, 303 U.S. 201, 205 (1938)](Citations Omitted)

11. The terms, words, or phrase "United States district court" appears to reflect courts created in federal territories, like Puerto Rico, the Northern Mariana Islands, and Hawaii (before admission as a state of the Union). This Court explained that:

> *The **United States district court is not a true United States court, established under article 3 of the Constitution** to administer the judicial power of the United States therein conveyed. It is created ... under article 4, § 3, of that instrument, of making all **needful rules and regulations respecting the territory belonging to the United States**. The resemblance of its jurisdiction to that of true United States courts in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence does not change its character as **a mere territorial court**.*
> *[Balzac v. Porto Rico, 258 U.S. 298, 312 (1922)]*

And also in the 9th Circuit:

> *[T]he United States District Court for the Northern Mariana Islands ("NMI district court"), as a court established under Article IV of the United States Constitution, shall have the same jurisdiction as other United States District Courts.*
> *[Armstrong v. N. Mariana Islands, 576 F.3d 950, 954-55 (9th Cir. 2009)]*

??????. The following passages from the Federal Rules of Criminal Procedure, show that territorial courts are named "United States district court" which are legislative courts.*TITLE IX*
Rule 54

> *HISTORY; ANCILLARY LAWS AND DIRECTIVES*
> *Other provisions:*
> *Notes of Advisory Committee on Rules.*
>
> *Paragraph 6, Hawaii.- Hawaii has a dual system of courts. The United States District Court for the Territory of Hawaii, a legislative court, has the jurisdiction of district courts of the United States.*
>
> *Paragraph 9, In the Canal Zone there is a United States District Court for the District of the Canal Zone, a legislative court.*
> *[FRCrimP, Rule 54]*

13. The previous passages are referring to territorial courts which are always legislative courts because Article III is not applicable to the territories. However, it can be clearly seen the connection the reference makes between "United States district courts" and federal territories.

14. If Congress were to establish a new judicial district, anywhere in the world, section 132 of Title 28 U.S.C. Would immediately create a "United States district court" within it. Confer, "legislative court," *supra*, i.e., "A Court created by a statute."

15. Title 28 not only "creates" all the district and circuit courts of the United States, but it in fact even defines what the "judges" CANNOT rule on. For an example See 28 U.S.C. §2201(a), which plainly states that federal judges CANNOT rule on rights in the context of "Federal taxes". What is a judge for if he can't defend or rule on *peoples* rights(!)? The only type of court over which the Congress could have such absolute legislative power over judges is in a legislative court, and this in fact *exactly* describes the present United States district and Circuit federal court systems.

> *As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessary follows that, **if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.***
> [O'Donoghue v. United States, 289 U.S. 516, 542 (1933)]

16. Since there are three distinct and separate provisions in the Constitution relied on to create either constitutional courts or legislative courts, it can be deduced that those powers cannot therefore be combined into a single statute which creates all of the courts. The words "ordained & established" and "Article III" are nowhere to be found in Title 28 declaring "United States district courts" status. The definition of "district court of the United States" at 28 U.S.C. §451 encompassing every "United States district court" within each judicial district is only applicable to Title 28 U.S.C. And not to other Titles of the United States Code, such as 18 U.S.C. §3231.

> *Thus, the new judicial code, by Section 81 et seq., creates judicial districts for Hawaii and Puerto Rico, but not for Alaska, so that the Hawaiian and Puerto Rican courts are within the enumeration of district courts, but Alaska is not. Section 451 states:*
> *'As used in this title * * * The terms 'district court' and 'district court of the United States' mean the courts constituted by chapter 5 of this title.' **'This title', as used in said section 451, must refer to Title 28**, the Title in which the Tucker Act appears; and Alaska has no court constituted by said Chapter 5.*
> *[United States v. King, 119 F.Supp. 398, 401, 14 Alaska 500 (1954)]*

