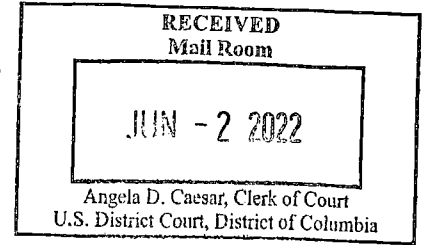


Trevor Andrew Brown  
39603 Neston st.  
Novi Mi, 48377  
Tbov.est@gmail.com  
810-614-1194

*Leave to file  
sworn Judge C. Holla-Holtz  
6/21/2022*



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**Case No. 21-mj-498 (GMH)**

v.

**PRAECIPE TO THE CLERK**

**TREVOR BROWN,**

**Defendant.**

**YOU WILL FILE THE FOLLOWING DOCUMENTS**

- 1.) MOTION TO DISMISS PAGES 1-33
- 2.) EXHIBIT I-XXII
- 3.) ACCEPTANCE OF FIDUCIARY OBLIGATIONS , FORM 56
- 4.) MOTION & EXECUTION OF FEDERAL CIVIL RULE 65.1

**I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

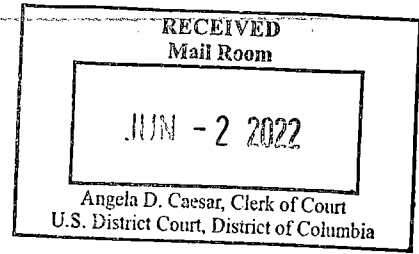
**Done this 31st day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).**

**Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.**

**NOTARY JURAT.**

**JAN J. GILLIS**  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer  
May 31, 2022

Trevor Andrew Brown  
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810-614-1194



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**Case No. 21-mj-498 (GMH)**

**v.**

**PRAECIPE TO THE CLERK**

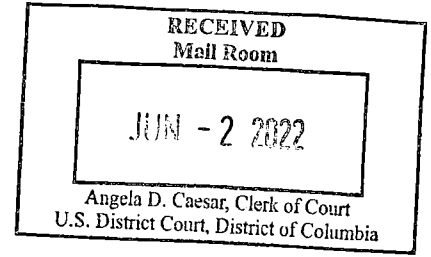
**TREVOR BROWN,**

**Defendant.**

**PRAECIPE TO THE CLERK**

**1.) YOU WILL AFTER DOCKETING SEND ME A FILE STAMPED COPY.**

Trevor Andrew Brown  
39603 Neston st.  
Novi Mi, 48377  
Tboy.est@gmail.com  
810-614-1194



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No. 21-mj-498 (GMH)</b>
	:	
y.	:	<b>MOTION TO DISMISS</b>
	:	
<b>TREVOR BROWN,</b>	:	<b>LACK OF JURISDICTION</b>
	:	
<b>Defendant.</b>	:	<b>DECLARATORY JUDGMENT</b>
	:	
	:	<b>TORT SETTLEMENT</b>
	:	

**MOTION TO DISMISS, LACK OF JURISDICTION, DECLARATORY  
JUDGMENT, TORT SETTLEMENT**

Trevor Brown misidentified as defendant TREVOR BROWN, files this Motion to Dismiss, Lack of Jurisdiction, Declaratory Judgements, Tort Settlement, on my own without assistance from the courts Attorney, Todd Shanker, because Todd Shanker is untrustworthy and has threatened me, attempted to intimidate me, obstructed my gaining access to relevant Brady and other materials with which to defend myself from encroachment on my liberty under the Rule of Law.

1.) I, Trevor Andrew Brown, have been misidentified as defendant TREVOR BROWN, arrested and held restrained of unimpaired liberty pursuant to fatally defective government process. Thus, I, Trevor Andrew Brown have no choice but to act in the case no. **1:21-mj-00498** in order to protect myself. My motion to dismiss herein is my demand that I be provided with access to the laws and procedures that are required to be honored and enforced by this court.

2.) **EXHIBIT I**, Oath required for Attorneys operating in Michigan in any court state or federal. Mr. Shanker was appointed by the court to provide me with **competent counsel**. Beneficiary of the trust, Trevor Andrew Brown, created by the court alleges and will provide testimony as needed proving breach of trust. Mr. Shanker has failed to exhibit competency, so; **Mr. Shanker is hereby FIRED** from the trust position created by the court, without my consent. Mr. Todd Shanker appears to be taking money, consideration for performance on a contract with the United States, executed by this court under Magistrate Harvey G. Michael authority. Thus Mr. Shanker appears to be committing fraud on the court and the United States.

3.) My firsthand experience with Todd Shanker, court appointed attorney, is that Mr. Shanker, works in conspiracy with the United States Attorneys in order to deceive me and the court concerning facts & law which when presented to the court will expose fatal defects causing my persecution to be ruled VOID for “There is no law”, upon which the Federal government is authorized to act against me.

4.) Mr. Todd Shanker, BAR identifier P65112 is now barred from acting or speaking for me, Trevor Brown in any manner whatsoever.

5.) Until the United States of America, the plaintiff party charging a defendant with violation of law and attachment of penalties or restraint of liberty in any manner whatsoever, proves both personal and subject matter jurisdiction over a defendant, the court is without power to appoint an attorney to re-present, speak for or bind a defendant. More to the point, the court by appointing one of its franchised agents, Todd Shanker, attorney, acted as Trustee over a

defendant, properly identified or not, over the political and legal rights of the American citizen Trevor Brown. The appointing court thus becomes the administrator of the Constitution, its controlling Bill of Rights and statutes, the indentures to the public trust, guaranteeing access to and protection from the laws of the United States of America are provided to whom and whatever is identified as a defendant or held under mistaken identity, Trevor Brown.

6.) The proof of the above statement of fact is this Motion to Dismiss for Lack of Jurisdiction, is required to be presented by a misidentified defendant, Trevor Brown, because the agent appointed and paid by the court intentionally refused to do so. The defendant, properly identified or not, was forced by negligence of government agent, appointed counsel Todd Shanker, to defend against fatally defective allegations, or, for Trevor Brown to authorize by acceptance.

7.) Court appointed attorney Todd Shanker is essentially appointed as a court access point for ZOOM appearances extending the venue of the District of Columbia to Michigan. There is no statute authorizing nor authority granted by constitution to extend the venue of the District Court at the Seat of Government, in the City of Washington, District of Columbia to Michigan and mislead a defendant into operations void of both proper venue and jurisdiction as proved herein and herewith.

8.) I, Trevor Brown, am aware and informed by the United States Supreme Court, that this court is to give me great latitude in my filings, construe my documents in the best possible benefit to me, in short act as a protector of my rights whether I demand the court do so or not and

ensure the United States Government, particularly the United States Attorneys Office, follows the law, all the law all the time, precisely. **EXHIBIT II.** Supreme Court Order to all federal judges. Haines v. Kerner, 404 U.S. 519. And, **Exhibit XXIV**, found below. Cooper v. Pate, 378 U.S. 546. Court must accept allegations in pleadings as true.

9.) I present my personal Acceptance of Fiduciary Obligations owed by the courts judge Colleen Kollar-Kotelly as a matter of law, the Constitution for the United States of America, Article VI, sections 2 and 3. Further I present the Federal Form 56 Notice Concerning Fiduciary Relationship for judge Colleen Kollar-Kotelly's execution and proper delivery. **EXHIBIT III.**

10.) Trevor Brown, a citizen of the State of Michigan, thus a citizen of the United States of America, approaches the court exercising rights secured by law to all citizens. Trevor Brown, hereby and herewith, accepts the FIDUCIARY DUTIES of all United States Government officers, employees, and agents operating under banner or identifiers of the United States Government in each and every of its actions.

