Rules of Statutory Construction and Interpretation

All the "terms" used by government opponent "United States", myself, and the Court, the following rules of statutory construction and interpretation MUST apply.

1. The law should be given it's plain meaning wherever possible.
2. Statutes must be interpreted so as to be entirely harmonious with all laws as a whole. The pursuit of this Harmon is often the best method of determining the meaning of specific words or provisions which might otherwise appear ambiguous.

   It is, of course, true that statutory construction "is a holistic endeavor" and that the meaning of a provision is "clarified by the remainder of the statutory scheme . . . [when] only one of the permissible meanings produces a substantive [532 US 218] effect that is compatible with the rest of the law." United Sav. Assn. of Tex. v Timbers of Inwood Forest Associates, Ltd., 484 US 365, 371, 98 L Ed 2d 740, 108 S Ct 626 (1988).
   [U.S. v. Cleveland Indians Baseball Co., 532 U.S. 200, 220 (2001)]

3. Every word within a statute is there for a purpose and should be given its due significance.

   This fact only underscores our duty to refrain from reading a phrase into the statute when Congress has left it out. " '[W]here Congress includes particular language in one section of a statute but omits it in another ... , it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.' " Russello v United States, 464 US 16, 23, 78 L Ed 2d 17, 104 S Ct 296 (1983)
   [Keene Corp. v. United States, 508 U.S. 200 (1993)]
4. All laws are to be interpreted consistent with the legislative intent for which they were <u>originally</u> enacted, as revealed in the Congressional Record prior to the passage. The passage of no amount of time can change the original legislative intent of a law.

   Courts should construe laws in harmony with the legislative intent and seek to carry out legislative purpose.
   [Foster v. United States, 303 U.S. 118, 120 (1938)]

   We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted...
   [Mattox v. United States, 156 U.S. 237, 244, 15 S. Ct. 337, 39 L. Ed. 409 (1895)]

5. Presumption may not be used in determining a statute. Doing otherwise is a violation of due process and a religious sin under Number 15:30 (Bible). A person reading a statute cannot be required by statute or by "judge made law" to read anything into a Title of the U.S. Code that is not expressly spelled out. See:

<u>*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*</u>, Form #05.017 http://sedm.org/Forms/FormIndex.htm

6. The proper audience to turn to in order to deduce the meaning of a statute are the persons who are the subject of the law, and not a judge. Laws are supposed to be understandable by the common man because the common man is the proper subject of most laws. Judges are NOT common men.

   It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, ***<u>we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.</u>*** *Vague laws may trap the innocent by not providing fair warning.*

*Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague <*pg. 228> law impermissibly delegates [408 US 109] basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.*
[Grayned v. City of Rockford, 408 U.S. 104 (1972)]

... whether right or wrong, the premise underlying the constitutional method for determining guilt or innocence in federal courts is that laymen are better than specialists to perform this task.
[Toth v. Quarles, 350 U.S. 11 (1955)]

7. If a word is not statutorily defined, then the courts are bound to start with the common law meaning of the term.

Absent contrary direction from Congress, we begin our interpretation of statutory language with the general presumption that a statutory term has its common-law meaning. See Taylor v. United States, 495 US 575, 592, 109 L Ed 2d 607, 110 S Ct 2143 (1990); Morissette v. United States, 342 US 246, 263, 96 L Ed 288, 72 S Ct 240 (1952).
[Scheidler v. Nat'l Org. for Women, Inc., 537 U.S. 393 (2003)]

8. The purpose for defining a word within a statute is so that its ordinary (dictionary) meaning is <u>not</u> implied or assumed by the reader. A "definition" by its terms excludes non-essential elements by mentioning only those things to which it shall apply.

Define. *To explain or* ***state the exact meaning*** *of words and phrases; to state explicitly;* ***to limit;*** *to determine essential qualities of; to determine* ***the precise signification*** *of; to settle; to establish or prescribe authoritatively; to make clear. (Cite omitted)*

To "define" with respect to space, means to set or establish its boundries authoritatively; to ***mark the limits*** *of; to determine with precision or exhibit clearly the boundaries of; to* ***determine the end or limit****; to fix or* ***establish the limits****. It is the equivalent to declare, fix or establish.*
[Black's Law Dictionary, Sixth Edition, p. 422]

Definition. *A description of a thing by its properties; an explanation of the meaning of a word or term. The process of stating the exact meaning of a word by means of other words. Such a description of the thing defined,* ***including all essential elements and excluding all nonessential****, as to* ***distinguish it from all other things and classes****.*
[Black's Law Dictionary, Sixth Edition, p. 423]

9. When a term is defined within a statute, that definition is provided to <u>*supersede*</u> and not <u>*enlarge*</u> other definitions of the word found elsewhere, such as in other Titles or Codes.

<u>When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning</u>*. Meese v Keene, 481 US 465, 484-485, 95 L Ed 2d 415, 107 S Ct 1862 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v Franklin, 439 US at 392-393, n 10, 58 L Ed 2d 596, 99 S Ct 675 ("As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated' "); Western Union Telegraph Co. v Lenroot, 294 US 87, 95-96, 79 L Ed 780, 55 S Ct 333 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction 47.07, p 152, and n 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post, at _, 147 L Ed 2d, at 800 (Thomas, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction-"the child up to the head." Its words, "substantial portion," indicate the contrary.*

[Stenberg v. Carhart, 530 U.S. 914 (2000)]

A converse of the rule that courts should not read statutory language as surplusage is that courts should not add language that congress has not included... To do so, given the "particularization and detail" with which congress had set out the categories, would amount to "enlargement" of the statute rather than " construction" of it.
[CRS Report for congress (2008) - 97- 589 Pg CRS-B]

10. It is a violation of due process of law to employ a "statutory presumption", whereby the reader is compelled to guess about precisely what is included in the definition of a word, or whereby all that is included within the meaning of a term defined is not described SOMEWHERE within the body of law or Title in question.

*The Schlesinger Case has since been applied many times by the lower federal courts, by the Board of Tax Appeals, and by state courts; and <*pg. 779> none of them seem to have been at any loss to understand the basis of the decision, namely, that a statute which imposes a tax upon an assumption of fact which the taxpayer is forbidden to controvert, is so arbitrary and unreasonable that it cannot stand under the 14th Amendment.*

[...]

A rebuttable presumption clearly is a rule of evidence which has the effect of shifting the burden of proof, *Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U. S. 35, 43, 55 L. ed. 78, 80, 32 L.R.A.(N.S.) 226, 31 S. Ct. 136, Ann. Cas. 1912A, 463, 2 N. C. C. A. 243; and* ***it is hard to see how a statutory rebuttable presumption is turned from a rule of evidence into a rule of substantive law as the result of a later statute making it conclusive. In both cases it is a substitute for proof; in the one open to challenge and disproof, and in the other conclusive. However, whether the latter presumption be treated as a rule of evidence or of substantive law, it constitutes an attempt, by legislative fiat, to enact into existence <*pg. 781> a fact which here does not, and cannot be made to, exist in actuality,*** *and the result is the same, unless we are ready to overrule the Schlesinger Case, as we are not; for that case dealt with a conclusive presumption and the court held it invalid without regard to the question of its technical characterization.* ***This court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the 14th Amendment.*** *For example, Bailey v. Alabama, 219 U. S. 219, 238 et seq., 55 L. ed. 191, 200, 31 S. Ct. 145; Manley v. Georgia, 279 U. S. 1, 5, 6, 73 L. ed. 575, 577, 578, 49 S. Ct. 215.*

"It is apparent," this court said in the Bailey Case (p. 239) "that a constitutional ***prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions."***
[See Heiner v. Donnan, 285 U.S. 312 (1932)]

The implications of this rule are that the following definition cannot imply the common definition of a term IN ADDITION TO the statutory definition, or else it is compelling a presumption, engaging in statutory presumptions, and violating due process of law:

Rule 1. Scope; Definitions

(b) Definitions. The following definitions apply to these rules:

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

11. Expressio Unius est Exclusio Alterius Rule: The term "includes" is a term of *limitation* and not enlargement in most cases. Where it is used, it prescribes *all* of the things or classes of things to which the statute pertains. All other possible objects of the statute are thereby *excluded*, by implication.

> ***Expressio unius est exclusio alterius.*** *A maxim of statutory construction interpretation meaning that* ***the expression of one thing is the exclusion of another.*** *Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another.* ***When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.*** *Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.*
> *[Black's Law Dictionary, Sixth Edition, p. 581]*

12. Expressum Facit Cessare Tacitum Rule: What is expressed makes what is silent cease, i.e., where we find an express declaration we should not resort to implication.