17. Whatever the status of the courts, clearly something is amiss. This Court has stated

> *This summary of the court's province as a special tribunal, of the matters subjected to its revisory authority, [279 US 459] and of its relation to the executive administration of the customs laws, shows very plainly that it is a legislative and not a constitutional court. Some features of the act creating it are referred to in the opinion below as requiring a different conclusion; but when rightly understood they cannot be so regarded. A feature much stressed is the absence of any provision respecting the tenure of the judges. From this it is argued that Congress intended the court to be a constitutional one, the judges of which would hold their offices during good behavior. And in support of the argument it is said that in creating courts Congress has made it a practice to distinguish between those intended to be constitutional and those intended to be legislative by making no provision respecting the tenure of judges of the former and expressly fixing the tenure of judges of the latter. But the argument is fallacious. It mistakenly assumes that whether a court is of one class or the other depends on the intention of Congress, whereas **the true test lies in the power under which the court was created and in the jurisdiction conferred**. Nor has there been any settled practice on the part of Congress which gives special significance to the absence or presence of a provision respecting the tenure of judges.*
> *[Ex parte Bakelite Corp., 279 U.S. 438, 458-459 (1929)]*

18. And what jurisdiction does a United States district court have?

> *A United States District Court has only such jurisdiction as the Congress confers [by legislation] upon the court.*
> *[Eastern Metals Corporation v. Martin, 191 F.Supp. 245, 248 (S.D.N.Y.1960)]*

??????. It is a well established rule that statutes conferring jurisdiction on federal courts are to be strictly construed and doubts are resolved against federal jurisdiction. See Russell v. New Amsterdam Casualty Co. 325 F.2d 996, 998 (8th Cir., 1964); Phillips v. Osborne, 403 F.2d 826, 828 (9th Cir., 1968); General Atomic Co. v. United Nuclear Corp., 655 F.2d 968, 968-69 (9th Cir., 1981); F&S Construction Co. v. Jenson, 337 F.2d 160, 161 (10th Cir., 1964).Chapter 85 of Title 28 United States Code, District Courts, Jurisdiction, lists civil, admiralty, maritime, patent, bankruptcy, etc., and does NOT once list, mention, or describe ANY criminal jurisdiction whatsoever. Just as I have shown in the Federal Rules of Evidence, this Court has expressly held that:

> *The term 'district court of the United States' standing alone includes only the constitutional courts.' Such words describe courts created under Article III of the Constitution.*
> *[...]*
> ***[T]he term 'district court', or 'district court of the United States' is commonly considered as referring to constitutional courts.***
> *[...]*
> ***The words 'district court of the United States' commonly {119 F. Supp. 403} describe***

***constitutional courts created under Article III of the Constitution**, not the legislative courts which have long been the courts of the Territories. See Mookini v. United States.*
[United States v. King, 119 F.Supp. 398, 401-403, 14 Alaska 500 (1954)]

21. The current Judiciary Act states at 28 U.S.C. §132:

> ***TITLE 28** > **PART I** > **CHAPTER 5***
> *§132 Creation and composition of district courts*
>
> *(a) There shall be in each judicial district a district court which shall be a court of record known as the **United States District Court** for the district.*
> *[...]*
> *History; Ancillary Laws and Directives*
> *Other Provisions:*
>
> *Continuation of organization of Court.*
> *Act June 25, 1948, § 2(b) 62 Stat. 985, provided: "The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for ... **shall be construed as continuations of existing law. ... No loss of rights, interruption of jurisdiction**, or prejudice to matters pending in any of such courts on the effective date of this Act **shall result from its enactment.**"*

22. Even if the "United States district court" for the district of Arizona is a constitutional court "ordained & established" under Article III, of **which there is NO proof that it is**, unless I consider the location where it sits as the only possible proof (which is not proof positive), this does not explain the difference in the "phraseology" of the two distinctly different terms describing the courts as continuations of existing law, i.e., "United States district courts" and "district courts of the United States." Obviously Congress could have established "district courts of the United States" instead of "United States district courts." This would have rendered it unnecessary to define the "United States district courts" as "district courts of the United States" at 28 U.S.C. §451. It would definitely resolve the statutory ambiguity surrounding the two courts, especially as the ambiguity relates to the criminal jurisdiction statute at 18 U.S.C. §3231.

