

Rules, Lies and Alibis®

by

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RFB Proverbs 21:31¹

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WARNING!

The information contained herein provides an airtight alibi to almost every federal prisoner. An alibi can be raised at any time² - setting a prisoner free.

“Then he brought me to the entrance to the court, I looked, and I saw a hole in the wall. He said to me, ‘Son of man, now dig into the wall.’ So I dug into the wall and saw a doorway there. And he said to me ‘Go in and see the wicked and detestable things they are doing here.’” Ezekiel 8:7-9

In November 2005, writing from Seagoville Federal Detention Center, I published a short article titled “It Is Written”³ recounting my first experience with the federal judicial system in 1990. I asked God “what is going on in this federal system?” The court proceeding in 1990 had made no sense from the first day of my indictment, for One count of Conspiracy to “impair and impede” the Internal Revenue Service, to the final fiasco culminating in a nine year sentence. In answer to my earlier prayer, He revealed to me a “hole in the wall” of the Federal court system: the United States District Courts operating in the states of the union have no Constitutionally or Congressionally approved rules and thus play by their own secret rules.

During the course of these last 16 years, I have gone “in the doorway” of the court and have seen many more “wicked and detestable things” in the form of Constitutional and civil rights violations and

¹ Scripture references are from the New International Version of the Bible.

² Prior, during and after trial; sentence; 50 years imprisonment; or release.

³ www.Fighting4Freedom.com/SOS

fatal jurisdiction defects in *every* “criminal proceeding,” and total lack of remedy being provided at the district court level when these defects were brought to the attention of the court.

As I write now, again from Seagoville Federal Detention Center, where I’m entering my twelfth month of captivity, absent any criminal charges and not being a party to the civil case under which I’m allegedly being held for contempt,⁴ I’ve heard Him again say to me “You will see them doing things that are even more detestable.”⁵ I see the United States District Court conducting “criminal proceedings” without Constitutional or Congressional authority, federal agents (ATF, DEA, FBI, HHS, INS, IRS, U.S. Marshals, etc.) making arrests outside of federal areas, U.S. Attorneys filing charges under federal criminal laws not applicable outside of federal areas within a state, and federal prisons filled to capacity with Persons held without congressional authorization. I observe men being processed through the United States District Courts into prison, each a part of the statistic that 98.5% of those indicted go to prison, with sentences, some up to life + 110⁶ years, and all had an attorney!

“The record shows that of every 200 indictments that the United States District Court prosecutes, 197 are found guilty.” John M. Nickleson, Attorney, Federal Defenders Office, Dallas, TX – April, 2006.

Out of every 1,000 “defendants” only 15 go free. Something is wrong; no one wins 98.5% of the time – the game is rigged.

I’ve heard the cries of these men for mercy, for justice – and they receive neither from the judges of the “court.” I turn to the Bible and find history repeating itself just like the prophet Habakkuk’s complaint to God over 2,600 years ago. This is as timely as if I had said it today:

⁴ “No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.”
18 U.S.C. § 4001(a)

⁵ Ezekiel 8:13

⁶ Bryan Ashlock case # 3:02-CR-243-G United States District Court for the Northern District of Texas.

“How long, O Lord, must I call for help, but you do not listen? Or cry out to you, ‘Violence!’ but you do not save? Why do you tolerate wrong? Destruction and violence are before me; there is strife and conflict abounds. Therefore the law is paralyzed and justice never prevails. The wicked hem in the righteous so that justice is perverted.” Habakkuk 1:2-4

As I pray, study, and seek solutions to the observed injustice, I’m reminded that the Lord himself said:

“Let not the wise man boast of his wisdom or the strong man boast of his strength or the rich man boast of his riches, but let him who boasts boast about this: that he understands and knows me, that I am the Lord, who exercises kindness, justice and righteousness on earth, for in these I delight, declares the Lord.” Jeremiah 9:23-24

I have good news! The Bible declares that God has a plan and purpose for you, “plans to prosper you and not to harm you, plans to give you hope and a future,”⁷ which includes federal prisoners. He cannot lie, He is love,⁸ and He upholds the cause of the oppressed and sets prisoners free”⁹ both spiritually and physically. He did it for me in 1993 and He can do it for every federal prisoner. He is ready, willing, and able to exercise kindness, justice, and righteousness in America and in the federal judicial system. If we want it, we must believe it can be done and act on our faith.