[The Law Dictionary, Anderson Publishing 2002]

13. When the term "includes" is used as implying enlargement or "in addition to", it only fulfills that sense when the definitions to which it pertains are scattered across multiple definitions or statutes within on overall body of law. In each instance, such "scattered definitions" must be considered AS A WHOLE to describe all things which are included. The U.S. Supreme Court confirmed this when it said:

> ***When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning****. Meese v Keene, 481 US 465, 484-485, 95 L Ed 2d 415, 107 S Ct 1862 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v Franklin, 439 US at 392-393, n 10, 58 L Ed 2d 596, 99 S Ct 675 ("As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated' "); Western Union Telegraph Co. v Lenroot, 294 US 87, 95-96, 79 L Ed 780, 55 S Ct 333 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction 47.07, p 152, and n 10 (5th ed. 1992) (collecting cases).* ***That is to say, the statute, read "as a whole," post, at , 147 L Ed 2d, at 800 (Thomas, J., dissenting), leads the reader to a definition.*** *That definition does not include the Attorney General's restriction-"the child up to the head." Its words, "substantial portion," indicate the contrary.*
> *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

An example of the "enlargement" or "in addition to" context of the use of the word "includes" might be as follows, where the numbers on the left are a factious statute number:

13.1. "110 The term "State" includes a territory or possession of the United States."
13.2. "121 In addition to the definition found in section 110 earlier, the term "State" includes a state of the Union."

14. Statutes that do not specifically identify ALL of the things or classes of things or persons to whom they apply are considered "void for vagueness" because they fail to give "reasonable notice" to the reader of all the behaviors that are prohibited and compel readers to make presumptions or to guess at their meaning.

> *"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct,* ***we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.*** *Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide*

explicit standards for those who apply them. A ***vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.*** *" (Footnotes omitted.)*

See also Papachristou v City of Jacksonville, 405 US 156, 31 L Ed 2d 110, 92 S Ct 839 (1972); Cline v Frink Dairy Co. 274 US 445, 71 L Ed 1146, 47 S Ct 681 (1927); Connally v General Construction Co. 269 US 385, 70 L Ed 322, 46 S Ct 126 (1926).
[Sewell v. Georgia, 435 US 982 (1978)]

15. Judges may not extend the meaning of words used within a statute, but must resort ONLY to the meaning clearly indicated in the statute itself. That means they may not imply or infer the common definition of a term IN ADDITION to the statutory definition, but must rely ONLY on the things clearly included in the statute itself *and nothing else*.

It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v Franklin, 439 US 379, 392, 58 L Ed 2d 596, 99 S Ct 675 and n 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation. ***As judges it is our duty to [481 US 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.***
[Meese v. Keene, 481 U.S. 465 (1987)]

16. Ejusdem Generis Rule: Where general words follow and enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.

"[w]here general words follow specific words in a statutory enumeration, the general words are construed to [532 US 115] embrace only objects similar in nature to those objects enumerated by the preceding specific words."
[Circuit City Stores, Inc. v. Adams, 532 U.S. 105 (2001)]

Under the principle of ejusdem generis, when a general term follows a specific one, the general term should be understood as a reference to subjects akin to the one with specific enumeration.
[Norfolk & Western Ry. Co. v. American Train Dispatchers Ass'n, 499 U.S. 117 (1991)]

Ejustem generis. *Of the same kind, class, or nature. In the construction of laws, wills and other instruments, the "ejustem generis rule" is, that were general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*

Under "ejustem generis" cannon of statutory construction, where general words follow the same enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d 283, 125 Cal.Rptr. 694, 696.
[Black's Law Dictionary, Sixth Edition, p. 517]

[I]n construing a statute, the rule ejusdem generis–that where particular words of description are followed by general terms, the latter will be regarded as referring to persons or things of a like class with those particularly described–will, like other words of statutory construction, be

applied to give effect to, but not to subvert or defeat, the legislative intent or purpose in enacting the statute. The Supreme Court has likewise held that in construing a statute, the rule of noscitur a sociis–that a word is know by the company it keeps–will, like other rules of statutory construction, be applied to ascertain the meaning of words otherwise obscure or doubtful only where the result of such application of the rule is consistent with the legislative intent.
[Supreme Court Annotations, 46 LEd2d 879, Ejusdem Generis-Noscitur A Sociis, § 2, Summary]

In the following case, the rule of ejusdem generis was applied by the Supreme Court in construing criminal statutes. Holding that a ship was not "any other place" within the meaning of the federal statute providing "that if any person or persons shall, within any fort, arsenal, dockyard, magazine, or in any other place, or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of willful murder, such person or persons, on being thereof convicted, shall suffer death," the Supreme Court in United States v. Bevans, (1818) 16 U.S. 336, 4 LEd 404, reasoned that in view of the fixed and territorial nature of the places specifically enumerated by the statute, the construction seemed irresistible that the words "other place" were intended to mean another place of a similar character to those previously enumerated.
[Supreme Court Annotations, 46 LEd2d 879, Ejusdem Generis-Noscitur A Sociis, § 5, criminal statutes. [a] Rule held applicable]

17. Noscitur a sociis rule.

*The traditional canon of construction, <*pg. 34> noscitur a sociis, dictates that " 'words grouped in a list should be given related meaning.' " Massachusetts v Morash, supra, at 114-115, 104 L Ed 2d 98, 109 S Ct 1668, quoting Schreiber, supra, at 8, 86 L Ed 2d 1, 105 S Ct 2458.*
[Dole v. United Steelworkers of Am., 494 U.S. 26, 36 (1990)]

[T]he Supreme Court noted that noscitur a sociis is a rule of construction applicable to all written instruments, whereby if any particular word, taken by itself, is obscure or of doubtful meaning, its obscurity or doubt may be removed by reference to associated words.
[Supreme Court Annotations, 46 LEd2d 879, Ejusdem Generis-Noscitur A Sociis, § 4, General principles governing application of noscitur a sociis rule.

18. In all criminal cases, the Rule of Lenity" requires that where the interpretation of a criminal statute is ambiguous, the ambiguity should be resolved in favor of the human being and against the government. An ambiguous statute fails to give "reasonable notice" to the reader what conduct is prohibited, and therefore render the statute unenforceable. The Rule of Lenity may only be applied when there is ambiguity in the meaning of a statute:

*This expansive construction of § 666(b) is, at the very least, **inconsistent with the rule of lenity-which the Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term "benefits," we should resolve that ambiguity in favor of the defendant. See United States v Bass, 404 US 336, 347, 30 L Ed 2d 488, 92 S Ct 515 (1971) ("In various ways over the years, we have stated that when choice has to be made between two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher alternative, to require that Congress should have spoken in language that is clear and definite" (internal quotation marks omitted)).***
[Fischer v. United States, 529 U.S. 667 (2000)]

*It is not to be denied that argumentative skill, as was shown at the Bar, could persuasively and not unreasonably reach either of the conflicting constructions. About only one aspect of the problem can one be dogmatic. **When Congress has the will it has no difficulty in expressing it-***

> ***when it has the will, that is, of defining what it desires to make the unit of prosecution and, more particularly, to make each stick in a faggot a single criminal unit. When Congress leaves to the Judiciary the task of imputing to Congress an undeclared will, the ambiguity should be resolved in favor of lenity.*** *And this not out of any sentimental consideration, or for want of sympathy with the purpose of Congress in proscribing evil or antisocial conduct.* ***It may fairly be said to be a presupposition of our law to resolve doubts in the enforcement of a penal code against the imposition of a harsher punishment.*** *This in no wise implies that language used in criminal statutes should not be read with the saving grace of common sense with which other enactments, not cast in technical language, are to be read. Nor does it assume that offenders against the law carefully read the penal [349 US 84] code before they embark on crime. It merely means that* ***if Congress does not fix the punishment for a federal offense clearly and without ambiguity, doubt will be resolved against turning <*pg. 911> a single transaction into multiple offenses, when we have no more to go on than the present case furnishes.***
> *[Bell v. United States, 349 U.S. 81 (1955)]*

19. When Congress intends, by one of its Acts, to supersede the police powers of a state of the Union, it must do so *very clearly*.

> *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 (1952)]*

20. The fundamental purpose of law is ALWAYS "the definition and *limitation* or power":

> *When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power."*
> *From Marbury v. Madison to the present day, no utterance of this court has intimated a doubt that in its operation on the people, by whom and for whom it was established, the national government is a government of enumerated powers, the exercise of which is restricted to the use of means appropriate and plainly adapted to constitutional ends, and which are "not prohibited, but consist with the letter and spirit of the Constitution."The powers delegated by the people to their agents are not enlarged by the expansion of the domain within which they are exercised. When the restriction on the exercise of a particular power by a particular agent is ascertained, that is an end of the question. To hold otherwise is to overthrow the basis of our constitutional law, and moreover, in effect, to reassert the proposition that the states, and not the people, created the government. It is again to antagonize Chief Justice Marshall, when he said: "The government of the Union, then (whatever may be the influence of this fact on the case), is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit. This government is acknowledged by all to be one of enumerated powers." 4 Wheat. 404, 4 L. ed. 601.*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 369-370 (1886)]*

21. Laws are void if they are vague.

"Men of common intelligence cannot be required to guess at the meaning of the enactment." [Winters v. People of New York 333 U.S 507, 515 (1948)]

It is established that a law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits or leaves judges and jurors free to [382 US 403] decide, without any legally fixed standards, what is prohibited and what is not in each particular case. *See e. g., Lanzetta v New Jersey, 306 US 451, 83 L ed 888, 59 S Ct 618; Baggett v Bullitt, 377 US 360, 12 L ed 2d 377, 84 S Ct 1316.*
[...]
Certainly one of the basic purposes of the Due Process Clause has always been to protect a person against having the Government impose burdens upon him except in accordance with the valid laws of the land. *Implicit in this constitutional safeguard is the premise that the law must be one that carries an* ***understandable meaning*** *with legal standards that courts must enforce.*
[Giacco v. State of Pennsylvania, 382 U.S. 399 (1966)]

22. All of the words used in a legislative act are to be given force and meaning, otherwise they would be superfluous having been enough to have written the act without the words.