11.) **Exhibit IV.** Acceptance of Fiduciary Duties annexed hereto, and Federal Form, 56, duly executed and delivered to public record identifying individuals having the legal duties to provide accounting, and settle and close this account under government identifier, Criminal Action No. **1:21-mj-00498**

12.) The fiduciary obligations owed by public officers associated to this criminal action begin at Article VI of the Constitution for the United States of America, fidelity bond given

under oath and or employment contract prior to assuming duties of federal government officer or employee. Fiduciary duties also include yet are not limited to, obligations of the United States to ensure secured rights found at Article I, IV, V, VI, IX amending the original constitution are to be provided to Trevor Brown. Further fiduciary obligations identified by United States Supreme Court declarations of procedural rights are to be executed, such as production of Brady materials now under court order identified by Docket entry 4 .

13.) Wrongly held impaired of full liberty, Trevor Andrew Brown, misidentified as defendant TREVOR BROWN, causes Trevor Brown to move the court to dismiss criminal action, case no. **1:21-mj-00498** , for good causes. Misidentification of Trevor Brown the man as TREVOR BROWN, a constructed legal person and for Lack of Subject Matter Jurisdiction, under defective assumption that Trevor Brown is subject to United States Code sections , Title 18 & Title 40 of the code which is the binding aid to the proper statutes.

14.) Trevor Brown, further moves the court to exercise by execution its original statutory jurisdiction found at Title 28 United States Code (USC) section 1346, for Order of payment on TORT. Invoice for TORT and payment order fully incorporated herein.

15.) The TORTS are identified herein and herewith as loss of property, citizens property right in receiving full protection from the Bill of Rights and Brady procedural duties, and other lawful requirements, causing both personal injuries by the negligent or wrongful act or omission of employees of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant

in accordance with the law of the place where the act or omission occurred. Section 2674 Title 28 United States Code the binding aid to the lawful statutes. **EXHIBIT V.**

16.) The law of the place where the alleged criminal acts took place is the Seat of Government, Washington D.C. The first and highest law of the District is the Constitution as Amended, the controlling Bill of Rights, statutes, rules and regulations for administration of powers and authorities assigned to the United States as a Government, by the States via construction of the Constitution. Article VI, minimum requirements for serving as public trust agent to the People of the states, which Trevor Brown is one. **EXHIBIT VI.**

17.) The Bill of Rights and Brady procedural benefits obviously apply to Trevor Brown and country wide, particularly at the Seat of Government because the Constitution is in effect as the controlling factor over all acts of the national government or it is not. The Declaratory Judgment remedies demand this to be addressed as the fundamental issue.

18.) Trevor Brown, nor any other American has ever been advised that the Constitution for the United States of America or the Bill of Rights have ever been suspended or annulled and Brown does not believe that any such evidence exists. This belief is founded on the Brady disclosure of exculpatory evidence and materials, the Order by this court. Had the Constitution and Bill of Rights been suspended, the American People would have received notice of the same. There are no federal records to be found issued under the authority of the government declaring the Constitution or Bill of Rights VOID or inoperable in this court or anywhere in the country, particularly the Seat of Government in the District of Columbia.



19.) More to the point, if government actors are operating as if the Constitution and Bill of Rights were annulled or suspended, they would be deceiving the People, particularly Trevor Brown, and practicing slavery under the color of law or official right under disguise of legitimate officers or employees of the government, a high crime against the government. Further all officers acting under the false premise while taking a pay check to honor the oath and employment contracts would be committing fraud on the people and government which rise to serious crimes.

20.) The court is essentially moved into the operational position to follow the law or not, when Trevor Brown presents public record documents that must be taken as adjudicative facts and law.

21.) The court will either order the United States Government and specifically its attorneys to produce the public record fact to beat down or negate Brown's presentments proving Lack of both Subject Matter and Personal Jurisdiction by submitting public record evidence, or not.

22.) In the event the court fails to require the U.S. Attorneys to produce their bona fides, the court will destroy its credibility, impeach completely the integrity of federal judicial operations and destroy utterly any mechanism by which it could exercise jurisdiction over Trevor Brown.

23.) The lawful, option is for the court to dismiss the criminal action and order the United States Attorney's Office in D.C. to produce public record documents demanded by Brown so that the courts jurisdiction when proved valid could be invoked properly and applied over Trevor Brown. **Exhibit VII**, the authority of this court to compel acts of the Districts U.S. Attorneys is found by reference to Title 28 U.S. Code § 1361.

**DUE PROCESS NOTICE.**

24.) Trevor Brown, herein and herewith presents public record documents that are required to be accepted and recognized by the court and executed for the benefit of Trevor Brown, now held impaired of full liberty caused by false arrest, under fatally defective process. Federal Rule of Evidence 201 mandatory notice of adjudicative facts; 902 Authentic Evidence; 1007, Testimony as to evidence; 1101, Applied to this court, applied as owed fiduciary duty to any and every criminal case defendant or one such Trevor Brown as being misidentified. **Exhibit VIII.**

25.) Trevor Brown relies on docket entry, 4 , the courts Brady Order to disclose all relevant material facts and law that would be exculpatory in nature, beneficial to Brown , particularly public records or identification of the same supporting completely Browns Motion to Dismiss for Lack of Subject Matter and Personal Jurisdiction.

26.) Trevor Brown now DEMANDS the court exhibit on the record that the court will exercise the law, rules of procedure, rules of evidence as written and in particular recognize the public records, statutes and other referenced public documents govern these proceedings.

27.) Trevor Brown now Declares that in the event all information demanded by Trevor Brown, of whatever form is not produced on the court record, the court will be holding Trevor Brown to **Involuntary Servitude** as a victim in servitude by placing Trevor Brown the man, in fear of physical restraint or injury through application of legal coercion executed through deceptive practices, by failing to provide all exculpatory evidence available to any and every United States Attorney or any court officer.

28.) **Exhibit IX**; U.S. v. Kozminski, 487 U.S. 953, identifying the concept of Involuntary Servitude created by legal coercion and the deceptive practice of hiding exculpatory facts and law. Now a fact of orders binding on this court from the superior judicial powers.

29.) Essentially no one could ever understand the nature of the charges against them, identify their accuser, confront witness against Brown under fatally defective, legally deficient documents which are the only documents presented to Brown or the court by the United States Attorneys for the federal district. Amendments V and VI will either be recognized and enforced against the government or they won't. It's that simple.

**EXHIBIT X.** Orders from the Supreme Court to this court;

MISIDENTIFICATION OF DEFENDANT, LACK OF PERSONAL JURISDICTION.

30.) I, Trevor Brown, being duly sworn before my Creator, Nature's God, Declare that I have first hand personal knowledge gained through due diligence of review of public record documents, that all my statements herein and herewith are true, correct, accurate, to my best knowledge and belief and I have no intent to mislead.

31.) The court record proves conclusively Trevor Brown the man was never provided an identity hearing. The Criminal Complaint identifies, the paper styled Indictment identifies TREVOR BROWN as the defendant. The court appointed an Attorney to represent the defendant. Attorney Todd Shanker, has not one time properly advised Trevor Brown the man, of the operations of the criminal rules and the implications of each step of procedure. Being that Trevor Brown had no choice in choosing counsel and the court appointed Todd Shanker and pays Todd Shanker , the facts seem to expose Todd Shanker works for the court and not Trevor Brown

32.) Prisoner Trevor Brown, declares that I DO NOT CONSENT to being held impaired of my full rights and liberties guaranteed by law, against my Will, under fatally defective documents that do not fully disclose all relevant facts and law establishing authority, jurisdiction, over me.