The information which follows is the simple truth by which every federal prisoner prosecuted in a United States District Court in a union state has the opportunity to be home for Christmas in the year they apply this truth to their “case,” and if We the People get involved they all can be home for Christmas 2007.

Genesis, the first book of the Bible, provides a historical account of the earliest giving of rules, telling of lies and offering of alibis.

⁷ Jeremiah 29:11

⁸ Numbers 23:19; 1 John 4:16

⁹ Psalm 146:7

The First Rule: You are free to eat from any tree in the garden; but you must not eat from the tree of the knowledge of good and evil, for when you eat of it you will surely die.”¹⁰

The First Lie: “You will not surely die,” the serpent said to the woman.¹¹

The First Alibis: The man said, “The woman you put here with me – she gave me some fruit from the tree, and I ate it.”...The woman said, “The serpent deceived me, and I ate.”¹²

Not much has changed since the Garden of Eden, particularly as the rules and deception are applied to the Federal judicial system, with one major exception: the alibi. This time the alibi is solid enough to set the captive free.

Rules: The United States District Courts in the 50 states of the union have no Congressionally approved rules by which to conduct a “criminal proceeding.”

Lies: The term “United States” as used in the Federal Criminal Code means all 50 states of the union; the Federal Criminal Code is applicable and enforceable within the 50 states; a federal arrest warrant may be served anywhere within these 50 states; and a United States District Court may lawfully impose a sentence of more than six months imprisonment.

Alibis: 98.5% of all federal defendants / prisoners can truthfully state under oath “I was not in the United States at the time and date of the alleged offense” and “I was not arrested in the United States.”

STATEMENT OF THE CASE

From at least 1937, a fraud of major proportions has been perpetrated upon the American citizen by that branch of government which is the very Heart Nerve of our country: the federal judiciary.

¹⁰ Genesis 2:16

¹¹ Genesis 3:4

¹² Genesis 3:13

The United States District Courts in the 94 judicial districts in the continental states of the union have been arresting, prosecuting, and imprisoning citizens and aliens without Constitutional or Congressional authority.

The Constitution of the United States authorizes punishment in only three instances: counterfeiting,¹³ piracies and felonies committed on the high seas,¹⁴ and treason.¹⁵ Congress authorized the United States District Courts to prosecute all crimes and offenses against the United States “cognizable under the authority of the United States committed within their respective districts or upon the high seas; where no other punishment...than a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding **six months** is to be inflicted.”¹⁶ More than 2 million Persons have been imprisoned by judges of the United States District Courts for periods in excess of six months.

STATEMENT OF FACTS

We the People gave Congress power “to exercise exclusive Legislation [jurisdiction] in all Cases whatsoever, over such District (not exceeding ten Miles square)... and to exercise like authority [jurisdiction] over all **places purchased** by the consent of the Legislature of the State in which the same shall be....”¹⁷; and to “make all Laws which shall be necessary and proper...”¹⁸ to regulate and govern those **places purchased**.¹⁹

¹³ U.S. Constitution, Art. I § 8, Cl. 6

¹⁴ U.S. Constitution, Art. I § 8, Cl. 10

¹⁵ U.S. Constitution, Art. III § 3, Cl. 2

¹⁶ Judiciary Act of 1789, 1 Stat. 9

¹⁷ U.S. Constitution, Art. I § 8, Cl. 17; District of Columbia and “places purchased” within district in a union state

¹⁸ U.S. Constitution, Art. I § 8, Cl. 18

¹⁹ U.S. Constitution Art. IV § 3

The United States District Courts, without authority to seat a grand or petit jury,²⁰ routinely issue indictments which declare the location of the “offense” to have been committed e.g. “in the Northern District of Texas” but fail to identify the “place” within the district. The “district” is not a “**place purchased.**” Therefore, in order for the United States District Court to enjoy venue, the place where the offense is allegedly committed must be proven by the prosecutor to be “within the jurisdiction of the United States” (a **place purchased** by the federal government).

It is a fundamental principle of law that there are two necessary elements to a crime or offense: where (place) the offense is committed and what offense is committed.²¹ Both elements must be proven to establish federal venue and subject matter jurisdiction in order to obtain and sustain a conviction. Over 98% of all indictments issuing from the United States District Courts are for offenses committed on state, county, city, or private property — not federally owned property — and are therefore fraudulent. Ninety-eight percent (98%) of all arrests made by agents of the United States occur within a union state, county, city, or private property wherein Federal criminal law does not apply.²² “And where there is no law there is no transgression.” Romans 4:15b.