23. None of the Judiciary acts prior to the current Judiciary Act even mention "United States district court" as opposed to "district court of the United States." How exactly is the current Judiciary Act a continuation of existing law if the district courts established by it are "United States district courts" as opposed to "district courts of the United States" with no name change provision as was done for the United States Courts of Appeal? This is a vague and ambiguous provision of law surrounding the establishment of the current federal district courts and a violation of my Fifth and Sixth Amendment rights. It can be clearly seen that the term "district court of the United States" is standing alone, without further qualification, in the Jurisdiction and Venue provision for federal crimes in Title 18 U.S.C.:

> *TITLE 18 > PART II > CHAPTER 211§3231. District Courts*
>
> *The **district courts of the United States** shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.*
>
> *Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.*

24. If I apply the Memorandum on the Rules of Statutory Construction (Appendix A), then the aforementioned "district courts of the United States" intentionally excludes the "United States district courts", which are not to be restored to by implication. It is axiomatic that the term "district court of the United States," as used in 18 U.S.C. §3231, is referring to constitutional courts "ordained & established" under Article III. The term courts of the States is

referring to not only legislative courts in the states of the Union, but also those on federal property under the concurrent or exclusive legislative (territorial) jurisdiction of the federal government within them, like the District of Columbia, for example, and those within federal territories, like Puerto Rico (an Inchoate State). The term "courts of the several States" includes every non-federal Union state court within each of the 50 states of the Union. The term "district courts of the United States", as used in the criminal jurisdiction statute (18 U.S.C. §3231), can only be given its ordinary meaning because "United States district courts" are clearly not included in that term. Because Congress has not defined the term "district court of the United States," at 18 U.S.C. §3231 to include "United States district courts" as was done for Title 28 U.S.C. §451, see, "As used in this title", those courts cannot be made applicable to that particular provision of Title 18 U.S.C. *Confer* United States v. King, *supra.*

25. Several statutes in the Act of June 25, 1948, Title 18 of the United States Code, entitled "Crimes and Criminal Procedure", include either the term "district court of the United States", "United States district court", or both. I List the following examples:

§156, *"United States district court"*

§216, *"United States district court"*

§402, *"district court of the United States"*

§1965, *"district court of the United States"*

§2076, *Clerk of the United States district court, "district court of the United States"*

§3231, *"district court of the United States"*

§3511(a)(c), *"United States district court" "district court of the United States"*

26. Even if it were true that there once were "United States district courts" created under Article III of the U.S. Constitution, the "United States district courts" existing today are created by the statutes. It is impossible for the U.S. Attorneys to prove otherwise. There is absolutely no proof available in the law for them to utilize to prove the current "United States district courts" are "ordained & established" under Article III or that they are the former constitutional "district courts of the United States", which burden of proof is on them as the asserter that jurisdiction exists in the current case. The presumption is against jurisdiction until positive proof appears in the record and doubts are resolved against it. To reiterate:

> *Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree, It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.*
> *[Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)](Citations Omitted)*

8.6.2. The Appellate Courts

1. The purpose of a court's name containing the phrase "court of the United States" was supposed to inform me that the court was established under Article III. The former "circuit courts of the United States" were established under Article III. These were the courts of Appeal, hence the name "circuit court of the United States." They are not our current courts of Appeal. The "circuit courts of Appeal" were established by §2 of the Act of March 3, 1891, 26

Statutes at Large 826, Chap. 517.

> *The problem arises because § 117 of the Judicial Code ([March 3, 1911] 36 Stat. at L. 1131, chap. 231, 28 USCA § 212) provides that "There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established." **That provision derives from § 2 of the Act of March 3, 1891, 26 Stat. at L. 826, chap. 517, which established the circuit court of appeals.** Though Congress by that Act created these new courts, it did not make provision for the appointment to them of a new group of judges. It provided, however, by § 3 of that Act that the Chief Justice and Associate Justices of the Supreme Court assigned to each circuit and the circuit judges and district judges within each circuit "shall be competent to sit as judges of the circuit court of appeals within their respective circuits." Thus it is apparent that the newly created circuit court of appeals was to be composed of only three judges who were to be [314 US 329] drawn from the three existing groups of judges-the circuit justice, the circuit judges, and the district judges.*
> *[Textile Mills Sec. Corp. v. Comm'r of Internal Revenue, 314 U.S. 326, 328-29 (1941)]*

> *In 1890 new machinery was introduced by which a board of nine general appraisers was created which, sitting in divisions of three, constituted in a sense administrative courts of appeals to pass on questions of classification and the imposition of duties, and appeals were allowed from it to the proper circuit court of the United States, whence upon an allowance of an appeal by the circuit court, the cases came to this court. **By the Act of [March 3], 1891, creating circuit courts of appeal (26 Stat. at L. 826, chap. 517, § 6)** these cases went by appeal to those courts, and then by certiorari to this court.*
> *[United States v. Stone & Downer Co., 274 U.S. 225, 232 (1927)]*