33.) Prisoner, Trevor Brown, declares that All Rights are Reserved and those that trespass on my rights do so as an exercise of false assumption, with no public record in evidence

supporting that I have ever agreed to be held to voluntary servitude, particularly under criminal action no. **1:21-mj-00498** , by the United States of America.

34.) I have existed since June Eighth NineteenNinetyTwo, June 8th 1992, 06-08-1992 I was born to James Andrew Brown , my father and Dawn Marie Zwick, my mother, both State Citizens, by right of birth . My name is a gift from my parents. I am able, willing and competent to identify myself before all the world. I fully inform the world of my identity, standing at capacities, nunc pro tunc.

35.) My name, the gift from my parents, DOB 06-08-1992, Trevor Brown, my signature identifying me, is my personal private property nunc pro tunc. 06-08-2010, date of majority in age or thereabouts, age of majority and right to contract. More to the point there is no process or claim anywhere in any public record that my name is not Trevor Brown and that I ever change my name from that. If necessary my parents will be subpoenaed to give testimony the fact they gave their biological property, me, Trevor Andrew Brown, my name and never pledged me as biological property to any government for use by governments.

36.) I am not now and have never been advised by any one, particularly a government agent, or through government process that my name Trevor Andrew Brown has been altered in public records to TREVOR BROWN.

37.) I have not now and have never been advised by any one, particularly a government agent, or through any government process that I would be identified to the United States Government as TREVOR BROWN.

38.) I have never been informed of an official government procedure, qualifying as due process, disclosing all relevant facts and law, for the determining of my political, legal, standings or capacities, contractual obligations or commercial standing or identity, in context of or relation to any government function, or franchised licensed and regulated by government entity, wherein I was determined to be the exact same legal person as the entity TREVOR BROWN.

39.) The United States Attorney's office for the District of Columbia has arbitrarily determined that the defendant as identified, TREVOR BROWN, is the same exact legal person as the State Citizen Trevor Brown without evidence or process to do so. Had the United States Attorney evidence of record or such arbitrary determination the clerk's records would reflect that fact. There are no such records under case no. **1:21-mj-00498**

40.) Prisoner, Trevor Brown, declares that I could not , nor ever would recognize defective documents attempting to establish jurisdiction over me because if I did agree to be subject to defective government process, I would be involved in a fraud which I know would be a high crime of abuse of government powers possibly rising to overt acts against the governments the People created.

41.) Prisoner Trevor Brown, declares that I DO NOT CONSENT to being identified as the legal, or commercial or whatever kind of identity TREVOR BROWN truly is under any political, legal or commercial, process.

42.) I am not aware of, nor have I ever been advised by any one of any fact of public record evidencing that the construction of a legal person TREVOR BROWN was accomplished under full disclosure of all relevant material facts, presented to me so that I could consent to be bound to service or subject status, under the constructed identity of TREVOR BROWN.

43.) I am not aware of, nor have I ever been advised by any one or any fact or public record evidencing that the construction of the person TREVOR BROWN was done for my benefit and in accordance with the powers of government granted by the People.

44.) Prisoner, Trevor Brown, is fully informed from review of public record documents, particularly the files contained in this case, no **1:21-mj-00498** , that there is not one shred of evidence indicating that I have been properly identified to the court or Judge Colleen Kollar-Kotelly , or Magistrate Harvey G. Michael .

45.) Therefore, as a matter of law and procedure binding on this court the court Lacks Personal jurisdiction over me, Trevor Andrew Brown.

46.) Further, until the court has before it, and I have before me all the public documents identifying me as TREVOR BROWN the defendant, I will not be able to confront those of

accusing me of being TREVOR BROWN, nor will the court be able to identify me as TREVOR BROWN based on its own assumption while not providing me full due process, and having no evidence testifying that I Trevor Andrew Brown am the exact same legal person as TREVOR BROWN, because that would be enticing me into involuntary servitude under a misidentification.

47.) It appears from the records of criminal case no. **1:21-mj-00498** that the only mechanism the court has available to it to support exercising personal jurisdiction over Trevor Brown is to have on record the complete records from the beginning identifying the man Trevor Brown as the defendant TREVOR BROWN.

48.) Case no. **1:21-mj-00498** must be dismissed with instructions to the United States Attorneys to provide to the court proof from public records that Trevor Andrew Brown, the man before the court, is exactly the same legal person as TREVOR BROWN the defendant identified in the Indictment.

49.) The court is urged very strongly to appropriately sanction the Districts United States Attorneys office in order to caution them that bringing incomplete defective documents into the court could be considered a false statement and filings under the criminal code Title 18 USC § 1001 and others. **Exhibit XI.**

50.) The court, in order to comply with the law, adjudicative facts, copies of which I have provided herewith, will either dismiss criminal case no. **1:21-mj-00498** for Lack of Personal



Jurisdiction, or accept liability for breach of fiduciary obligations, create the official record of holding Trevor Brown to involuntary servitude under color of official right.

51.) Be advised Trevor Brown understands Civil Rule 65.1 and the duties of the clerk to attach all sureties through court sealed process when proper distress is filed identifying any federal official associated to this fatally defective process operating in breach of fiduciary duties, breach of employment contract, taking money, pay check, under false or deceptive practices.

LACK OF SUBJECT MATTER JURISDICTION.

52.) The first Adjudicative fact presented is **Title 18 USC § 4001**

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress. **Exhibit XII**; 18 USC § 4001 copy. United States Code binding aid will lead this court to the lawful statutes binding this court.

53.) Second Adjudicative fact presented is that the Legislative body of the United States Government is not granted personal jurisdiction over the People, nor granted the jurisdiction to identify the People as either subjects nor objects to be identified or controlled by legislative acts. Article I section 8, Constitution is provably, by simple reading and construction contract law, naked of authority over the People, such as Trevor Brown with two exceptions. **Exhibit XIII**.

54.) Third Adjudicative fact presented is the limits of criminal powers the United States may exercise over the People. Article 1 section 8 defines the felony subject matter over which

the Legislature may attach criminal jurisdiction to the People, particularly to Trevor Brown or identified defendant TREVOR BROWN, is clause 10. “To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations”. And, clause 6; “To provide for the Punishment of counterfeiting the Securities and current Coin of the United States “. Trevor Brown is not accused of any of these actions controlled by Constitution and Legislation. Proof of fact and law is the charging document in care and custody of this court.

**Exhibit XIV.**

55.) These three Adjudicative facts declaring the law powers of the United States Government VOID the charging instrument Nunc pro Tunc. Meaning that public record facts and law prove this court is without either subject matter or personal jurisdiction over Trevor Brown.

56.) The court will either recognize the constitution, its Bill of Rights and the statutes governing this court or it will not.

57.) The record created by the processing of this criminal case no. **1:21-mj-00498** will be a conclusive judgment of whether the court is an honest public servant or not.

58.) Fourth documented public record fact causing this criminal action to be VOID, is the fact that Title 18 United States Code is not properly enrolled as an official act of the Congress Assembled. **Exhibit XV**, is presented to the court as a proper challenge to jurisdiction which is the right of any defendant properly identified or not.

59.) The Attached Memorandum of Fact and Law, Exhibit XIV properly and completely challenges this courts jurisdiction. The procedural rules require the government as a whole, this court and the Districts Attorneys in particular, to meet my challenge to jurisdiction by simply showing me on the record of authorities to act upon me Trevor Brown the man and American Citizen.