That the fraud has continued unchecked for almost 70 years is a shameful indictment against every prosecuting and defense attorney and judge who ever set foot in a United States District Court to participate in a “criminal proceeding.”²³ The perpetrators of the fraud are the United States Attorneys. The conspirators are federal judges and defense attorneys. Those aiding and abetting are the U.S. Marshals and other federal arresting agents. The arrests and prosecutions are violations of citizens’ Constitutional rights

²⁰ 28 U.S.C. § 1869(f); United States District Court is **not** a “district court” established by chapter 5 of Title 28

²¹ “It is the locus of the offense which determines jurisdiction, not the offense committed.” *People v. Godfrey* (Cir. 1880)

²² F.R.Cr.P. Rule 4(c)(2); 18 U.S.C. §§ 5, 7(3)

²³ F.R.Cr.P. Rule 54(b)(1)-(4)

under the Fourth and Fifth Amendments. The Attorney General of the United States is responsible to prosecute government officers and employees²⁴ for civil rights violations.²⁵ Congress is responsible to stop the fraud. We the People are responsible to hold Congress accountable.

ARGUMENT

"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." Thomas Jefferson

"The ruthless will vanish, the mockers will disappear, and all who have an eye for evil will be cut down...those who with a word make a man out to be guilty, who ensnare the defender in court and with false testimony deprive the innocent of justice." Isaiah 29:20-21

Article I, Section 8, Clauses 1-16 of the Constitution of the United States enumerate the powers granted to Congress by We the People.

Clause 17 defines the boundaries wherein these powers may be exercised; in the District of Columbia and places purchased from the states by the government.

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)²⁶ as may, by Cession of particular States and the Acceptance of Congress become the Seat of the Government of the United States and to exercise like Authority over all **Places purchased** by the 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; — And

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." (Emphasis added). Article I, Section 8, Clauses 17 and 18 of the Constitution of the United States.

²⁴ 28 U.S.C. §§ 526, 535

²⁵ 18 U.S.C. §§ 4, 241, 242

²⁶ Patterned from Ezekiel's vision of the seat of the final government to rule the Earth, one of righteousness, led by the Righteous King Jesus; and all in authority will uphold His laws. Ezekiel 48:15-18.

These boundaries, District of Columbia and **Places purchased**, where “Legislation” and “like Authority” (jurisdiction) may be exercised by the government in America have never been changed. All Acts of Congress (federal statutes) are applicable, operate and are enforceable only within said boundaries, as set forth in Article IV, Section 3 of the Constitution. Section 3 grants power to Congress to make Rules and Regulations for the administration of those places purchased or otherwise acquired (territory).

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the **Territory** or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular **State**.” (Emphasis added). Article IV, Section 3, of the Constitution of the United States.

The Supreme Court in *O'Donoghue v. United States*, clarified the word “territory” as it is used in Article IV, Section 3, distinguishing between property owned by the government and a governmental subdivision.

“In this connection, the peculiar language of the territorial clause, Article IV, Section 3, Clause 2, of the Constitution, should be noted. By that clause Congress is given power ‘to dispose of and make all needful Rules and Regulations respecting the territory or other Property belonging to the United States.’ Literally the word ‘territory’ as there used, signifies property, since the language is not ‘territory or property,’ but ‘territory or other property’. There thus arises an evident difference between the words ‘the territory’ and ‘a territory’ of the United States. The former merely designates a particular part or parts of the earth’s surface — the imperially extensive **real estate** holdings of the nation; the latter is a governmental subdivision which happened to be called a ‘territory’ but which quite as well could have been called a ‘colony’ or a ‘province’” (Emphasis added) *O'Donoghue v. United States*, 289 U.S. 516, 537 (1933).

The government enjoys jurisdiction within a territory and exercises authority over territory and other property it has acquired.

The English language is difficult at times because the same word or term can have diverse meanings depending upon the context in which it is used. As the Supreme Court clarifies words, so it does

terms; as is the case with the term “United States”. In *Hooven & Allison Co. v. Evatt*, the Supreme Court declares the term “United States” has three meanings.