*"**It is our duty 'to give effect, if possible, to every clause and word of a statute.'** " United States v Menasche, 348 US 528, 538-539, 99 L Ed 615, 75 S Ct 513 (1955) (quoting Montclair v Ramsdell, 107 US 147, 152, 27 L Ed 431, 2 S Ct 391 (1883)); see also Williams v Taylor, 529 US 362, 404, 146 L Ed 2d 389, 120 S Ct 1495 (2000) (describing this rule as a "cardinal principle of statutory construction"); Market Co. v Hoffman, 101 US 112, 115, 25 L Ed 782 (1879) ("As early as in Bacon's Abridgment, sect. 2, it was said that '**a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant**' "). We are thus "reluctan[t] to treat statutory terms as surplusage" in any setting. Babbitt v Sweet Home Chapter, Communities for Great Ore., 515 US 687, 698, 132 L Ed 2d 597, 115 S Ct 2407 (1995); see also Ratzlaf v United States, 510 US 135, 140, 126 L Ed 2d 615, 114 S Ct 655 (1994).*
[Duncan v. Walker, 533 U.S. 167, 174 (2001)]

23. Words importing the plural include the singular.

TITLE I > CHAPTER I
§ 1. Words denoting number, gender, and so forth

In determining the meaning of any Act of Congress, unless the context indicates otherwise--
words importing the singular include and apply to several persons, parties, or things;
words importing the plural include the singular;
words importing the masculine gender include the feminine as well;
[...]

Appendix B

Meaning of geographical "words of art"

Law	Federal constitution	Federal statutes	Federal regulations	State constitution	State statutes	State regulations
Author	Union States/"We the People"	Federal Government		"We the People"	State Government	
"state"	Foreign country	Union state or Foreign country	Union state	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State"[1]	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively[2]	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	States of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

NOTES:

1. The term "Federal state" or "Federal 'States'" as used above means a federal territory as defined in the Federal Rules of Criminal Procedure, Rule 1(b)(9), 4 U.S.C. §110(d), etc and EXCLUDES states of the Union.
2. The term "Union State", states of the Union, and 50 states means a "State" mentioned in the United States Constitution, and this term EXCLUDES and is mutually exclusive to a federal "State"

1 See Arizona Revised Statutes 28-2001 & 28-5601(12)

2 See for instance, U.S. Constitution, Article IV, Section 2

Appendix C

Memorandum on the term "United States", the different types of Citizens and the Social Security Franchise.

The term "United States"

1. In 1945, the Supreme Court settled once and for all in Hooven & Allison Co. v. Evatt, 324 U.S. 652, the term United States, indeed, saying that they wouldn't deal with it again. They upheld the Downes v. Bidwell case, but now gave three meanings to the term United States. (at 671-672).

#	Supreme Court (U.S.) Definition of "United States' in Hooven	Context in which used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International Law	United States*	"These united States," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. I am a "Citizen of the United States" like someone is a Citizen of China, or England. I identify this version of the "United States" with a single asterisk after its name: United States throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal Law Federal Forms	United States**	"The United States (District of Columbia, possessions, and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia , one of its Territories or Federal areas (enclaves). Hence, even a person living in one of the sovereign states could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes and is synonymous with the United States corporation found in 28 U.S.C. §3002(15)(A).
3	"it may be the collective name of the states which are united by and under the Constitution."	Constitution of the United States	United States***	"The several States which is the united States of America." Referring to the 50 sovereign States, which are united under the Constitution of the United States of America. The federal areas within these states are not included in this definition because the Congress does not have exclusive legislative authority over any of the 50 sovereign States within the Union of States. Rights are retained by the States in the 9th and 10th Amendments, and you are a "Citizen of these united States." This is the definition used in the Constitution of the United States of America

the United States form a Nation?'
A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of particular States and Kingdom. ***From the law of nations little or no illustration of this subject can be expected. By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.*** *It has only been a very few comprehensive minds, such as those as Elizabeth and the Fourth Henry, that this last great idea has been contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.*
[Chisholm v. Georgia, 2 Dall, (U.S.) 419, 453 (1793)]

7. Black's Law Dictionary further clarifies the distinction between a "nation" and a "society" by clarifying the differences between a **national** government and a **federal** government, and keep in mind that the American government is called "federal government":

NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.

A national government is a government of the people of a single state or nation, united as a community by what is termed the "social compact", and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. ***A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.*** *Piqua Branch Bank v. Knoup, 6 Ohio St. 393.*
[Black's Law Dictionary, Fourth Edition p. 1176]

FEDERAL GOVERNMENT. The system of government administered in a state formed by the union or confederation of ***several independent or quasi independent states;*** *also the composite state formed.*

In strict usage, there is a distinction between a confederation and a federal government. ***The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation , and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states from a union, not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal, while the administration or national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all in their collective capacity, as citizens of the nation.*** *The distinction is expresses, by the German writers, by the use of the two words "Staatenbund" and Bundesstaut;" the former denoting a league or confederation of states, and the ladder a federal government, or state formed by means of a league or confederation."*
[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

8. So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the Supreme Court's own admission.

The two types of citizenship

I had once asked Judge Collins if he presumed that I was a statutory U.S. citizen, he said yes, he was also presuming that I had a domicile on federal territory not within any state of the Union compelling my association with the federal government. This is a trap to exploit my legal ignorance using "words of art". "U.S. citizen" or "citizen of the United States" status is the vehicle within federal statutes and "act of Congress" that the federal government uses to illegally and wrongfully assert jurisdiction over sovereign Americans who were either born or are living in states of the Union. However, as this line of questioning will show most Americans are not "U.S. citizens" or "citizens of the United States" within federal statutes, because of differences in meaning of the term "United States" and "States" between federal statutes and the U.S. Constitution. Most Americans born in states of the Union are instead defined in federal statutes as "nationals" or nationals but not citizens", and this includes those who obtained their citizenship either by birth or naturalization.

Upon reviewing various principles of citizenship and state law regarding citizenship and expatriation, the Supreme Court offered this interesting opinion:

> *"... it is a recognized principle that a man may owe allegiance to **two countries** at the same time, and, therefore, [2 Cranch 304] may lawfully have the intention of owing allegiance to both **Great Britain** and **New Jersey**."*
> *[M'Ilvaine v. Coxe's Lessee, 4 Cranch, 209, 303-304 (1804)]*

Here the Supreme Court recognized that Great Britain and New Jersey are two countries, equal to each other for the purposes of citizenship, allegiance and inheritance of property. Once again, the Founding Fathers, as members of the Supreme Court in 1804, recognized that each state of the Union is a fully grown up, sovereign nation equal to other nations of the world for these purposes.

1. Because each of the states of the Union has a separate sovereignty from that of the United States government, and because there are three definitions of "United States" identified by the Supreme Court in Hooven, *supra,* this implies that there is more than one type of "citizen of the United States", within federal statutes or "acts of Congress", where each type relies on a different context or definition for the word "United States", the provisions of these two types of American citizenship are distinct from each other. The California Supreme Court stated as follows:

   > *"That there is a citizenship of the United States and a citizenship of a state, and the privileges and immunities of one are not the same as the other is well established by the decisions of the courts of this country."*
   > *[Tashiro v. Jordan, 201 Cal. 236 (1927)*

The Supreme Court has stated the same, although not as descriptive as the California court:

> *It is quite clear, then, that there is a citizenship of the United States and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.*
> *[The Slaughterhouse Cases, 83 U.S. 36, 74 (1872)]*

2. The United States Department of Foreign Affairs Manual states that there was no statutory definition of the term "United States" in the context of citizenship and nationality prior to January 13, 1941:

   > *d. Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship purposes. Thus there were varying interpretations. Guidance should be sought from the Department (CA/OCS) when such issues arise.*
   > *[Department of State Foreign Affairs Manual, 7 F.A.M. 1116-1]*

3. Citizenship is always tied to a sovereign government. Because the states of the Union are fundamental political

units in American society, the first and fundamental citizenship a person living in one of the states of the Union may have is with one's state. The Supreme Court made it clear almost 80 years ago that state citizenship is the fundamental citizenship in America.

> ***This position is that the privileges and immunities clause protects all citizens against abridgment by states of rights of national citizenship as distinct from the fundamental or [309 US 91] natural rights inherent in state citizenship.*** *This Court declared in the Slaughter-House Cases that the Fourteenth Amendment as well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom. This almost contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights which are inherent in national citizenship but denied it to those which spring from [309 US 92] state citizenship.*
> *[Madden v. Kentucky, 309 U.S. 83, 90-93 (1940)]*

4. There are two distinct political jurisdictions within the United States the country. 1. The states of the Union under the Constitution. 2. The territories and possessions of the United States and the District of Columbia. Ones citizenship determines which of the above two political jurisdictions a person belongs to.