60.) Some one, operating under authority of this court please, simply show me the law and its fundamental authority to hold me restrained of full Liberty without disclosing the constitutional statute authority to do so.

61.) Until that authority is produced on the record I can-not in good conscience cooperate with any further processing of this criminal case against me. And no one can force me to because that would be slavery.

62.) In the event the criminal case no. **1:21-mj-00498** is not dismissed. I will be denied civil rights required to be provided to me by every government officer or employee.

63.) More to the point the court itself will provide the official records testifying to intentional denial of civil rights and actuating sham legal process effectively through force holding me, Trevor Andrew Brown to involuntary servitude through the law or legal process.

64.) I, Trevor Brown, reviewed on line Archivist of the United States documents verifying not only the thrust of Exhibit XIV above, yet more to the point documents proving

conclusively the charges presented by the United States Attorney for the District of Columbia are VOID on any venue within the jurisdiction of the United States. I was unable to verify the personal testimonies supporting the memorandum with the exception of the Harley Lappin memorandum to all Bureau of Prison employees which was shown to me by someone who obtained a copy through FOIA in 2011. The FOIA response letter was attached. **Exhibit XVI** presents declarations, issued by government officials, testifying to the veracity of the fact in the Memorandum of Facts and Law identified as Exhibit XIV is true, correct, complete perfect evidence and defining Adjudicative Fact of law.

65.) In the event the court fails to order the United States Attorneys to produce immediately the source of authority of the law they incorrectly assumed is valid, I will Subpoena the Archives records which as the court knows is my absolute right. I have contacted my federal representatives and requested certain specific documents to be provided.

66.) The simple fact is that the United States Attorneys did incredibly sloppy work, refused to recognize the limits of Constitutional authority, failed to present proper statutory authorities, breached their fiduciary duties to the Public Trust, knowing that their acts in this criminal action exposed criminal negligence of a very high order, from which there is no escape because these characters foisted their malversation off on the court, made public record of the facts, apparently hoping to draw the court into their conspiracy for protective and cover up purposes.

67.) These United States Attorneys associated with these January 6th 2021 matters are all criminally negligent under Presidential order found at 5 Code of Federal Regulations, Part 2635.

I Quote and present **Exhibit XVII**, another Adjudicative fact of law.

<https://www.ecfr.gov/current/title-5/chapter-XVI/subchapter-B/part-2635>, link to [ecfr.gov](https://www.ecfr.gov). “ Subpart A - General Provisions

§ 2635.101 Basic obligation of public service.

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(5) Employees shall put forth honest effort in the performance of their duties. My NOTE, honesty is one basic premise, doing things properly which is what these U.S. Attorney characters get paid to do and all know they are held to higher standards of knowledge and duties because they signed a fidelity bond when they took the job and ratified their honesty when they took the paycheck.

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government. My NOTE, the Attorneys for the government bound the government when they acted and represented that their acts were acts of the United States Government.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

68.) In short the U.S. Attorney characters qualify as felons under their own action when they created the public records in this court at the Clerk's office that are naked of recognitions and failed to execute proper disclosures of jurisdiction and proper invoking the courts powers according to statutes.

69.) Trevor Brown presents Adjudicative fact as based on the records in this matter as they appear on the docket at this time. **Exhibit XVIII**, and a quote.

**“ §4. Misprision of felony**

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

(June 25, 1948, ch. 645, 62 Stat. 684 ; Pub. L. 103–322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147 .)

**Historical and Revision Notes**

Based on title 18, U.S.C. 1940 ed., §251 (Mar. 4, 1909, ch. 321, §146, 35 Stat. 1114 ).”.

71.) Given Title 18 USC, 1948 version is VOID, not valid law, does not create an escape clause for these United States Attorneys. The 1940 USC is still in effect because the 1948 acts being VOID could not supersede the 1940 Code nor the Statutes identified as operative in 1909. The only method by which the United States Attorneys for the District could escape the misprision charges is if they are able to prove from public record the 1940 and the 1909 laws are invalid or do not contain the misprision felony iteration.

72.) The United States Attorneys presenting fatally defective documents will either admit their mistakes, dismiss the case no. **1:21-mj-00498** , make Trevor Brown whole, or double down and prove conclusively by their actions are intentional which qualify as felonies.

73.) Then the court will be required to act according to the facts of public record and apply the law.

74.) The U.S. Attorneys know and should have always known these rules and laws inside out because they're paid to. The duties to the public trust found at 5CFR 2635 are very clear and each one of these characters is in breach of the public trust by their own actions. So there is no excuse for not knowing and there is no excuse because they did not know Title 18, criminal code and the criminal rules of procedure were VOID before they attached them to Trevor Brown. Ignorance of the law is no excuse and every BAR Attorney in the country and every judge in the country knows this fact.

75.) No public servant is paid to do shoddy work causing the misleading or misguidance of any citizen. Nor are the Districts Attorneys paid to mislead the courts.

76.) All public records in care and custody of the United States agencies and offices of any kind are readily available to the United States Attorneys. Thus there is no excuse

77.) The official Bureau of Prisons notice document contained in Exhibit XIV A , section E, is the final determination that the fatally defective indictment holding Trevor Brown, or the look alike or sounds alike TREVOR BROWN, is **VOID on its face**. The Office of the Legal Counsel for the National Archives, official custodian of the records of the United States of America, and the Clerk, custodian of the official records, of the House of Representatives, determines that there is **NO LAW** identified as Title 18 United States Code, is definitive. Thus, there is no law or procedural process, criminal rules, available to move the Title 40 United States Code for application against Trevor Brown or the looks like and sounds like TREVOR BROWN.

#### CONCLUSION.

78.) The simple fact is the United States of America operating under its own law, Constitution and Statutes created under the authority of the States serving and protecting the People, the exclusive beneficiaries of all governments powers, creating the States, admits, from official records held by proper custodians, that the United States of America in this present matter is operating without jurisdiction. **Exhibit XIX**, Yick Wo v. Hopkins, 118 U.S. 356, declares;



“ When we consider the nature and the theory of our institutions of government, the principles upon which they are sup- [118 U.S. 356, 370] posed 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. It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, *no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage.* But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' *For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.*”  
Emphasis added.*

79.) Trevor Brown a Michigan State Citizen is now properly defined as to standing and capacities in relation to the plaintiff and this court and the court's duties to him are declared by the controlling judicial power of the States United, the Supreme Court.

80.) **Note** to the court. District of Columbia Code at 11-101 defines by statute the Article III inferior tribunal powers authorizing this court to represent the judicial powers of the United States Government. The public trust duties for every federal public servant are re-presented here under Exhibit XV, which is the order to all federal employees from the Chief law enforcement officer for the United States of America, to operate at all times in a proper lawful manner. And more to the point, be able to prove from the government records, public servants are required to create, the proof of proper service to the principles, facts, laws and procedures that this country is founded upon.

81.) Otherwise the private color of law activities waives all protection from the law, the waiver of immunity recognized by reference to Title 28 U.S. Code § 2674 attaches to all federal actors involved in this instant matter.

“The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.”

In short no qualified immunity no matter how many judges or attorneys for the government say so!