“The term ‘United States’ may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family nations. It may designate the **territory** over which the sovereignty of the United States extends, or it may be collective name of the states which are united by and under the Constitution.” (Emphasis added) *Hooven & Allison Co. v. Evatt*, 324 U.S. 652, 672 (1945).

Congress, when writing law and faced with using a term of commonly known usage and meaning, is careful to define the term and it’s intended meaning within the law; and according to a Supreme Court decision, if one exists. The term “United States” being clarified in 1945 by the Supreme Court in *Hooven*, as set forth above, Congress incorporated the territorial usage of the term to define the limits (places and waters) of federal jurisdiction in the Federal Criminal Code, of June 25, 1948, Title 18 United States Code (U.S.C.):

18 U.S.C. § 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.” (Emphasis added);
and

in the Controlled Substances Act of October 27, 1970, Title 21, U.S.C.:

21 U.S.C. § 802 as used in this subchapter: (28) The term “United States”, when used in a **geographic** sense, means all places and waters, continental or insular, subject to the jurisdiction of the United States. (Emphasis added)

Congress then identifies the places and waters within a “state”; the term “United States” is meant to include and over which federal jurisdiction extends, by essentially restating the authority granted by Article I, Section 8, Clause 17 of the Constitution.

18 U.S.C. § 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, dock-yard, or other needful building.” (Emphasis added)

Inasmuch as Acts of Congress generally only apply to and within a federal state, when Congress intends a statute to be applicable in one of the fifty states Congress clearly so declares it’s intent, e.g., 21 U.S.C. § 889:

“Production control of controlled substances: § 889(a)(3) – The term “State” means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.”

Otherwise, in all federal statutes, the term “State” means a federal state such as those listed as following the phrase “fifty states” in 21 U.S.C. § 889(a)(3) above, e.g. 21 U.S.C. § 802(26):

“The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

Congress defines the term “Federal area” in Title 4 U.S.C.:

4 U.S.C. § 110(e) “The term “Federal area” means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.”

In 1957, at the request of President Dwight D. Eisenhower, a committee assembled by Herbert Brownell, Jr., Attorney General of the United States, reported in the publication “Jurisdiction over Federal Areas Within the States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II” and supported by a plethora of evidence in the myriad of cited court cases documented the fact that Congress cannot exercise exclusive jurisdiction outside territories or land purchased, or ceded by, any of the union states.

It is abundantly clear that the federal government only has jurisdiction over federal property, i.e., Washington, D.C., territories, insular possessions, and enclaves within the states as coming under Article I, § 8, Cl. 17 of the Constitution of the United States; on all other land masses, the federal government has no lawful legislative or judicial jurisdiction.

In order to further ensure there is no confusion as to where federal laws do and do not apply, Congress authorized the Supreme Court in 1937 to make rules for the district courts in Guam, the Northern Mariana and Virgin Islands,²⁷ subject to Congressional approval which are the Federal Rules of Criminal Procedure.

Congress has mandated (18 U.S.C. § 3001) that Title 18 U.S.C. utilize the Federal Rules of Criminal Procedure (F.R.Cr.P.) to govern procedure in all “criminal proceedings”²⁸ conducted in a “district court” and that the federal criminal laws apply only within federal areas.

F.R.Cr.P. Rule 54 “Application and Exception” defines the terms used in the rules and determines where the federal laws apply, and which courts may use the rules.

“54(c) ‘Act of Congress’ includes any Act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory²⁹ or in an insular possession.

‘District court’ includes all district courts **named** in subdivision (a) of this rule.”
(Emphasis added)

“54(a) Courts. These rules apply to all criminal proceedings in the United States District Courts; in the District Court of Guam; in the District Court for the Northern Mariana Islands;... and in the District Court of the Virgin Islands; in the United States Courts of Appeals; and in the Supreme Court of the United States.”

²⁷ Federal Rules of Criminal Procedure Rule 54(a)

²⁸ Rule 54(b)(1)-(4), see “No Rules” and “It Is Written” www.Fighting4Freedom.com/SOS

²⁹ governmental subdivision *O’Donoghue*, id.

Rule 54(c) expresses the intent of Congress that Titles 18 and 21, as well as other “acts of Congress,” are only to be applied and enforced “within the jurisdiction of the United States” (federal areas). F.R.Cr.P. Rule 4, Arrest Warrant or Summons on a Complaint, which defines the territorial limits of service of a summons and execution of arrest warrant as being within a place subject to the jurisdiction of the United States.