> *There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 US 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association.* ***He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.*** *For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words "subject," "inhabitant" and "citizen" have been used, and the choice between them is sometimes made to depend upon the form of the government.* ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more. To determine, then, who were citizens of the United States before the adoption of the Amendment, it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.*** *Looking at the Constitution itself, we find that it was ordained and established by "the people of the United States" (Preamble, 1 Stat. at L., 10), and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth (Dec. of Ind., 1 Stat. at L., 1), and that had by Articles of Confederation and Perpetual Union, in which they took the name of "the United States of America," entered into a firm league of [88 US 167] friendship with each other for their common defense, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.* ***Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.***
> *Minor v. Happersett, 88 U.S. 162, 165-67 (1875)*

5. The two political jurisdictions within our country do not have governments that are identical in form. Article 4,

Section 4, of the Constitution, for instance, guarantees a "republican form of government" to the states of the Union, while no such Constitutional limitation exists for territories and possessions of the United States.

> *Constitution of the United States*
> *Article 4, Section 4. Form of State governments--Protection.*
>
> *The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.*

6. The character and nature of the people in either political jurisdiction is fundamentally different because of the political and legal differences between them.
7. All persons born in a state of the Union are constitutional citizens, meaning citizens of the third "United States***" *supra*.

> *Mr. Justice Story, in his Commentaries on the Constitution, says: "Every citizen of a State is ipso facto a citizen of the United States." (§ 1693.) And this is the view expressed [143 US 159] by Mr. Rawle in his work on the Constitution. (Chap. 9, pp. 85, 86.) Mr. Justice Curtis, in Dred Scott v. Sandford, 60 U. S. 19 How. 393, 576, expressed the opinion that* ***under the Constitution of the United States "every free person born on the soil of a State, who is a citizen of that State by force of its constitution or laws, is also a citizen of the United States. And Mr. Justice Swayne, in Slaughter-House Cases, 83 U. S. 16 Wall. 36, 126, declared that "a citizen of a State is ipso facto a citizen of the United States."***
> *[Boyd v. State of Nebraska, 143 U.S. 135, 158-59 (1892)]*

8. Persons born in territories of the United States or the District of Columbia are <u>not</u> citizens within the meaning of the Constitution or the Fourteenth Amendment, Section 1.

> *It had been said by eminent judges that no man was a citizen of the United States, except as he was a citizen of one of the states composing the Union.* ***Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States, were not citizens.***
> *[Slaughter-House Cases, 83 U.S. 36 (1872)]*

9. People born in the District of Columbia or the territories of the United States <u>are</u> "citizens of the United States" under 8 U.S.C. §1401. The term "United States", in the context of <u>*statutory*</u> citizenship found in Title 8 of the U.S. Code, includes only federal territory subject to the exclusive or plenary jurisdiction of the federal government and excludes land under exclusive jurisdiction of states of the Union. This is confirmed by the definition of "United States", and "State".
10. The legal encyclopedia American Jurisprudence, in section 3A Am Jur 2d §2689 defines "U.S. citizens" under federal statutes as follows:

> ***3C Am.Jur.2d., Aliens and Citizens, §2689, Who is born in United States and subject to United States jurisdiction***
> *"A person is born subject to the jurisdiction of <u>the</u> United States, for purposes of acquiring citizenship at birth, if his or her birth occurs in <u>territory</u> over which the United States is sovereign, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."*

11. A "citizen of the United States" under 8 U.S.C. §1401 and a "citizen of the United States" under Section 1 of the Fourteenth Amendment are therefore <u>not</u> equivalent.
12. The reason that a "citizen of the United States" under 8 U.S.C. §1401 and a "citizen of the United States" under the Fourteenth Amendment are <u>not</u> equivalent is because each of these two contexts presupposes a <u>different</u> definition of the term "United States" as defined by the Supreme Court in Hooven, *supra*.
13. If 8 U.S.C. §1401 includes persons born in the states of the Union on land that is not ceded to the federal

government, then there is no way to legally distinguish between people in each of the two political jurisdictions from a U.S. Citizenship standpoint.

14. Far from being a birthright, the statutory "citizen of the United States" found in 8 U.S.C. §1401 is a statutory creation of Congress that implements a protection franchise tied to domicile and federal territory in the statutory but not constitutional "United States", consisting of federal territory that is subject to the exclusive jurisdiction of Congress. It is a fiction, just as the "United States" is not a wo/man on the land. A fiction can only deal with a fiction. That is why the corporate government does everything it can to make me participate somehow in corporate activity. Thus I would become a statutory "person", "individual", or "resident". In other words a federal statutory "citizen". It is an abstraction, defined into being at the changing whim of the United States Congress, of which it is a franchisee and subject. As such it is assigned statutory privileges, for it has no inherent, unalienable rights. For example, the only place that unalienable constitutional rights can be given away, is where they don't exist, which is among those domiciled and present on federal territory, where everything is a statutory privilege and public right and there are no private rights except by Congressional grant/privilege. Human beings domiciled inside the federal zone do not fall into the category of "The People" because the federal zone is not a constitutional republic. They are not parties to the Constitution and therefore are not protected by it.

> *Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 US 279] that* ***the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to "guarantee to every state in this Union a republican form of government" (art. 4, § 4), by which we understand, according to the definition of Webster, "a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them," Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America,*** *and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend the Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights.*
> *[Downes v. Bidwell, 182 U.S. 244, 278-79 (1901)]*

15. If I describe myself as a citizen or U.S. citizen without further clarification, or if I don't describe my citizenship at all in court pleadings, then federal courts will self-servingly "presume" that I am a statutory rather than constitutional citizen pursuant to 8 U.S.C. §1401 who has a domicile on federal territory. I cannot be a "citizen" under federal statutory law unless I am domiciled on federal territory not within a constitutional state of the Union. This is also confirmed by the following authorities:

> *"The term "citizen", as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially* ***synonymous with the term "domicile"****. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557.*
> *[Earley v. Hershey Transit Co., 55 F. Supp. 981, 982; 1944 U.S. Dist. LEXIS 2332]*

> *"****Domicile and citizen are synonymous in federal courts****, Earley v. Hershey Transit Co., D.C. Pa., 55 F. Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*

[Blacks Law Dictionary. Fourth Edition, p. 311]

The terms "citizen" and "citizenship" are destinguishable from "resident" or "inhabitant" Jeffcott v. Donovan, C.C.A. Ariz., 135 F.2d 213, 214; and from "domicile", Wheeler v. Burgess 263 Ky. 693, 93 S.W.2d 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C. 39 F.2d 350, 351; ***The words "citizen and citizenship," however, usually include the idea of domicile, Deleware, L.&W.R.Co. v. Petrowsky, C.C.A.N.Y., 250 F.554, 557;*** *citizen, inhabitant and resident are often synonymous. Messick v. Southern Pa. Bus Co. D.C.Pa., 59 F.Supp 799, 800.*
[Blacks Law Dictionary. Fourth Edition, p. 310]

Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S. Ct. 763, 32 L. Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L. Ed. 691.
[Baker v. Keck, 13 F.Supp 486, 487 (1936)]

16. No person my be compelled to choose a domicile or residence anywhere. By implication, no one but me can commit myself to being a "citizen" or to accepting the responsibilities or liabilities that go with it.

*"**The rights of the individual are not derived from governmental agencies,** either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator and are merely reaffirmed in the Constitution, and **restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of the government.** The peoples rights are not now derived from the government , but the governments authority comes from the people. *946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief."*
[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

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*"Citizenship" and "residence," as has often been declared by the courts, are not convertible terms.... The better opinion seems to be that a citizen of the United States is, under the amendment, prima facie a citizen of the state wherein he resides, and cannot arbitrarily be excluded therefrom by such state, but that **he does not become a citizen of the state against his will, and contrary to his purpose and intention to retain an already acquired citizenship elsewhere. The amendment [14th] is a restraint on the power of the state, but not on the right of the person to choose and maintain his citizenship or domicile.**"*
[Sharon v. Hill, 26 F. 337, 342, 344 (1885)]

17. Since "citizen", "citizenship", and "domicile" are all synonymous, then I can only be a "citizen" in ONE place at a time. This is because I can only have a "domicile" in one place at a time. Whichever one the I choose to be a "citizen" of, I become a "national but not citizen" in relation to the other. Whichever one of the two jurisdictions I choose my domicile within becomes my main source of protection.

Domicile. *A persons legal home. That place where a man has his true, fixed and* ***permanent home*** *and principal establishment, and to which whenever he is absent, he has* ***the intention of*** *returning. Smith v. Smith, 206 Pa.Super. 310M 213 A.2d 94. Generally, physical presence within a state and* ***the intention*** *to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he* ***intends to*** *return even*

*though he may actually reside elsewhere. A person may have more than one residence but only one domicile. The legal domicile of a person is important since it, rather than actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and **other legal rights and privileges**."*
[Blacks Law Dictionary, Sixth Edition, p. 485]

18. Choice of domicile is an act of political affiliation protected by the First Amendment prohibition against compelled association.

***"The right to speak and the right to refrain from speaking [on a government form, and in violation of the First Amendment when coerced, for instance] are complementary components of the broader concept of individual freedom of mind."** [Wooley v. Maynard, 430 U.S. 705, 714(1977)](Brackets mine)*

"[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society *one's beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the laws]"*
[Abood v. Detroit Board of Education, 431 U.S. 209, 234-35 (1977)](Brackets mine)

Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First Amendment. **As a general constitutional principal, it is for the individual and not for the state to choose one's associations and to define the persona which he holds out to the world.
[First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

19. The right to such determination is also supported by an international treaty, to which the United States is party:

International covenant on civil and political rights
Article 1 All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development [U.N.T.S. No. 14668, vol. 999 p. 171 (1976)]

20. So how did I unknowingly volunteer to become a "citizen of the United States" under federal statutes?
21. I have come to understand through the constant study of law that "U.S. citizen/citizen of the United States" status under federal statutes and "acts of Congress" can be regulated outside the "United States" and is entirely voluntary. Let me now examine the federal governments definition of the term "naturalization" to determine at what point I may have "volunteered".