Note to the court. No criminal case defendant, properly identified or not, holds authority of law to move to prosecute under the criminal code. Thus, in this instant matter, Trevor Brown, misidentified as Trevor Brown, is acting under the civil controls found a title 28 United States Code, the construction code of this code court allegedly granting its jurisdiction. Thus, this Motion to Dismiss for Lack of Jurisdiction performs as a counter complaint under the Federal Civil Rule 13, mandatory counter complaint required. The courts construction under Title 28 incorporates Incorporates the federal civil rule as the foundation for criminal prosecutions. Thus, this court must accept the counter complaint as valid. Or, attack the place and records granting this court authorities to act. Trevor Andrew Brown and private his chosen assistance for counsel, recognizes the legal mechanisms available under Title 42 U.S. Code §§ 1986; 1985; 1983 procedures to move Title 18 U.S. Code §§ 241, 242 and many others into recognition requiring action by this court.

82.) **Exhibit XX**, *Adickes v. Kress & Co.*, 398 U.S. 144, is absolutely clear in its orders to this court. Summary Judgment, this Motion to Dismiss for Lack of Jurisdiction, requires all the facts and inferences therefrom to be construed in favor of the opposing party.

“The resolution to all ambiguities, factual inferences in favor of a party against whom the summary judgment is sought must be decided.”

83.) When the official record keepers, the place and office that hold the records that define the authority for the opposing party, the United States of America, and define the jurisdiction of this court to be, THERE IS NO LAW, this criminal case no. **1:21-mj-00498** is settled by operation of law. More to the point lack of the law!

84.) The court will either act to dismiss the criminal case no. **1:21-mj-00498** , or, assume the surety position for all no law acts involved in this matter.

85.) When the court honors itself and dismisses case no. **1:21-mj-00498** , issues the order to make Trevor Brown whole, the integrity of the federal judiciary will be on the road to recovery from its current extremely low credibility and the People for whom all government was created will then have the opportunity to once again believe public servants deserve honor and trust.

86.) **Exhibit XXI**, COOPER V. PATE, 378 U.S. 546, Order from the Supreme Court of the United States of America to all judicial officers operating in United States Courts, must accept all allegations in pleadings as true, is ratified by Trevor Brown's Motion to Dismiss, is proved completely by the Office of Legal Counsel, the National Archives and Clerk of the House of Representatives, on written public record testimony, official government document, by Director of the Bureau of Prisons, Harley Lappin, exposing THERE IS NO LAW applicable to Trevor Brown identifiable in the pleadings from the United States Attorneys working for the United States in the limited venue of District of Columbia.

87.) Given that Trevor Brown's presentment to this court proves that at this point there is no genuine issue of material fact or law at controversy because there is no law to apply the court is required to dismiss, or become a plaintiff against Trevor Brown upon failing to dismiss.

88.) The court as a matter of fact and law execute, post haste the Orders as proposed because the damages accrue daily against the United States.

89.) Being that this court is a statutory construction, and there are no statutes granting this court jurisdiction over this instant matter. The custodians of those records at both the United States Archives and the Clerk for Congressional Official Records, offices of custodians declare, "there is no law" thus, this court lacks jurisdiction over this matter.

90.) In the event that the court fails or refuses to recognize the custodians of the source of the law that creates the court and empowers the court to act are not accepted as fact nor law, then the court will be attacking where its power comes from.

91.) REMEDY and RELIEF

Alleged defendant TREVOR BROWN demands the court:

1. Dismiss case no. **1:21-mj-00498** with prejudice.

2. Order the United States Attorney for the District of Columbia to pay the fully incorporated TORT INVOICE herein, within ten, 10, days, and provide the court with proof of payment and release from liability for damages against the United States Government, and the United States of America.
3. Craft orders of direction and appropriate sanctions to the United States Attorney Office for the District of Columbia, in accord with the powers of the court found by reference at 28 U.S. Code § 1361, action to compel.
4. Declaratory Judgment recognizing the Constitution for the United States of America, particularly the controlling Bill of Rights is in full force and effect and may be relied on by all parties before the court.

Proposed Order attached.

***TORT INVOICE.***

92.) **Exhibit XXII**, Waiver of Sovereign immunities found by reference to Title 28 US Code § 2674. Liability of the United States. “ The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.”.

93.) TORT perfected completely under Adjudicative Fact of public record **underwritten** by Office of Legal Counsel, the National Archives and Clerk of the House of Representatives, on written public record testimony, official government document, by Director of the Bureau of

Prisons, Harley Lappin, declaring THERE IS NO LAW with which to persecute Trevor Brown nor prosecute TREVOR BROWN no matter what that entity happens to be if it is ever fully and properly identified.

94.) **Exhibit XXIII, A**, Injuries under Federal laws. Found by reference to 42 U.S. Code § 1986. “

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case;... “

#### DAMAGED PARTY

Trevor Andrew Brown.

Address: 844 N Calhoun St, Lapeer Mi 48446

Phone: (810) 614-1194

Email: Tboy.est@gmail.com

Bank coordinates; Chase Bank 1643 N Lapeer rd. Lapeer Mi, 48446

Account #746715694 Routing# 072000326

#### TORTFEASORS

95.) The United States of America, the United States Government, **underwriter** for all operations of every public servant, franchise, license holder, or contractor acting for or under the banner of disguise of the underwriting entities.

96.) United States Attorney, representing as legal counsel the District of Columbia, Seat of Government, at the City of Washington. Matthew M. Graves, BAR # ..... , and all federal public servants operating under Graves supervision from January 6, 2021, to the present moment.

97.) Court appointed representative, Todd Shanker , tasked with acting as competent counsel for defendant TREVOR BROWN, who misidentified Trevor Brown as the exact same legal identity, serving the underwriter for honest judicial services, Magistrate Judge Michael G. Harvey, making the appointment as the court's agent.

#### CAUSE OF TORT

98.) There is no Statutory authority for the court to exercise jurisdiction because Congress Assembled failed to comply with the law and its own rules to properly process and properly enroll the 1948 code governing criminal prosecutions.

1. Misidentifying Trevor Andrew Brown as defendant named as identified TREVOR BROWN, with no identity hearing and failure of full advisory disclosing all relevant material facts concerning the plaintiff and its agents authorities. Negligent application of proper functions of public servants office in breach of public trust duties. Theft of Reserved right to proper identification by government actors prior to arrest, imprisonment and restraint of full liberty. Violation of Amendment IX and X.
2. Denial of Rights secured by the constitution, in particular the proper identification of the law being applied against the defendant, has been ignored by the United States attorneys office for the District. Amendment XIV violation of civil rights to equality

under law. Violation of Amendment IX reserved the right to be properly identified and record of the acceptance of that identification.

3. Failure to provide valid grand jury indictment processed under valid law. Amendment V and VI violation.
4. Failure to inform of the nature and cause of the accusations. Impossible when there is no law supporting the charges or process through the courts. Amendment V and VI violation.
5. Failure to provide access to compulsory process for obtaining witnesses in his favor, and to have competent assistance of counsel for his defense as controlled by the courts appointment of standby counsel. Amendment VI violation.
6. Deprivation of unimpaired by fatally defective government process of life, liberty and property, the property right in having full access to and protection from the law.
7. Tampering with the right to free assembly for protesting against the government for redress of grievance, the THEFT of private property, citizens VOTES, through CONVERSION accomplished by what are clearly evidenced at this point fraudulent elections process. The limiting of the People's access to public property in which every citizen holds a property right interest. The invitation to confrontation by public servants in the District, enticement by show of unnecessary force and the invitation to certain portions of public properties while limiting access to others.
8. Unlawful taking of property rights, Trevor Browns, private property right in the Bill of Rights in Articles of Amendment, I, IV, V, VI, IX, X. Proved conclusively by the records constructed by the United States Attorneys office for the District of Columbia failing to mention one time rights owed to Trevor Brown and duties to recognize and



advise of rights by the United States Attorneys. Particularly relevant in context of Article III judge Colleen Kollar-Kelly believing it was necessary to issue a second order requiring all exculpatory materials in custody of the United States government be presented to Trevor Brown and defendant TREVOR BROWN.