????. "In 1911, Congress abolished the circuit courts of the United States" (Jett v. Dallas Ind. School Dist., 491 U.S. 701, 730 (1989)), the judicial Code (Act of March 3, 1911, Chap. 231, 36 Statutes At Large 1087), accomplished this. Next, the 3rd section of the then twenty year old Act of March 3, 1891, made the circuit judges "competent to sit as judges of the circuit courts of appeals within their respective circuits" (*Textile Mills Sec. Corp. v. Comm'r of Internal Revenue, supra).* In other words, the judges of the "circuit courts of the United States" became ex officio judges of the respective "circuit courts of appeals" when the "circuit courts of the United States" were abolished. Lastly, in 1948 the names of the "circuit courts of Appeal" were changed to the current "United States Courts of Appeal" that are known today.*TITLE 28 > PART I > CHAPTER 3*

> *§ 43. Creation and composition of courts*
>
> *HISTORY; ANCILLARY LAWS AND DIRECTIVES*
> *Other provisions:*
>
> ***Change of name of court. Act June 25, 1948, ch 646, § 2(b), 62 Stat. 869, provided that each circuit court of appeals should, after Sept. 1, 1948, be known as a United States Court of Appeals, but that the enactment of act June 25, 1948 should in no way entail any loss of rights, interruption of jurisdiction, or prejudice to matters pending in any such courts on Sept. 1, 1948.***

3. To paraphrase, the Article III "circuit courts of the United States" were in existence since shortly after the U.S. Constitution was adopted and ratified. In the year 1891, Congress created the "circuit courts of Appeal." Twenty years later, in 1911, Congress abolished the "circuit courts of the United States." A provision of the 1891 act (then 20 years old) made the judges of the recently abolished "circuit courts of the United States" judges of the "circuit courts of Appeal." Then, in 1948, Congress changed the name of the "circuit court of Appeal" to "United States Courts of Appeal."

4. Since Congress went through all the trouble to create the "Circuit Courts of Appeal," now "United States Courts of

Appeal," and since they are created in the same manner as the current "United States district courts." Taking all the aforementioned into consideration, this Court opined in 1948 (the same year the current Judiciary Act was enacted into positive law) that:

> ***The Circuit Courts of Appeal are statutory courts and must look to a statutory basis for any jurisdiction they exercise.***
> *[Price v. Johnston, 334 U.S. 266, 300, 68 S. Ct. 1049, 1060, 92 L. Ed. 1356 (1948)]*

5. In the year 1972 this Court reiterated that, "The courts of appeals are statutory courts", Taylor v. McKeithen, 407 U.S. 191, 195 (1972).

????. Unlike Article III "circuit courts of the United States," Congress never expressly abolished the Article III "district courts of the United States." Instead, in 1948, Congress enacted Title 28 U.S.C. Which created a "United States district court" in each of the judicial districts. These courts then took over the functions of of the Article III "district courts of the United States" which are currently vacant. The obvious reason Congress did not expressly abolish the former "district courts of the United States" is because the federal government is purporting that the current "United States district courts" are those courts. If Congress were to have expressly abolished the "district courts of the United States," as they did the former "circuit courts of the United States," it would be prima facie evidence to the layman that the two courts are NOT the same courts.**8.6.3. Article III Judges**

1. Just because Judge Raner C. Collins was appointed by President Bill Clinton, by and with the advise and consent of the Senate, like Supreme Court Justices, such Presidential appointment does not make him an Article III judge or mean that the court to which he is appointed is an Article III court. The Constitution states that the President:

> *Article II*
> *Section 2*
> *Clause 2. Treaties--Appointment of officers.*
>
> *...shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the supreme Court, **and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law**: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.*
> *[United States Constitution, Article II, Section 2, Clause 2]*

????. The following statutes vest the President with power to appoint Circuit Judges and "United States district court" Judges:***TITLE 28*** > ***PART I*** > ***CHAPTER 3***
§ 44. Appointment, tenure, residence and salary of circuit judges

(a) The President shall appoint, by and with the advice and consent of the Senate, circuit judges for the several circuits...

TITLE 28 > ***PART I*** > ***CHAPTER 5*** >
§ 133. Appointment and number of district judges

(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts...