“Rule 4(c) Execution or Service, 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.” (Emphasis added)

Which means an arrest warrant or summons may not be executed or served without (outside) the jurisdiction of the United States or anywhere else a federal statute authorizes an arrest.

Curious as to where else F.R.Cr.P. Rule 4(c)(2) “a federal statute authorizes an arrest?” The advisory notes provide that information:

“Rule 4(c) (currently Rule 4(d)) includes three changes. First, current Rule 4(d)(2) states the traditional rules recognizing the **territorial** limits for executing warrants, Rule 4(c)(2) includes new language that reflects the recent enactment of the Military Extraterritorial Jurisdiction Act (Pub. L. No. 106-523 114 Stat. 2488) that permits arrest of certain military and Department of Defense personnel overseas. See Also 14 U.S.C. § 89 (Coast Guard authority to affect arrests outside territorial limits of the United States).” (Emphasis added) Advisory Committee notes – 2002 Amendments.

Arrest without a warrant may only be made in a federal area in accordance with F.R.Cr.P. Rule 4(c)(2), and only if a felony is committed in presence of the arresting officer.

Even though Congress strives to avoid confusion, the Advisory Committee is not so thorough. The version of Rule 4(d)(2) prior to the change in 2002 was much clearer as to the place of arrest, however, the substance remains unchanged:

“Rule 4(d) Execution or Service, and Return (2) **Territorial** limits. The warrant may be executed or the summons may be served at any **place** within the

jurisdiction of the United States.” F.R.Cr.P. Rule 4(d)(2) prior to 2002 (Emphasis added).

Even though F.R.Cr.P. Rule 54(a), 18 U.S.C. § 23 and 28 U.S.C. §§ 1404(d), 1406(c) specify the courts of the United States (at the trial court level) to which the Rules apply, more information as to the inapplicability of the Rules to “criminal proceedings” prosecuted in a United States District Court within a union state is available.³⁰

Congress, aware it lacks Constitutional authority to extend federal law into a union state,³¹ to state, county, city or private property and to state citizens, never intended that Title 18 or any other Acts of Congress with felony penalties attached be enforced in a union state against non-governmental personnel.³²

Long standing practice notwithstanding, the Federal Criminal Code³³ is not applicable and not enforceable outside the “United States” as that term is defined in 18 U.S.C. § 5 and specifically not inside a state on state, county, city or private property.

“It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use, even when that span of time covers our entire National existence and even predates it.” *Walz v. United States*, 493 U.S. 343.

To enforce federal law outside a federal area within a union state violates a citizen’s rights under the Fourth and Fifth Amendments to the Constitution: the right to be secure in Person, houses, papers, and effects against unreasonable search, seizure, and due process. A United States District Court is not competent to issue a search or arrest warrant unless offense and arrest is to be found within federal property.

³⁰ www.Fighting4Freedom.com/SOS “It Is Written” and “No Rules”

³¹ “without the jurisdiction of the United States” 18 U.S.C. § 5

³² 28 U.S.C. § 535

³³ U.S.C. Titles 8, 15, 18, 21, 26, 28, 31, 41, 46 and 49

It is a fundamental principle of law that there are two elements to every offense which must be established in order to determine venue³⁴ (court with territorial jurisdiction to try the case): where (place) the offense was allegedly committed and what offense is allegedly committed. The “what” is the statutory law prohibiting the conduct alleged, enacted by the legislature of the forum, state or federal. The “where” is the determining factor for jurisdiction of the court and forum.

The First Congress met in 1789 and passed into law the Judiciary Act, September 24, 1789, confirming this principle of law:

“It is the **place** of seizure, and not the committing of the offense, that, under the Act of September 24, 1789, gives jurisdiction to the court; 4 *Cranch*, 443, 5 *Cranch*, 304; for until there has been a seizure, the forum cannot be ascertained, 9 *Cranch*, 289. (Emphasis added)

“It is the locus of the offense and not the offense committed which determines jurisdiction.” *People v. Godfry*, (Cir. 1880) 17 Johns. 235, 243 (NY 1819)

The location of the offense determines which court can try the case; if the offense is committed on federal property, a Court of the United States has venue.³⁵ If the United States Attorney seeks and brings an indictment in a United States District Court located in a state for an offense against the laws of the United States committed on state, county, city, or private property, the United States District Court lacks authority, (jurisdiction and venue) and the case must be dismissed when this fact is made known. In almost all but a few rare cases, the United States District Court within a state lacks venue for several reasons:

1. The offense was not committed within the “territorial jurisdiction of the United States”;

³⁴ 28 U.S.C. §§ 1404(a), 1406(a)

³⁵ 18 U.S.C. § 23; 28 U.S.C. §§ 1404(a), 1404(d), 1406(a) and 1406(c)

2. The Federal criminal laws do not apply outside of the territorial jurisdiction of the United States;³⁶
3. The Federal Rules of Criminal Procedure upon which the Federal criminal laws depend³⁷ do not authorize the United States District Court to use the Rules or to affect arrest or serve summons outside of the jurisdiction of the United States.³⁸
4. The United States District Court lacks Congressional authority to inflict punishment of imprisonment for a term of more than six months:

“And be it further enacted, That the district courts shall have exclusive of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months is to be inflicted.” I Stat. 9, First Congress, Sess. I, Chapter 20, 1789.

5. The United States District Court can only imprison a Person pursuant to an Act of Congress, 18 U.S.C. § 4001(a): “No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.”

And Acts of Congress are applicable only within “the United States” as that term is defined in 18 U.S.C. § 5 and 21 U.S.C. § 802(28).³⁹

As mandated by the Supreme Court in *Kokkonen*, authority of federal courts is limited by the Constitution and Congress:

³⁶ 18 U.S.C. §§ 5, 7(3), Article I, § 8, Cl. 17 U.S. Constitution

³⁷ 18 U.S.C. § 3001

³⁸ F.R.Cr.P. 4(c)(2)

³⁹ F.R.Cr.P. Rule 54(c) F.R.Cr.P. Rule 54(c) Acts of Congress locally applicable and in force in District of Columbia, Puerto Rico, territories and insular possession

“Federal courts, as courts of limited jurisdiction, possess only such authority as is conferred to them by the Constitution and Acts of Congress and this authority cannot be expanded by judicial decree.” *Kokkonen v. Guardian Life Ins.*, 511 U.S. 375, 377 (1994)

As set forth above, it is a fundamental principle of law that the location of the offense determines jurisdiction, e.g., if scene of offense is on federal property, the United States has jurisdiction and may arrest and prosecute. If scene is on private or state property, though, the state has jurisdiction to arrest and prosecute.

The government must plead in the indictment the date, time, and place of the alleged offense, e.g. the “on or about” and “In the Northern District of Texas and elsewhere” statements not being sufficient. The Rules provide evidence that the scene of the offense is an essential element of the offense, although this fact is hidden in ambiguous terminology. If the time, date, and place are not disclosed, a denial of due process exists. Rules provide for an alibi defense:

F.R.Cr.P. Rule 12.1 Notice of an Alibi Defense:

“(a) Government’s Request for Notice and Defendant’s Response.

(1) Government’s Request. An attorney for the government may request in writing that the defendant notify an attorney for the government of an alibi defense. The request must state the **time, date and place** of the alleged offense.

(b) Disclosing Government Witnesses

(1) Disclosure. If the defendant serves a Rule 12.1(a)(2) notice, an attorney for the government must disclose in writing to the defendant or the defendant’s attorney:

(A) the name, address, and telephone number of each witness the government is to rely on **to establish the defendants presence at the scene of the alleged offense.**” (Emphasis added)

“If the government fails to trigger the procedures and if the defendant raises an alibi defense at trial, then the government cannot claim surprise and get a continuance of the trial.” – Advisory Committee Notes, 1995 Enactment.

Since the early 1940's the "indictments" brought by the UNITED STATES OF AMERICA in the United States District Courts have routinely not disclosed on their face the time, date and place of the offense. One possible explanation is that to do so would "tip" the government's hand that jurisdiction is lacking and the government has no standing, meaning either the prosecutor knew jurisdiction is lacking or that the prosecutor is negligent and does not read or heed the law. In any event, the prosecution, in order to sustain a conviction in any court, must establish the date, time, and presence of the defendant at the scene of the offense, and the scene must be within the jurisdiction of the forum (e.g. United States).