WITNESS TO TORT.

99.) Clerk of the United States District Court, Angela D. Caesar , for the District of Columbia, custodian of the official records identified as criminal case no. **1:21-mj-00498** .

100.) Official court records testify, under personal signature, to the facts which have been constructed while performing public service to the United States public trust by individual public servants inclusive.

CAUSE OF TORT DAMAGES.

1. False Arrest: \$ 50,000.00
2. False Imprisonment: \$ 50,000.00 per day 7days. \$ 350,000.00
3. Restraint of full unimpaired liberty: \$ 20,000.00 per day

x 323 days from July 1, 2020 to present date. \$ 6,460,000.00

**Total damages. \$ 6,860,000.00**

101.) Damages of \$ 20,000.00 per day from May 28, 2021, accrue to total ledger collection account

102.) Pending damages accrual at \$ 50,000.00 per day beginning June 3, 2022 the hearing date in front of Article III judge Colleen Kollar-Kotelly to be ledgered separately with additional TORT charges for failure to perform public trust duties providing access to and protection from the law.

#### QUALIFICATIONS OF DAMAGES.

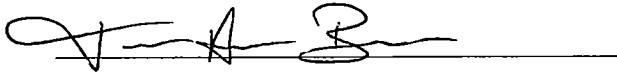
103.) Trevor Andrew Brown, a live flesh and blood American, a State Citizen, is the owner of the legal rights guaranteed to be recognized by every public servant to governments in both state and federal government operations. Trevor Brown has never assigned ownership, representative or trustee powers over personal legal rights. Thus, the value of the legal rights and Trevor Andrew Brown's determination is exclusively held by the beneficiary to the public trust all public servants serve of their own free will.

104.) Any public servant attempting to entice Trevor Brown into involuntary servitude by presenting governments limiting of value on rights assessment will be practicing an ownership position, slavery.

105.) Public servants attempting to entice Trevor Brown to limit damages on TORT will be trespassing, unlawfully intruding and interfering with legal rights, Trevor Brown's rights, and abandoning all protections of law that could be provided by their government employer.

I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Done this <sup>31<sup>st</sup></sup>~~28<sup>th</sup>~~ day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 2671 (1).



Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.



**JAN J. GILLIS**  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2022  
Acting in the County of Lapeer

# EXHIBIT I

Oath required for Attorneys operating in Michigan

<https://www.michbar.org/generalinfo/lawyersoath>

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of Michigan;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with my client's business except with my client's knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar as conditions for the privilege to practice law in this State.

## **EXHIBIT II**

**Supreme Court Order to all federal judges. Haines v. Kerner, 404 U.S. 519**

**<https://supreme.justia.com/cases/federal/us/404/519/#:~:text=U.S.%20Supreme%20Court&text=Prisoner%27s%20pro%20se%20complaint%20seeking,present%20evidence%20on%20his%20claims.>**

Prisoner's pro se complaint seeking to recover damages for claimed physical injuries and deprivation of rights in imposing disciplinary confinement should not have been dismissed without affording him the opportunity to present evidence on his claims.

427 F.2d 71, reversed and remanded.

## **EXHIBIT III**

**Form's, 56 attached**

**See EXHIBIT IV**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No: 21-mj-498 (GMH)  
: :  
v. : :  
: : ACCEPTANCE OF FIDUCIARY OBLIGATIONS.  
TREVOR BROWN, : :  
: : EXECUTION ON FIDELITY BOND  
: :  
Defendant. : :  
: :  
: :

ACCEPTANCE OF FIDUCIARY OBLIGATIONS

I, Trevor Andrew Brown, Michigan State Citizen, hereby and herewith, Accept all the Fiduciary Obligations of Matthew M. Graves, acting as US Attorney, owed under personal promise, oath of office public record, employment contract with consideration paid and accepted, to recognize and act in all public service functions in complete accord with the Peoples Original Political Jurisdiction, memorialized as the Supreme Law of the Land; identified as Constitutions, both State and National, as Amended and controlled by States Declaration of Rights and National Bill of Rights.

Matthew M. Graves United States Attorney for the District of Columbia as the respondent superior is custodian and surety for all federal public servants operating under the powers of the United States Attorney's Office in full context of criminal case no. 1:21-mj-00498.

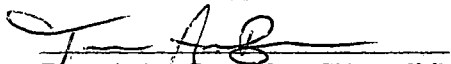
The Fiduciary Obligations, ratified by personal signature identifying the individual man or woman, on public record, is the binding contract, executed by consent to serve under known terms and conditions defined by Constitutions and reserved rights of the People creating them.

The Acceptance of Fiduciary Duties herein and herewith recognizes and executes and attaches Fidelity Bond issued by Matthew M. Graves attaching all personal assets and beneficiary positions in guaranteeing and acting as surety for the underwriter the United States of America the administrative service entity to the States United under Confederation perpetuity, the contracts constructed by the American People for application of legalized force of law to which ever public servant pledges fidelity.

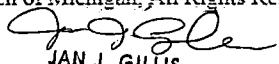
I, Trevor Andrew Brown, attach as fully incorporated herein and herewith, the Federal Form 56, mandatory reporting to the source of consideration for services performed under the identity of the United States of America, administered by the United States Government, for settling and closing criminal case no. 1:21-mj-00498.

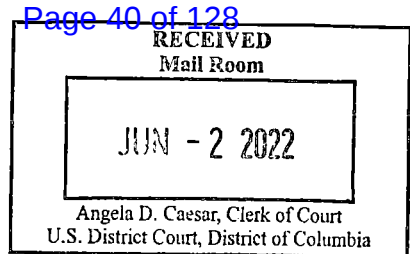
I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Done this <sup>31st</sup> 28th day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).

  
Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.

NOTARY JURAT.

  
JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/27/2024  
Acting in the County of Lapeer  
May 31, 2022



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No. 21-mj-498 (GMH).  
: :  
v. : :  
: : ACCEPTANCE OF FIDUCIARY OBLIGATIONS.  
TREVOR BROWN, : :  
: : EXECUTION ON FIDELITY BOND  
Defendant. : :  
: :  
: :

ACCEPTANCE OF FIDUCIARY OBLIGATIONS

I, Trevor Andrew Brown, Michigan State Citizen, hereby and herewith, Accept all the Fiduciary Obligations of G. Michael Harvey, acting as US Magistrate Judge, owed under personal promise, oath of office public record, employment contract with consideration paid and accepted, to recognize and act in all public service functions in complete accord with the Peoples Original Political Jurisdiction, memorialized as the Supreme Law of the Land, identified as Constitutions, both State and National, as Amended and controlled by States Declaration of Rights and National Bill of Rights.

Matthew M. Graves United States Attorney for the District of Columbia as the respondent superior is custodian and surety for all federal public servants operating under the powers of the United States Attorney's Office in full context of criminal case no. 1:21-mj-00498.

The Fiduciary Obligations, ratified by personal signature identifying the individual man or woman, on public record, is the binding contract, executed by consent to serve under known terms and conditions defined by Constitutions and reserved rights of the People creating them.

The Acceptance of Fiduciary Duties herein and herewith recognizes and executes and attaches Fidelity Bond issued by G. Michael Harvey attaching all personal assets and beneficiary positions in guaranteeing and acting as surety for the underwriter the United States of America the administrative service entity to the States United under Confederation perpetuity, the contracts constructed by the American People for application of legalized force of law to which ever public servant pledges fidelity.