TITLE 8* > *CHAPTER 12
§1101 Definitions

(a) As used in this Act-
(23) naturalization defined:
The term "naturalization" means the conferring of nationality [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever.
(Brackets mine)

22. And here is the definition in Black's Law Dictionary:

***Naturalization.** The process by which a person acquires nationality [not citizenship, but nationality]after birth and becomes entitled to the privileges of U.S. citizenship. 8 U.S.C.A. §1401 et seq.*

In the United States collective naturalization occurs when designated groups are made citizens by treaty (as Louisiana purchase). Or by law of Congress (as in annexation of Texas and Hawaii). Individual naturalization must follow certain steps: (a) petition for naturalization by a person of lawful age who has been a lawful resident of the United States for 5 years; (b) investigation by the Immigration and Naturalization Service to determine whether the applicant can speak and write the English language, has a knowledge of the fundamentals of American government and history, is attached to the principles of the Constitution and is of good moral character; hearing before a U.S. District Court or certain State courts of record; and (d) after a lapse of at least 30 days a second appearance in court when the oath of allegiance is administered.
[Black's Law Dictionary, Sixth Edition, p. 1026]

23. Well then if I was a foreigner who was "naturalized" to become a "national" (and keeping in mind that all of America is mostly a country of immigrants), then some questions arise:
    23.1. At what point did I become a STATUTORY "U.S. citizen" under federal law , because "naturalization" didn't do it?
    23.2. By what means did I inform the government of my "informed choice", under "full disclosure", in this voluntary process?
24. My answer would be that, again, using harmful presumptions, the court presumes that I applied for a passport, registered to vote, participated in jury duty, or filled out some kind of government form, the government asked me whether I was a U.S. citizen and I lied by saying "YES", not knowing, under full disclosure, what the consequences would be choosing to elect the status of a statutory federal citizen. In effect, although I never made an informed choice to surrender my sovereign status as a "national" to become a "U.S. citizen", I created a "presumption" on their part that I was a "U.S. citizen" just because of erroneous paperwork which they can later use as unlawful evidence in court to prove I am a "U.S. citizen". Even worst, they encouraged me to make it erroneous because of the way they designed the forms by not even giving me a choice on the form to indicate that I am a "national" instead of a "U.S. citizen"! By checking the "U.S. citizen" on their rigged forms, that is all the evidence they needed to conclude, incorrectly and to their massive fraud and benefit, I might add, that I was a "U.S. citizen" who was "completely subject to the jurisdiction" of the United States.
25. Absent proof of informed consent, under full disclosure, one cannot be legally labeled a statutory "U.S. citizen" per 8 U.S.C. §1401, subject to the territorial/corporate United States government. All rights that attach to status are, in fact, franchises. This, in fact, is why falsely claiming to be a "U.S. citizen" is a crime under 18 U.S.C. §911, because this status is "property" of the federal government and abuse of said property or the public rights and "benefits" that attach to it is a crime. Why is there no statement under §911 saying "within the special maritime and territorial jurisdiction"? The use of the "Social Security Number" then becomes a de facto "license" to exercise the privilege. You cant license something unless it is illegal to perform without a license, so Congress had to make it illegal to claim to be a statutory "U.S. citizen" before they could license it, tax it and regulate it. They are simply criminalizing abuse of their such property.

§911. Citizen of the United States

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.

26. Technically and lawfully, the federal government does not have the lawful authority to confer statutory "citizen of the United States"(federal citizen) status upon a person born inside a Union state (me) on land that is not part of the federal zone and domiciled there. If they did, they would be "sheep poachers" who were stealing citizens from the Union states and depriving those states with control over persons born within their jurisdiction (sound familiar).
27. Therefore, people born in the Union states but outside the federal zone (federal areas or enclaves within the exterior boundaries of the state) must be naturalized technically in order to become "citizens of the United States". However, the rules for naturalization in the case of federal citizenship are so lax and transparent that people are fooled into thinking they always were "citizens of the United States" or a "U.S. citizen", for instance,

even if I technically wasn't because I wasn't born inside a federal zone, then I have effectively and formally "naturalized" myself into federal citizenship and given the government evidence proving that I am a government slave and that my activity can be regulated and controlled outside the "United States**"!

> *Petitioner concedes, as he must, that Congress in prescribing standards of conduct for American citizens may project the impact of its laws beyond the territorial boundaries of the United States. Cf. Foley Bros., Inc. v. Filardo, 336 US 281, 284, 285; 93 L ed 680, 683, 684, 69 S Ct 575 (1949). [Steele v. Bulova Watch Co., 344 U.S. 280, 282, (1953)]*

> *The only question raised on appeal is whether the lower court had jurisdiction over the case. **Had the defendant been a United States citizen, there would be no jurisdictional problem, for a country may supervise and regulate the acts of its citizens both within and without its territory.** See, e. g., Blackmer v. United States, 1932, 284 U.S. 421, 437, 52 S. Ct. 252, 76 L. Ed. 375; The Apollon, 1824, 22 U.S. (9 Wheat.) 362, 369-70, 6 L. Ed. 111.*
> *United States v. Columba-Colella, 604 F.2d 356, 358 (5th Cir. 1979)*

> *While crimes against private individuals must still take place within the territory of the sovereign before the latter can properly assume jurisdiction, certain crimes directed toward the sovereign itself may be tried within the jurisdiction even though committed without.' Id., 136 F.Supp. at pages 547-548. **But this jurisdiction is usually 'predicated upon the citizenship of the offender rather than the locus of the crime.'** United States v. Bowman, 1922, 260 U.S. 94, 43 S. Ct. 39, 67 L. Ed. 149, and cases cited in Baker, supra, 136 F.Supp. at page 548.*
> *[Rocha v. United States, 288 F.2d 545, 548 (9th Cir. 1961)]*

28. A man or woman born within and domiciled within the states of the Union mentioned in the Constitution therefore is:
    - 1.1. A "citizen of the United States" under the Fourteenth Amendment.
    - 1.2. A "national" pursuant to 8 U.S.C. §1101(a)(21).
    - 1.3. A "national of the United States*** of AMERICA" rather than the "United States**".
    - 1.4. NOT a statutory "citizen of the United States" under 8 U.S.C. §1401.
    - 1.5. NOT born in the federal "States" (territories and possessions), mentioned in federal statutory law, or the a Federal Rules of Criminal Procedure.
    - **1.6.** NOT A "U.S. national" or "national of the United States**" pursuant to 8 U.S.C. §1101(a)(22)(B) or 8 U.S.C. §1408. These people are born in America Samoa or Swains Island, because the statutory "United States" as used in this phrase is defined to include only federal territory and exclude states of the Union mentioned in the Constitution.

The Franchises

If the federal government wants to reach outside its territory and create private law for those who have not consented to its jurisdiction by choosing a domicile or having his physical presence on its own territory, the ONLY method it has for doing this is to exercise its right to contract.

1. The Supreme Court alluded to the mechanism by which the government carries all of its powers, including its enforcement powers, into existence:

> ***All** the powers of the government must be carried into operation **by individual agency, either through the medium of public officers, or contracts made with [private] individuals**.*
> *[Osborn v. Bank of United States, 22 U.S. 738, 771 (1824)](Brackets Mine)*

2. The most important method by which governments exercise their PRIVATE right to contract and disassociate with the territorial limitation upon their lawmaking powers is through the use of franchises, which are contracts.

*As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon valuable considerations, for purposes of individual advantage as well as public benefit and thus a franchise partakes of a double nature and character. **So far as it affects or concerns the public, it is publici juris and is subject to government control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for it forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris**.*

[American Jurisprudence 2d. Franchises, §4 Generally (1999)]

3. Another way of stating the above is that whenever a sovereign wants to reach outside its physical territory, it may only do so using its right to contract with other fellow sovereign states and people. This is called "comity". If I am not domiciled on, nor committed a crime on federal territory, the federal government has to produce evidence that I consented to some kind of contract or agreement with them or proof that they are using a delegated power to punish under the Constitution. This is consistent with the maxim of law that debt and contract know no place.

> ***Comity.** Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of deference and good will. Recognition that one sovereignty allows within its territory to the legislative, executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. Nowell v. Nowell, Tex.Civ.App., 408 S.W.2d. 550, 553. In general , principal of "comity" is that courts of one state or jurisdiction will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but out if deference and mutual respect. Brown v. Babbitt Ford., 117 Ariz. 192, 571 P.2d. 689, 695. See also full faith and credit clause.*
>
> *[Black's Law Dictionary, Sixth Edition, p.267]*

Debitum et contractus non sunt nullius loci.
Debt and contract [franchise agreement, in this case] are of no particular place.