3. This appointment of district judges also includes the appointment of judges to the "United States district court" for the judicial district of Puerto Rico (a legislative/territorial court). As this Court explained:

> *The judges of the Supreme Court of the Territory are appointed by the President under the Act of Congress, but this does not make the courts they are authorized to hold courts of the United States [Article III courts].*

[McAllister v. United States, 141 U.S. 174, 182 (1891)]

????. This Court has stated that legislative court "... judges hold for such term as Congress prescribes, whether it be a fixed period of years or during good behavior" (Ex Parte Bakelite Corp., 279 U.S. 438, 449 (1929)).*TITLE 28 > PART I > CHAPTER 5*
§134 Tenure and residence of district judges

(a) The district judges shall hold office during good behavior.

5. Repeal the above statute and the district judge's tenure during good behavior is no longer "guaranteed" unless the court is a constitutional court "ordained & established" under Article III. The judicial power of the United States under Article III is vested in courts established under that article.

In creating the district courts, Congress provided (28 U.S.C. § 132): "There shall be in each judicial district a district court . . ." and "the judicial power of a district court . . . may be exercised by a single judge . . ."This last provision should be noticed; it is fundamental that a district judge has no judicial power individually; his judicial power is exercised as the representative of a court. "Jurisdiction is lodged in a court, not in a person. The judge, exercising the jurisdiction, acts for the court". In re Brown, 346 F.2d 903, 910 (5th Cir. 1965), quoted with approval in United States v. Teresi, 484 F.2d 894, 898 (7th Cir. 1973).
[United States v. Roberts, 618 F.2d 530, 546 (9th Cir. 1980)]

6. See Article III, §1, U.S. Constitution:

Article III
Section 1. Supreme Court and inferior courts--Judges and compensation.

***The judicial Power of the United States, shall be vested ... in such inferior Courts** as the Congress may from time to time ordain and establish. The Judges, ... of the ... inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.*
[United States Constitution, Article III, Section I]

????. It should be noted that no such tenure provision is provided for this Court of the United States, which is obviously an Article III court.**8.6.4 A note on the Judicial Districts**

Congress has established a total of 13 Circuits and numerous judicial districts throughout each of the states of the Union. As I have shown, statutes codified in Title 28 U.S.C., created a "United States Court of Appeals and a "United States district court", in each circuit and judicial district. Of major significance is the fact that the judicial districts throughout the states of the Union are not the same as the judicial District of Columbia, or the judicial district of Puerto Rico, because Congress does not have exclusive jurisdiction over all the land within the states of the Union like they do over the District of Columbia or Puerto Rico. The District of Columbia was ceded by Maryland and Virginia to Congress under the Constitution and Puerto Rico is a territory not admitted as a states of the Union.

Congress created these judicial districts in order to more easily identify places (land) where a federal crime is committed. This also enabled Congress to establish limits on the geographical boundaries applicable to each "United States district court" in civil actions and criminal cases wholly within the judicial districts. In other words, the "United States district" being places within a judicial district under their exclusive or concurrent jurisdiction. However, only Article III "district courts of the United States" are authorized under the Constitution to extend the judicial power of the United States to civil controversies and criminal cases occurring within any judicial district where jurisdiction has not been obtained through consent to purchase or cession.

The United States attorney is indicting me as if the entire judicial districts in each of the states of the Union were actually under the exclusive or concurrent jurisdiction of the Federal Government. I know they are not because they do not own all

the land within each of the judicial districts. As I have stated on the record many times, I was not in the District of Arizona, ever.**8.7. Nature and Cause**

Prosecution must always prove territorial jurisdiction.

> *Although "**(i)t is axiomatic that the prosecution must always prove territorial jurisdiction over a crime in order to sustain a conviction therefor,**" and thus territorial jurisdiction and venue are "**essential elements**" of any offense in the sense that the burden is on the prosecution to prove their existence.*
> *[United States v. White, 611 F.2d 531, 534-35 (5th Cir. 1980)](Citations Omitted)*

The 5th Circuit also explained that:

> ***An indictment or information in the language of the statute is sufficient except where the words of the statute, do not contain all of the essential elements of the offense. The Sixth Amendment of the federal constitution requires that in every criminal prosecution the accused shall be informed of the nature and cause of the accusation against him.** This means that he shall be so fully and clearly informed of the charge against him as not only to enable him to prepare his defense and not be taken by surprise at the trial.*
> *[...]*
> ***United States v. Cruikshank, 92 U.S. 542, 557-559, 23 L. Ed. 588, deals with the right of the accused to be informed of the nature and cause of the accusation against him.** The question arose upon a motion in arrest of judgment after a general verdict of guilty upon sixteen counts. The question was stated to be whether said counts were severally sufficient in law and contained charges of criminal matter indictable under the laws of the United States. The court held that all sixteen counts were so defective that no judgment of judgment of conviction should be pronounced upon them. It further held that every ingredient of which the offense is composed must be clearly and accurately alleged.*
> *[...]*
> *A constitutional defect in an indictment or information is not cured by the verdict.*
> *[Sutton v. United States, 157 F.2d 661, 665-66 (5th Cir. 1946)]*

Sutton court makes it clear that the indictment of information is sufficient EXCEPT where the words of the statute do not contain all of the **essential elements** of the offense. Finally the court in White, *supra*, opined that territorial jurisdiction and venue are essential elements of any offense. Therefore the my indictment is insufficient and does not charge an offense against the laws of the United States, because it did not contain the essential element of territorial jurisdiction, i.e., that the offense alleged occurred within the special maritime and or territorial jurisdiction of the United States. The point is that if a felonious federal crime is committed anywhere within the territorial jurisdiction of any state of the Union pursuant to a delegated power where the power to "punish" is NOT delegated (enumerated) under the Constitution then the charging instrument (complaint, indictment, or information), must specify that the alleged crime occurred "within the special maritime and territorial jurisdiction of the United States", *confer*, 18 U.S.C. §7. The foregoing defects amount to a failure to inform me of the nature of the charge against me in violation of the Federal Rules of Criminal Procedure, Rule 7(c) and the Sixth Amendment to the Constitution for the United States of America. The Assistant U.S. Attorney has not only failed to prove this essential element (territorial jurisdiction) but also, by its omission, have failed to charge an "offense against the laws of the United States".**8.8. Act of Congress**

????. I am currently being detained, about to be sentenced to a term of imprisonment on May 6th 2019, under the CPP Act. This Act is an "Act of Congress". Title 18 U.S.C. §4001 states that I cannot be imprisoned or otherwise detained by the United States except pursuant to an "Act of Congress". This Act of Congress does not apply to the sovereign states of the Union, unless, of course, pursuant to an enumerated power to punish or where jurisdiction has been ceded.***TITLE 18*** > ***PART III*** > ***CHAPTER 301***
§4001 Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

????. Under the Notes of Advisory Committee, paragraph 2, of FRCrimP Rule 26, it states in pertinent that:*Federal Rules of Criminal Procedure*
TITLE VI > RULE 26
Taking Testimony.

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Notes of Advisory Committee
*2. ...all Federal crimes are statutory and all criminal prosecutions in the Federal courts are based on **acts of Congress**...*

????. Because I am being "detained" for a matter that is criminal, I looked to the FRCrimP to locate the definition of "Act of Congress" which could be found at Rule 54(c) prior to 2002:*Federal Rules of Criminal Procedure*
TITLE IX > RULE 54
Application and Exception.

*(c) Application of Terms. As used in these rules the following terms have the designated meanings. "Act of Congress" includes [is restricted to] an act of Congress **locally applicable** to and in force in the District of Columbia, in Puerto Rico, in a territory on in an insular possession.*

????. In 2002 Rule 54 was transferred to Rule 1 and the definition of "Act of Congress" was conveniently removed, not repealed or abrogated. The reason given was:*Federal Rules of Criminal Procedure*
TITLE IX > RULE 1
HISTORY; ANCILLARY LAWS AND DIRECTIVES

Notes of Advisory Committee on 2002 amendments.
*Paragraph 4. Rule 1(b) is composed of material currently located in Rule 54(c), with several exceptions. First, the **reference to an "Act of Congress" has been deleted from the restyled rules; instead the rules use the self-explanatory term "federal statute."***

????. The term "Federal Statute" is not very self explanatory, in fact, the only definition of "Federal Statute" is found in the FRCP:*Federal Rules of Civil Procedure*
TITLE XI> RULE 81

(d) Law Applicable.
*(3) "Federal Statute" Defined in the District of Columbia. In the United States District Court for the District of Columbia, the term "federal statute" includes any **Act of Congress that applies locally to the District.***

6. Clearly, "Act of Congress" under the criminal provisions is local in scope and an extremely vague provision in the federal code.