I, Trevor Andrew Brown, attach as fully incorporated herein and herewith, the Federal Form 56, mandatory reporting to the source of consideration for services performed under the identity of the United States of America, administered by the United States Government, for settling and closing criminal case no. 1:21-mj-00498.

I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

31st  
Done this 31st day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).

Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.

NOTARY JURAT.

JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer  
May 31, 2022



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UNITED STATES OF AMERICA : Case No. 21-mj-498 (GMH)  
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v. : ACCEPTANCE OF FIDUCIARY OBLIGATIONS.  
: :  
TREVOR BROWN, : EXECUTION ON FIDELITY BOND  
: :  
Defendant. :  
: :  
: :

ACCEPTANCE OF FIDUCIARY OBLIGATIONS

I, Trevor Andrew Brown, Michigan State Citizen, hereby and herewith, Accept all the Fiduciary Obligations of Colleen Kollar-Kotelly, acting as Article III Judge, owed under personal promise, oath of office public record, employment contract with consideration paid and accepted, to recognize and act in all public service functions in complete accord with the Peoples Original Political Jurisdiction, memorialized as the Supreme Law of the Land, identified as Constitutions, both State and National, as Amended and controlled by States Declaration of Rights and National Bill of Rights.

Matthew M. Graves United States Attorney for the District of Columbia as the respondent superior is custodian and surety for all federal public servants operating under the powers of the United States Attorney's Office in full context of criminal case no. 1:21-mj-00498.

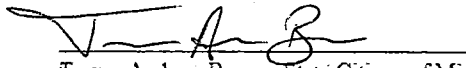
The Fiduciary Obligations, ratified by personal signature identifying the individual man or woman, on public record, is the binding contract, executed by consent to serve under known terms and conditions defined by Constitutions and reserved rights of the People creating them.

The Acceptance of Fiduciary Duties herein and herewith recognizes and executes and attaches Fidelity Bond issued by Colleen Kollar-Kotelly attaching all personal assets and beneficiary positions in guaranteeing and acting as surety for the underwriter the United States of America the administrative service entity to the States United under Confederation perpetuity, the contracts constructed by the American People for application of legalized force of law to which ever public servant pledges fidelity.

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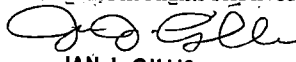
I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

31<sup>st</sup>  
Done this 31<sup>st</sup> day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).



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: :  
TREVOR BROWN, : EXECUTION ON FIDELITY BOND  
: :  
Defendant. :  
: :  
:

ACCEPTANCE OF FIDUCIARY OBLIGATIONS

I, Trevor Andrew Brown, Michigan State Citizen, hereby and herewith, Accept all the Fiduciary Obligations of Todd Shanker, acting as Federal public defender, owed under personal promise, oath of office public record, employment contract with consideration paid and accepted, to recognize and act in all public service functions in complete accord with the Peoples Original Political Jurisdiction, memorialized as the Supreme Law of the Land, identified as Constitutions, both State and National, as Amended and controlled by States Declaration of Rights and National Bill of Rights.

Matthew M. Graves United States Attorney for the District of Columbia as the respondent superior is custodian and surety for all federal public servants operating under the powers of the United States Attorney's Office in full context of criminal case no. 1:21-mj-00498.

The Fiduciary Obligations, ratified by personal signature identifying the individual man or woman, on public record, is the binding contract, executed by consent to serve under known terms and conditions defined by Constitutions and reserved rights of the People creating them.

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I, Trevor Andrew Brown, attach as fully incorporated herein and herewith, the Federal Form 56, mandatory reporting to the source of consideration for services performed under the identity of the United States of America, administered by the United States Government, for settling and closing criminal case no. 1:21-mj-00498.

I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/5T  
Done this 28<sup>th</sup> day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).

  
Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.

NOTARY JURAT.

  
JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer  
May 31, 2022

Form **56**  
 (Rev. December 2019)  
 Department of the Treasury  
 Internal Revenue Service

**Notice Concerning Fiduciary Relationship**

(Internal Revenue Code Sections 6036 and 6903)

OMB No. 1545-0013

▶ Go to [www.irs.gov/Form56](http://www.irs.gov/Form56) for instructions and the latest information.

**Part I Identification**

Name of person for whom you are acting (as shown on the tax return)	Identifying number	Decedent's social security no.
---	--------------------	--------------------------------

Address of person for whom you are acting (number, street, and room or suite no.)

City or town, state, and ZIP code (if a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code	Telephone number (optional) (      )
-----------------------------------	---

**Section A. Authority**

- 1 Authority for fiduciary relationship. Check applicable box:**
- a**  Court appointment of testate estate (valid will exists)
  - b**  Court appointment of intestate estate (no valid will exists)
  - c**  Court appointment as guardian or conservator
  - d**  Fiduciary of intestate estate
  - e**  Valid trust instrument and amendments
  - f**  Bankruptcy or assignment for the benefit of creditors
  - g**  Other. Describe ▶ \_\_\_\_\_
- 2a** If box 1a, 1b, or 1d is checked, enter the date of death ▶ \_\_\_\_\_
- b** If box 1c, 1e, 1f, or 1g is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶ \_\_\_\_\_

**Section B. Nature of Liability and Tax Notices**

- 3 Type of taxes (check all that apply):**  Income  Gift  Estate  Generation-skipping transfer  Employment  
 Excise  Other (describe) ▶ \_\_\_\_\_
- 4 Federal tax form number (check all that apply):** **a**  706 series **b**  709 **c**  940 **d**  941, 943, 944  
**e**  1040 or 1040-SR **f**  1041 **g**  1120 **h**  Other (list) ▶ \_\_\_\_\_
- 5 If your authority as a fiduciary does not cover all years or tax periods, check here** . . . . . ▶   
 and list the specific years or periods ▶ \_\_\_\_\_

**Part II Revocation or Termination of Notice**

**Section A—Total Revocation or Termination**

- 6** Check this box if you are revoking or terminating all prior notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship  Reason for termination of fiduciary relationship. Check applicable box:
- a**  Court order revoking fiduciary authority
  - b**  Certificate of dissolution or termination of a business entity
  - c**  Other. Describe  \_\_\_\_\_

**Section B—Partial Revocation**

- 7a** Check this box if you are revoking earlier notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship
- b** Specify to whom granted, date, and address, including ZIP code.  
 \_\_\_\_\_

**Section C—Substitute Fiduciary**

- 8** Check this box if a new fiduciary or fiduciaries have been or will be substituted for the revoking or terminating fiduciary and specify the name(s) and address(es), including ZIP code(s), of the new fiduciary(ies)   
 \_\_\_\_\_

**Part III Court and Administrative Proceedings**

Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
Address of court		Docket number of proceeding	
City or town, state, and ZIP code	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Place of other proceedings

**Part IV Signature**

**Please Sign Here** Under penalties of perjury, I declare that I have examined this document, including any accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete.

<input type="checkbox"/> _____ Fiduciary's signature	_____ Title, if applicable	_____ Date
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Form **56**  
 (Rev. December 2019)  
 Department of the Treasury  
 Internal Revenue Service

**Notice Concerning Fiduciary Relationship**

(Internal Revenue Code Sections 6036 and 6903)

OMB No. 1545-0013

▶ Go to [www.irs.gov/Form56](http://www.irs.gov/Form56) for instructions and the latest information.

**Part I Identification**

Name of person for whom you are acting (as shown on the tax return)	Identifying number	Decedent's social security no.
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Address of person for whom you are acting (number, street, and room or suite no.)