Locus contractus regit actum.
The place of the contract [franchise agreement, in this case] governs the act.
[Bouvier's Maxims of Law, 1856](Brackets mine)

4. Those who participate in government franchises become "residents","U.S. citizens", and or "federal personnel" within the jurisdiction of the government granting the franchise, even if they do not maintain a domicile within said territorial jurisdiction.
5. Therefore, another way one can become a "person" or "individual" subject to the government jurisdiction is through either a contract or consenting to occupy and being elected or appointed into a public office. An example of such contract would be the Social Security contract.
6. People are unwittingly recruited into the status of being a "U.S. citizen"/"Federal Personnel" within the federal government by:
   - 6.1. Changing a statutory "U.S. citizen" under federal law into a franchise and decoupling it from one's true domicile outside the statutory "United States", which is federal territory. This is done in order to:
     - 6.1.1. Replace the majority of federal law with contract law.
     - 6.1.2. Transcend the territorial limits of the federal government.
     - 6.1.3. Reach people anywhere they are located, including within foreign countries. This must be so because it is a maxim of law that debt and contract are not limited to a specific territory, while classical, common law citizenship and the domicile that makes it possible is limited to a specific territory.
   - 6.2. Using government identifying numbers as a means to recruit people into the public office franchise.

6.3. Compelling or forcing the use of government identifying numbers in the following circumstances:
  6.3.1. When requesting or invoking government services.
  6.3.2. When opening financial accounts.
  6.3.3. Within employment.
  6.3.4. When obtaining government ID.
6.4. Unlawfully offering or enforcing federal franchises outside of the federal territory they are limited to by statute. This includes:
  6.4.1. Social Security.
  6.4.2. Federal income taxes.
  6.4.3. Medicare.
  6.4.4. Health care.
6.5. Using Federal Rule of Civil Procedure 17(b) as a way to change the choice of law in federal court of those who participate in the franchise, so that the protections of state law and the separation of powers between the state and federal governments can be dispensed with and replaced with federal law.

7. The right of the federal government to officiate and legislate over its own chattel property extends <u>everywhere</u> in the Union and wherever said property is physically located.
  7.1. Jurisdiction over government chattel property extends to every type of property owned by said government. In law:
    7.1.1. All rights are property.
    7.1.2. Anything that conveys rights is property.
    7.1.3. Contracts convey rights and are therefore "property".
    7.1.4. All franchises are contracts between the grantor and the grantee and therefore "property".
  7.2. This jurisdiction over chattel property originates from Article 4, Section, 3, Clause 2 of the United States Constitution.

> ***The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory <u>or other property</u> belonging to the United States. <u>This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that [19 Howard 510] the power to make "all needful rules and regulations" "is a power of legislation," "a full legislative power;" "that it includes all subjects of legislation in the territory," and is without any limitations, except the positive prohibitions which affect all the powers of Congress</u>.*** *Congress may then **<u>regulate or prohibit</u>** slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted.* ***<u>But the power to "make rules and regulations respecting the territory" is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make, are supreme and are not dependent on the situs of "the territory."</u>***
> *[Dred Scott v. Sandford, 60 U.S. 393 (1856)]*

8. It is my contention that the federal government is using the Social Security franchise to unlawfully enlarge its jurisdiction and enforce its laws against state nationals that are not U.S. Citizens. The federal government compels

<u>The Social Security Franchise</u>

1. The government and courts presume that I consensually, under full disclosure, engaged in a government franchise. All franchises destroy or undermine rights by exchanging them for government privileges or benefits. The terms of franchise often entitle the government grantor of the franchise to engage in certain presumptions as part of the "consideration" I bestow upon them in consenting to the franchise. The term "public right" as used in

the Supreme Court ruling below is a synonym for franchise.

> *The distinction between public rights and private rights has not been definitively explained in our precedents. Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise "between the government and others." Ex Parte Bakelite Corp., supra, at 451, 73 L Ed 789, 49 S Ct 411.23 In contrast, "the liability of [458 US 70] one individual to another under the law as defined," Crowell v Benson, supra, at 51, 76 L Ed 598, 52 S Ct 285, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v Occupational Safety and Health Review Comm'n, 430 US, at 442, n 7, 51 L Ed 2d 464, 97 S Ct 1261 (1977); Crowell v Benson, supra, at 50-51, 76 L Ed 598, 52 S Ct 285. See also Katz, Federal Legislative Courts, 43 Harv L Rev 894, 917-918 (1930).24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.*
>
> *[...]*
>
> *Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. Buckley v Valeo, 424 US, at 122, 46 L Ed 2d 659, 96 S Ct 612. **But when Congress creates a statutory right [a "privilege" in this case], 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.** Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No [458 US 84] comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art III courts.*
>
> *[Northern Pipeline Constr. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 69-70, 83-84 (1982)](Brackets mine)*

Note the underlined statement above

> *But **when 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.*

Is the Supreme Court is admitting that if I apply for ANY government benefit, Congress has the "right to define presumptions" in such a way that the loss of any one of my rights may become "consideration" that they require in exchange for the benefit? Does this also mean that those who participate can be directed to which federal courts they may litigate in and can lawfully be deprived of a Constitutional Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV legislative or administrative tribunal within the Legislative rather than Judicial branch of the government?

2. Social Security Numbers can only lawfully be issued to persons with legal domicile on federal territory. 20 CFR §422.104 says the number can only be issued to statutory U.S. citizens pursuant to 8 U.S.C. §1401 or statutory

"permanent residents", both of whom have in common a domicile on federal territory. In particular, 20 CFR §422.104 implements Title 5 of the U.S. Code, which is entitled "Government Organization and Employees" and Title 20 under the CFR is entitled "Employee's Benefits".

TITLE 20—EMPLOYEE'S BENEFITS
CHAPTER III—SOCIAL SECURITY ADMINISTRATION
PART 422 ORGANIZATION AND PROCEDURES—Table of Contents
Subpart B General Procedures
Sec. 422.104 Who can be assigned a social security number.

*(a) **Persons eligible for SSN assignment.***
We can assign you a social security number if you meet the evidence requirements in Sec. 422.107 and you are:
*(1) **A United States citizen;** or*
*(2) **An alien lawfully admitted to the United States for permanent residence** or under authority of law permitting you to work in the United States (Sec. 422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or*

3. The application for a Social Security Card is made on a SSA Form SS-5, which is entitled "Application for a Social Security Card". It does not identify itself as any application for benefits, but for issuance and custody of government property in the form of a card and the corresponding number. The Social Security Card identifies itself, on the back of the card, as property of the U.S. government that must be returned upon request. Likewise, the regulations at 20 CFR §422.103 say the same thing:

TITLE 20—EMPLOYEE'S BENEFITS
CHAPTER III—SOCIAL SECURITY ADMINISTRATION
PART 422 ORGANIZATION AND PROCEDURES—Table of Contents
Subpart B General Procedures
Sec. 422.103 Social security numbers.

*A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) **Social security number cards are the property of the SSA and must be returned upon request.***

4. I have wondered why the card has to remain property of the U.S. government, even after it is given to the person who asked for it using SSA Form SS-5. The only answer I could come up with is that so long as the card remains property of the federal government on loan to a private person, the party in possession of the card becomes and remains a "public officer/federal personnel". A public officer is, after all, legally defined as anyone in receipt, custody, and control over public/government property:

***Public Office.** The right, authority and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government **for the benefit of the public** [and not himself personally]. Walker v. Rich, 79 Cal.App 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public**, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by*

a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio St. 33. 29 N.E. 593.
[Black's Law Dictionary, Fourth Edition, p. 1235](Brackets mine)

5. Hence the Social Security Card is being abused as a method to both recruit and retain uncompensated public officers in the employ of the United States government. Title 5 of the U.S. Code further identifies these people as "federal personnel":

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > §552a
§ 552a. Records maintained on individuals

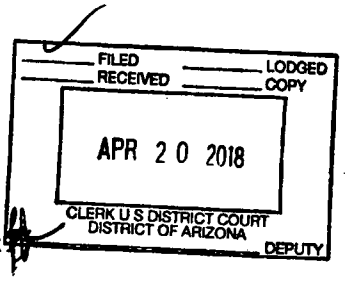
(a) Definitions. For purposes of this section--

*(13) the term "Federal personnel" means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), **individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits)**.*

6. And under the same section (552a) individual is defined as "(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence."
7. Is "federal personnel" then a citizen of the United States?
8. So then, does the application for the card:
   - 8.1. Create a public trust that is wholly owned by the federal government?
   - 8.2. Make me the trustee of the public trust and a public officer? That trust being the "United States" and the trust document is the U.S. Constitution, which would create a charitable, eleemosynary, public trust?
   - 8.3. Make the card into the initial corpus of the trust?
   - 8.4. Make my public servants instead of me into the beneficiary?
   - 8.5. Create a deferred employment compensation plan for the trustee?
   - 8.6. Create a presumption that anything that I attach the card or number to becomes the legal equivalent of

Appendix D

phillip-daniel:love
1155 N Pinal Pkwy
Florence, Ariz
CERTIFIED MAIL#
Beneficiary & Agent



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America, Plaintiff, v. PHILLIP DANIEL LOVE, Defendant.	CR-17-01470-TUC-RCC (JR) DEFENDANTS MOTION TO DISMISS

COMES NOW Defendant PHILLIP DANIEL LOVE by and through its Agent and Beneficiary daniel: of the love family, a human being and non-combative civilian, and moves this court for a dismissal. This motion is made pursuant to Rule 7(c)(1), Rule 12(b)(2) and Rule 12(b)(3)(B) of the Federal Rules of Criminal Procedure and the Fifth Amendment, Sixth Amendment and the Tenth Amendment. See also United States v. Cotton, 535 US 625, 630 (2002); Henderson v. Shinseki, 131 SCt 1197 (2011) and Arbaugh v. Y & H Corp., 163 Led2d 1092, 1101 (2006).