7. The reason such "acts of Congress" cannot apply within the sovereign 50 states is because federal government lacks what is called "police powers" inside the union states (Section 8.4), and the CPP Act requires police powers to implement and enforce.

????. Therefore, the question is, on which of the four locations named in rule 54(c) is the United States district court asserting jurisdiction? For: "Legislation is presumptively territorial and confined to limits over which the law-making power has jurisdiction." (Sandberg v. McDonald, 248 U.S. 145) And: "All legislation is prima facie territorial." (American Banana Co. v. United Fruit Co., 213 U.S. 347 (1909)).**9. WHY MY PETITION IS MADE TO THIS SUPREME COURT RULE 20.4(a)**

When the Petitioner files motions for relief in the United States District Court for the District of Arizona, they are continually ignored or denied, even suppressed from the court record, with no findings of fact and conclusions of law. It refused to address the merits of the case, explain the nature and cause of the charges, it is a legislative court and not operating in an Article III capacity, it is not ordained and established under Article III of the Constitution and does not have jurisdiction to hear a constitutional Writ of Habeas Corpus, I incorporate section 8.6 herein as additional reasons, it has been operating without jurisdiction, and uses unconstitutional presumptions and the Petitioner cannot obtain relief in such a court. The United States and Appellate courts are in need of guidance from this Court, they believe that the constitutional Interstate Commerce Clause allows them to punish for crimes committed outside of federal jurisdiction within the exterior boundaries of foreign states, these exceptional circumstances warrant the exercise of the Court's discretionary powers, and adequate relief cannot be obtained in any other form or from any other court,

10. CONCLUSION AND RELIEF SOUGHT

I have made it absolutely clear that the federal government cannot punish me under its constitutional Interstate Commerce Clause, if they can punish me under this clause then there is no limit to the federal governments power our Founding Fathers so desperately withheld. The constitutional Interstate Commerce Clause could then be used to punish anyone for anything the federal government deemed to be an offense against its laws. Whats next, will the federal government ban inappropriate shirts and arrest people for wearing them because that shirt had traveled in commerce at one point? If I am wrong about what I have stated in this petition then I have still proven to this Court, beyond any reasonable doubt, that I still do not understand the nature and cause of the charges or the statutes being enforced against me.

Congress has written the laws so vaguely that no person of reasonable intelligence could interpret them correctly. If I have to guess what the law really requires of me or rely on an expert or computer to understand or interpret it then its unconstitutional law, and my due process has been violated under the Fifth and Fourteenth Amendments. This Court has said that such laws violate due process of law and are therefore "void for vagueness", see also Rule of Lenity, #18 found in the Memorandum on the Rules of Statutory Construction, attached to and incorporated herein under Appendix A.

> *A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.*
> *[Connally v. General Constr. Co., 269 U.S. 385, 391 (1926)]*

> *It is a fundamental tenet of due process that "[n]o one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes."A criminal statute is therefore invalid if it "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden." So too, vague sentencing provisions may pose constitutional questions if they do not state with sufficient clarity the consequences of violating a given criminal statute*
> *[United States v. Batchelder, 442 U.S. 114, 125 n.9, 1979)](Citations Omitted)*

> *A criminal statute must clearly define the conduct it proscribes. If it does not ``'give a person of ordinary intelligence fair notice'" of its scope, it denies due process.*
> *[Bond v. United States, 672 U.S. 844, 872 (2014)](Citations Omitted)*

I have shown this Court that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. The relief that I am requesting is for this Court to grant my Petition for Writ of Habeas Corpus, release my body from involuntary servitude, and eliminate the record from

all prior proceedings. I do so greatly appreciate this Courts most valuable time. **11. AFFIRMATION**

I declare under penalty of perjury from *without* the statutory "United States" defined in 28 U.S.C. §1603(c) and 18 U.S.C. §5 and from within the constitutional United States of America pursuant to 28 U.S.C. §1746(1) that the information provided herein is truthful, accurate, and complete to the best of my knowledge and ability. I reserve all my rights and waive none by submitting this petition and all attachments. Executed on this 22nd day of May, 2019.

5/22/2019
Dated:

Phillip Daniel Love

Appendix A