SUMMARY

Understanding that the term "United States" as used in the Federal Criminal Code means "Federal government," and that the authority of the federal government is limited to specific, physical, geographical locations (places purchased or otherwise acquired by the United States) is what provides all Federal prisoners indicted and arrested on state, county, city, or private property in one of the fifty states with the perfect Alibi: "I was not in the United States at the time and date of the alleged offense." This declaration can be made, with understanding of the above law, under oath. If government alleges the offense was committed by the accused on a place which is not government property but state, county, city or private, property, it is divested of jurisdiction by its own admission.

"Jurisdiction is fundamental -- without it, courts cannot proceed at all in any case."
Ruhrgas v. Marathon Oil, 526 U.S. 574 (1999)

Further, a violation of Constitutional and civil rights⁴⁰ occurs. Constitutional or civil rights violation nullifies any subsequent court actions or judgments as of the date and time of the violation, e.g., date of "arrest," and the case may be dismissed upon the request of either party.

⁴⁰ 18 U.S.C. §§ 241, 242

God gave the law (Ten Commandments) to one class of people, the Jews, to be enforced within the Jewish nation. The law did not extend to the surrounding Gentile nation or citizens thereof.

We the People gave Congress authority to make law (Acts of Congress) for one class of people, government officers and employees, to be enforced within Federal areas. Acts of Congress do not extend to the surrounding nations, states, or citizens thereof. "And where there is no law there is no transgression"⁴¹ — and no penalty. Therefore, it is impossible as a matter of Constitutional and Congressional law for a private citizen to be a legally and lawfully convicted and imprisoned for a violation of any Federal criminal law.

CONCLUSION

Arrest of private citizens by federal agent(s) on state, county, city or private property; an arrest warrant issuing upon a Criminal Complaint, Information or Indictment for alleged violation of a Federal Criminal law from a United States District Court in a union state; imprisonment for a period in excess of six months, or imprisonment in a federal prison in a union state; is prohibited by the Constitution and Congress and constitutes a violation of Constitutional and civil rights.

"Do not fret because of evil men or be envious of those who do wrong; for like the grass they will soon wither, like green plants they will soon die away. Trust in the LORD and do good; dwell in the land and enjoy safe pasture. Delight yourself in the LORD and he will give you the desires of your heart. Commit your way to the LORD; trust in him and he will do this: He will make your righteousness shine like the dawn, the justice of your cause like the noonday sun." Psalm 37:1-6

REMEDY AND RELIEF

A violation of a constitutional right by the government deprives any court of jurisdiction and nullifies/voids any judgment and entitles the defendant/prisoner to immediate and unconditional release from custody, expunction of "criminal" record, and any further relief which is deemed lawful and due.

⁴¹ Romans 4:15b

“He has showed you, O man, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.” Micah 6:8

EPILOGUE

Violation of Federal criminal law by government officers and employees are reported to the agency head for forwarding to the Attorney General of the United States for criminal investigation.

Any Person, aware of a possible violation of federal criminal law by a government officer or employee may make a written complaint or provide information to the agency head. It is prudent and proper to demand, as One of the People, that the arresting Agency produce the statutory authority or any other authority upon which they relied to effect arrest on state, county, city, or private property.

What Can We Do?

In light of the fact that the United States District Courts routinely ignore all requests for relief when Constitutional violations and jurisdictional issues are raised, it seems prudent to “find another way” to obtain remedy.

~~One such alternative is to pursue administrative remedy until exhausted (approximately 45-days),~~ and then file a Writ of Habeas Corpus into the Circuit (Appellate) Court for the judicial district in which the inmate’s immediate custodian is located. This process may be accomplished by either the inmate or a concerned Person.

One way to begin is to demand from the head of the arresting agency (ATF, DEA, FBI, U.S. Marshal, etc.) located in the judicial district what authority the arrest was made outside the jurisdiction of the United States (federal area within a state).

A sample letter may be seen and a sample form "Demand for Authority" with instructions "Instructions for filling out the Demand for Authority form" may be found at www.Fighting4Freedom.com/SOS/Fedbuster.

At such time the local agency head fails to answer or provide lawful authority, a letter requesting a criminal investigation of the local agency to the Director, Commissioner, etc. in the Executive Department in Washington, D.C., with attached demand letter to the local agency head with any response attached as an exhibit, is in order.

At such time the Director fails to answer, attach copies of both letters to a Habeas petition following the instructions found in 28 U.S.C. §§ 2241-2243, and file.

A sample letter "Request for Criminal Investigation 28 U.S.C. § 535" and a "Writ of Habeas Corpus" may be seen at the above website.