Grounds

1. The "United States" hereinafter Federal Government cannot punish the Defendant under any of 18 U.S.C. § 2251(a),(e) § 2252(a)(2), (b)(1) and § 2252A(a),(5)(b) or any derivative thereof as necessary and proper where the power to punish is not delegated in the Constitution.

2. The Federal Government can no more prosecute felonies under Chapter 110 of Title 18 U.S.C. as necessary and proper under the guise of regulating interstate commerce.

3. The criminal statutes at Title 18 U.S.C. §2251(a),(e), § 2252(a)(2),(b)(1) and § 2252A(a),(5)(b) or any derivative thereof exceeds the power of the Federal Government as applied to the Defendants conduct, because it violates the Defendants "due process" rights secured under the Fifth Amendment and encroaches on the sovereignty and jurisdiction of the State of Arizona in violation of

the Tenth Amendment and the fundamental principals of federalism.

4. In order to prosecute the Defendant under the above referenced statutes or Chapter, the law requires the alleged criminal activity to occur within the "special maritime and territorial jurisdiction of the United States."

5. For over 7 months the Federal Government has not entered into the record evidence documentation showing ownership, cession, and acceptance of jurisdiction by the Federal Government over the place where the criminal activity is alleged in the Complaint and Indictment to have occured and any cessions and acceptance of jurisdiction as required under Article I, § 8, Cl. 17 of the U.S. Constitution and 40 U.S.C. § 3112.

6. Both the Complaint and Indictment fails to charge an offense against the laws of the United States thus making this court without subject matter jurisdiction under 18 U.S.C. § 3231.

7. Congress has written interstate commerce crimes, to occur on lands where the several fifty Union States have ceded territorial jurisdiction to the Federal Government.

The U.S. Constitution

In the united States of America, the U.S. 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 so as to reach a prohibited end, are unconstitional. This includes laws that are "void for vagueness." See Article VI, Cl. 2, U.S. Constitution. Additionally the Supreme Court has stated that: "The supremacy of a statutes enacted by Congress is not absolute but conditioned on its being made in pursuance of the Constitution. See Carter v. Carter Coal Co., 298 US 238, 296 (1936). The Constitution is a written Instrument. As such its meaning does not alter. That which it meant when it was adopted, it means now [South Carolina v.United States, 199 US 437, 448-450 (1905); Wright v. United States, 302 US 583, 588 (1938); Saenz v. Roe, 526 US 489, 508 (1999)].

Supporting Facts

The Tenth Amendment to the U.S. Constitution is very clear that, "The powers not delegated to the United States by the Constitution ... are reserved to the States respectively, or to the people." Under

Article I, § 8, Cl. 3, Congress is authorized to regulate commerce. Regulate is defined as: "To fix, establish, or control; to adjust by rule or restriction. Regulate means to govern or direct according to rule (Blacks Law Dic. 6th pg. 1286). Rule is defined as: An established standard, guide, or regulation (Blacks Law Dic. 6th pg. 1331). As can be seen by the legal definitions, the terms regulation and rule are synonamous. This is also the interpretation of Congress. In the Code of Federal Regulations, Title I C.F.R. § 1. Definitions. "Regulation and rule have the same meaning."

In the seminal case of Gibbons v. Ogden, Chief Justice Marshall, speaking for the Supreme 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)]

Clearly, pursuant to the aforementioned legal definitions, and Supreme Court authority, "commerce" is regulated by prescribing "regulations (rules)", not felony criminal statutes. Pursuant to Article I, § 8, Cl. 18, Congress is authorized, "To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers..." It would seem the Federal Government has mis-construed this clause as a grant of power, however the Supreme Court has stated otherwise: "The last paragraph of the section which authorizes Congress to make all laws which shall be necessary and proper ... is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned." [Kansas v. Colorado, 206 US 46, 88 (1907)].

The Constitution contains only four provisions wherein the Framers delegated to Congress the power to punish (Article I, § 8, Cl. 6; Article I, § 8, Cl. 10; and Article III, § 3, Cl. 2). Congress is authorized, "To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers..." However, unlike the counterfeiting clause and the high Seas clause, the power to punish is not a "foregoing power" under the commerce clause. It is an undelegated power which is reserved to the States respectively, or to the people. The enumeration presupposes something not enumerated. See Chief Justice Roberts, concurring at United States v. Kebodeaux, 186

Led2d 799 (2011). Hamilton termed the Necessary and Proper clause "perfectly harmless," for it merely confirmed Congress' implied authority to enact laws in exercising its enumerated powers [Gonzales v. Raich, 545 US 1, n5 (2005)].

"When a Law for carrying into Execution the Commerce Clause violates the principle of state sovereignty reflected in the various constitutional provisions we mentioned earlier, it is not a Law proper for carrying into Execution the Commerce Clause, and is thus merely an act of usurpation which deserves to be treated as such [Printz v. United States, 521 US 898, 923-924 (1997)].

The prevention of commingling powers granted with powers not granted is exactly the reason why the Tenth Amendment was written [United States v. Butler, 297 US 1, 67-69 (1936)]. The Federal Government can claim no powers which are not granted to it by the Constitution [Kansas v. Colorado, 206 US 46, 87-88 (1907)].

Although the Constitution created a system of dual sovereigns, each Union State retained sovereignty over their land, except where concurrent or exclusive legislative (territorial) jurisdiction has been expressly relinquished in accordance with the Constitution. The Federal Government exercises sovereignty relinquished to them over the District of Columbia and other likes places via Article I, § 8, Cl. 17. The Federal Government also exercises jurisdiction concurrent with the Union States as to the enumerated powers delegated to them. The authority to carry into execution their delegated powers within the Union States is analogous to territorial jurisdiction. However territorial jurisdiction over the land remains with each Union State until ceded. The Federal Governments "jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."[The Federalist Papers, No. 39], See also Pollard v. Hagan, 3 How (US) 212, 221-224. 11 Led 565 (1845).

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 tortuously 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." [Fort Leavenworth R.R. Co. v. Lowe, 114 US 525, 538-539 (1885)]. It is a rule of construction, acknowledged by all, that the exceptions from a power mark its extent." [Gibbons v. Ogden, 9 Wheat, 189-191 (1824)].

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. Chief Justice Roberts himself, clearly states that: "The enumeration of powers is also a limitation of powers, because the enumeration presupposes something not enumerated... the Federal Government can exercise only the powers granted to it. If no enumerated power authorizes Congress to pass a certain law, that law may not be enacted."[National Federation of Indep. Bus. v. Sebelius, 183 Led2d 450, 465-466 (2012)].

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 in aid of their power to coin money and <u>regulate</u> the value thereof under the Constitution. The Framers would have never delegated the power to punish in certain provisions, and then delegate the power to regulate in others provisions, if the power to punish and the power to regulate were synonymous.

The power to punish felonies is inherent in the rights of sovereignty. Each of the States retained all the powers not delegated by enumeration to the Federal Government. Of these powers retained was the right to punish the people who committed crimes within their own territorial boundries. Called "territorial jurisdiction."

No sovereignty can extend its jurisdiction beyond its own territorial limits [United States v. Wong Kim Ark, 169 US 690 (1898)].

The Supreme Court has explained that: Crimes are thus cognizable-- "when committed within or on 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

consent of the legislature of the State." [Bowen v. Johnston, 306 US 19, 22 (1939)]. The power to legislate exclusively is jurisdiction, which is necessary to enforce criminal legislation (felonies). This is because the power to punish people is united with whoever is sovereign over the land, i.e., place, wherein those people reside.

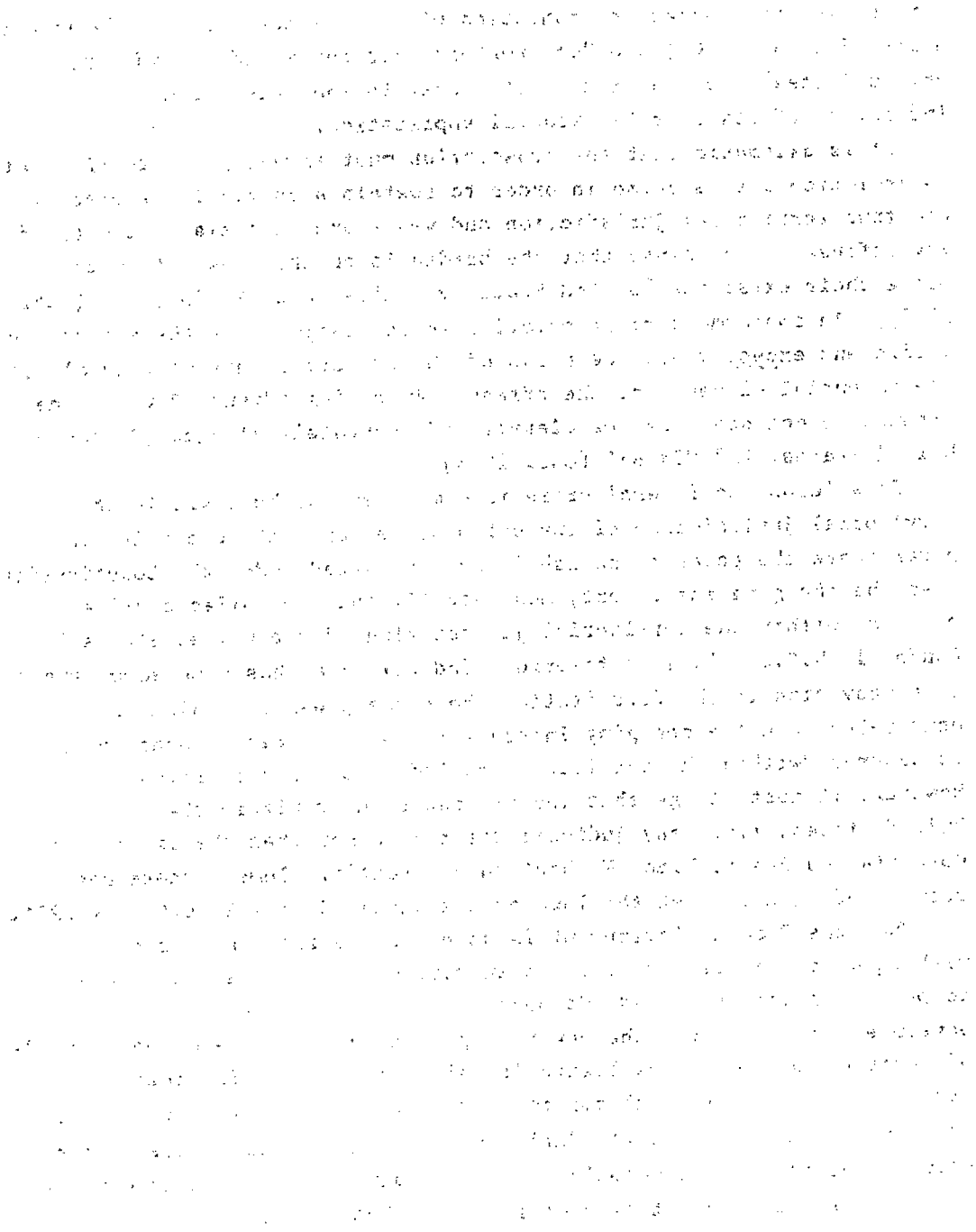
Since 1940 Congress has required the United States to assent to the transfer of jurisdiction over property, however it may be acquired. [Paul v. United States 371 US 245, 264 (1963)]. Because the power to punish is not delegated to Congress in aid of their power to regulate interstate commerce, the exercise of such power within the several 50 Union States is exclusive legislation, which "can be acquired by the United States only in the mode pointed out in the Constitution, ... (Fort Leavenworth, supra at 538-539).

"The consent of the state legislature is by the very terms of the Constitution ... a virtual surrender and cession of its sovereignty over the place." [United States v. Williams, 341 US 58, 66-67 (1951); Surplus Trading Co. v. Cook, 281 US 647, 654 (1928)]. "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." [United States v. Lopez, 514 US 549, 584 (1995)].

This principle of law, that jurisdiction is united with cession of territory, is supported by literally hundreds of cases [United States v. Flores, 289 US 137, 155 (1933); United States v. Perez, at III. LEGAL STANDARD, LEXIS 75086, No. CR-06-0001-MAG(MEJ)(N.D. Ca. 2006].

Congress cannot punish felonies generally [United States v. Morrison, 52 US 598, 618 (2000); Bond v. United States, 2014 BL 151637, U.S., No. 12-158 (2014). Legislation is presumptively territorial and confined to limits over which the law making power has jurisdiction. All legislation is primafacie territorial [New York Central R. Co. v. Chisholm, 268 US 29, 31-32 (1925); Steele v. Bulova Watch Co., 344 US 280, 290 (1952); Morrison v. National Australia Bank LTD, 177 Led2d 535, 547 (2010).

Congress has clearly defined the territorial jurisdiction of the Federal Government (United States) at Title 18 U.S.C § 7, pursuant to the limits imposed on them by the Constitution, the only exceptions to this essential element requirement are where the power to punish is



delegated in the Constitution and where a misdemeanor offense (tresspass) is charged in connection with the execution of a delegated power. See 18 U.S.C § 470 "counterfeit acts committed outside the United States", for an example of a statute that gives a clear indication of its extraterritorial application.

It 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 existance [United States v. White, 611 F2d 531, 536 (CA5, 1980)]. 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. Every ingredient of which the offense is composed must be clearly and accurately alleged [Sutton v. United States, 157 F2d 661 (CA5, 1946].

If a felonious federal crime is committed anywhere within the territorial jurisdiction of any Union State pursuant to a delegated power where the power to punish is not delegated under the Constitution then the charging instrument, must specify that the alleged crime occured "within the territorial jurisdiction of the United States." Confer 18 U.S.C § 7. If a felonious federal crime has occured pursuant to a provision in the Constitution where the power to punish is enumerated then the charging instrument does not need to specify that it occured "within the territorial jurisdiction of the United States." However, it must allege that the offense occured within the continental United States, i.e., any judicial District other than the District of Columbia and Puerto Rico. Without this essential element there has been no offense against the laws of the United States 18 U.S.C. § 3231.

What the Federal Government is doing is charging the Defendant with felonious crimes pursuant to enumerated powers where the power to punish is not delegated "Commerce Clause." If the Federal Government contends for the power to prosecute felonious crimes outside of their concurrent or exclusive legislative 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 jurisdiction.

When a felony or misdemeanor is committed within land under the concurrent or exclusive jurisdiction of the Federal Government and is completed in another like place, Congress defines that activity as "interstate commerce".

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. Title 18 U.S.C. § 10.

The Federal Rules of Criminal Procedure, are made explicitly applicable to the United States district courts: These rules govern the procedure in all criminal proceedings in the United States district courts. FRCrP, Rule 1(a)(1). Under the FRCrP: State includes the District of Columbia, and any commonwealth, territory, or possession of the United States. FRCrP, Rule 1(b)(9).

As can plainly be 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: 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. Title 28 U.S.C. § 2072(b), Rules of procedure and evidence; power to prescribe.

So, under positive law (28 U.S.C. § 2072(b)), the rules of procedure and evidence supersede all laws in conflict with them. Since the Federal Rules of Criminal Procedure govern procedure in all criminal proceedings in the United States district courts and define "State" to include only the District of Columbia, and any commonwealth, territory, or possession of the United States, no federal crime has been committed which the Federal Courts can take cognizance of if the alleged criminal "interstate commerce" crime occurs outside of those places.

It is a cardinal rule of statutory construction that words or phrases omitted were intentionally omitted; and that where these missing words are not in the rules or statutes, the courts have a duty not to read them into those rules and statutes, the Constitution vests Congress (the legislative branch), with the sole power to legislate. See Article I, § 1, U.S. Constitution. The courts possess no legislative power to construe meaning to definitions using words

Phillip Daniel Love
c/o 78847408
FCC
Florence, Arizona 85732

April 24, 2018

Supreme Court of the United States
Honorable Justice John Roberts
1 First Street, N. E., Washington, DC 20543

RE: My petition

I have been sentenced to 90 years by a court without jurisdiction, under the statutory interstate commerce definition. In that time I have seen a tremendous amount of corruption that is deeply entrenched in the criminal justice system on all levels. I have witnessed private corporations blatantly ignore the laws and hire illegal immigrants for slave wages ($2 a day) while regular citizens face possible jail time for the same hiring practices. I have seen judges go against the law and make decisions that reflect their special interests not justice. I realized something was very wrong and have thus dedicated thousands of hours to studying and understanding the law. The corruption that I have encountered has shocked me and led to my decision to petition your True Article III Court for relief.

I send you my petition because in these 22 months I have read hundreds of your opinions and believe you understand the constitutional Commerce Clause more than anyone. I am not asking you to make a decision for or against me or for anyone to admit the truth of what is going on, I can clearly see it with my own eyes, nor am I asking you to make some life changing decision that will effect thousands of people. I am asking you to make a life changing decision that will affect me. Your title contains the the words "Honorable" and "Justice" I am asking you to do the honorable thing and follow the "Rule of Law" when you make your decision, my life is in your hands, please give me justice. Thank you for your most valuable time. I do very much appreciate it.

Sincerely,

Daniel Love

No.

IN THE

SUPREME COURT OF THE UNITED STATES

In re Phillip Daniel Love

Petitioner,

v.

UNITED STATES

Respondent.

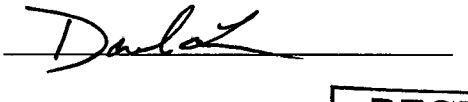
PROOF OF SERVICE

I, Phillip Daniel Love, do declare that on this date, May 22, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and CONSTITUTIONAL PETITION FOR A WRIT OF HABEAS CORPUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States, Room 5614
Department of Justice
950 Pennsylvania Ave., N. W.
Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 22, 2019



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MAY 31 2019
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SUPREME COURT, U.S.