City or town, state, and ZIP code (If a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code	Telephone number (optional) (      )
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**Section A. Authority**

- 1 Authority for fiduciary relationship. Check applicable box:
- a  Court appointment of testate estate (valid will exists)
  - b  Court appointment of intestate estate (no valid will exists)
  - c  Court appointment as guardian or conservator
  - d  Fiduciary of intestate estate
  - e  Valid trust instrument and amendments
  - f  Bankruptcy or assignment for the benefit of creditors
  - g  Other. Describe ▶ \_\_\_\_\_
- 2a If box 1a, 1b, or 1d is checked, enter the date of death ▶ \_\_\_\_\_
- b If box 1c, 1e, 1f, or 1g is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶ \_\_\_\_\_

**Section B. Nature of Liability and Tax Notices**

- 3 Type of taxes (check all that apply):  Income  Gift  Estate  Generation-skipping transfer  Employment  
 Excise  Other (describe) ▶ \_\_\_\_\_
- 4 Federal tax form number (check all that apply): a  706 series b  709 c  940 d  941, 943, 944  
 e  1040 or 1040-SR f  1041 g  1120 h  Other (list) ▶ \_\_\_\_\_
- 5 If your authority as a fiduciary does not cover all years or tax periods, check here . . . . . ▶   
 and list the specific years or periods ▶ \_\_\_\_\_

**Part II Revocation or Termination of Notice**

**Section A—Total Revocation or Termination**

**6** Check this box if you are revoking or terminating all prior notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship  Reason for termination of fiduciary relationship. Check applicable box:

- a**  Court order revoking fiduciary authority
- b**  Certificate of dissolution or termination of a business entity
- c**  Other. Describe  \_\_\_\_\_

**Section B—Partial Revocation**

**7a** Check this box if you are revoking earlier notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship . . . . .

**b** Specify to whom granted, date, and address, including ZIP code.

\_\_\_\_\_

**Section C—Substitute Fiduciary**

**8** Check this box if a new fiduciary or fiduciaries have been or will be substituted for the revoking or terminating fiduciary and specify the name(s) and address(es), including ZIP code(s), of the new fiduciary(ies) . . . . .

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Address of court		Docket number of proceeding	
City or town, state, and ZIP code	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Place of other proceedings

**Part IV Signature**

<b>Please Sign Here</b>	Under penalties of perjury, I declare that I have examined this document, including any accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete.		
<input type="checkbox"/>	Fiduciary's signature	Title, if applicable	Date

Form **56**  
 (Rev. December 2019)  
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OMB No. 1545-0013

**Part I Identification**

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Address of person for whom you are acting (number, street, and room or suite no.)

City or town, state, and ZIP code (if a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code	Telephone number (optional) (     )
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**Section A. Authority**

- 1** Authority for fiduciary relationship. Check applicable box:
- a  Court appointment of testate estate (valid will exists)
  - b  Court appointment of intestate estate (no valid will exists)
  - c  Court appointment as guardian or conservator
  - d  Fiduciary of intestate estate
  - e  Valid trust instrument and amendments
  - f  Bankruptcy or assignment for the benefit of creditors
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- 2a** If box 1a, 1b, or 1d is checked, enter the date of death ▶ \_\_\_\_\_
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**Section B. Nature of Liability and Tax Notices**

- 3** Type of taxes (check all that apply):  Income  Gift  Estate  Generation-skipping transfer  Employment  
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- 4** Federal tax form number (check all that apply): a  706 series b  709 c  940 d  941, 943, 944  
 e  1040 or 1040-SR f  1041 g  1120 h  Other (list) ▶ \_\_\_\_\_
- 5** If your authority as a fiduciary does not cover all years or tax periods, check here . . . . . ▶   
 and list the specific years or periods ▶ \_\_\_\_\_

**Part II Revocation or Termination of Notice**

**Section A—Total Revocation or Termination**

- 6** Check this box if you are revoking or terminating all prior notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship  Reason for termination of fiduciary relationship. Check applicable box:
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**Section B—Partial Revocation**

- 7a** Check this box if you are revoking earlier notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship . . . . .
- b** Specify to whom granted, date, and address, including ZIP code.  
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**Section C—Substitute Fiduciary**

- 8** Check this box if a new fiduciary or fiduciaries have been or will be substituted for the revoking or terminating fiduciary and specify the name(s) and address(es), including ZIP code(s), of the new fiduciary(ies) . . . . .   
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City or town, state, and ZIP code	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Place of other proceedings

**Part IV Signature**

**Please Sign Here** Under penalties of perjury, I declare that I have examined this document, including any accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete.

<input type="checkbox"/> _____ Fiduciary's signature	_____ Title, if applicable	_____ Date
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City or town, state, and ZIP code (if a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code	Telephone number (optional) (       )
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**Section A. Authority**

- 1** Authority for fiduciary relationship. Check applicable box:
- a**  Court appointment of testate estate (valid will exists)
  - b**  Court appointment of intestate estate (no valid will exists)
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**e**  1040 or 1040-SR **f**  1041 **g**  1120 **h**  Other (list) ► \_\_\_\_\_
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**Part II Revocation or Termination of Notice**

**Section A—Total Revocation or Termination**

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Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
Address of court		Docket number of proceeding	
City or town, state, and ZIP code	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Place of other proceedings

**Part IV Signature**

**Please Sign Here** Under penalties of perjury, I declare that I have examined this document, including any accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete.

<input type="checkbox"/> _____ Fiduciary's signature	_____ Title, if applicable	_____ Date
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# **EXHIBIT IV**

## **Acceptance of Fiduciary Duties**

**(Article III Judge, Magistrate, US Attorney, Court Appointed Attorney)**

## **EXHIBIT V**

### **Section 2674 Title 28 United States Code**

**<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title28-section2674&num=0&edition=prelim>**

**The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.**

**If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.**

**With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled.**

**With respect to any claim to which this section applies, the Tennessee Valley Authority shall be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the Tennessee Valley Authority whose act or omission gave rise to the claim as well as any other defenses to which the Tennessee Valley Authority is entitled under this chapter.**

# EXHIBIT VI

## Bill of Rights

<https://www.archives.gov/founding-docs/bill-of-rights/what-does-it-say>

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## **EXHIBIT VII**

**Title 28 U.S. Code § 1361**

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title28-section1361&num=0&edition=prelim>

Action to compel an officer of the United States to perform his duty

**The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.**

## **EXHIBIT VIII**

### **Federal Rule of Evidence**

**[https://www.law.cornell.edu/rules/fre/rule\\_201](https://www.law.cornell.edu/rules/fre/rule_201)**

### **Mandatory notice of adjudicative facts**

**[https://www.law.cornell.edu/rules/fre/rule\\_902](https://www.law.cornell.edu/rules/fre/rule_902)**

### **Authentic Evidence**

**[https://www.law.cornell.edu/rules/fre/rule\\_1007](https://www.law.cornell.edu/rules/fre/rule_1007)**

### **Testimony as to evidence**

**[https://www.law.cornell.edu/rules/fre/rule\\_1101](https://www.law.cornell.edu/rules/fre/rule_1101)**

## **EXHIBIT IX**

**U.S. v. Kozminski, 487 U.S. 953**

<https://www.loc.gov/item/usrep487931/>

***United States v. Kozminski*, 487 U.S. 931 (1988), Held: For purposes of criminal prosecution under § 241 or § 1584, the term "involuntary servitude" necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in fear of such physical restraint or injury or legal coercion. Pp. 487 U. S. 939-953.**



# **EXHIBIT X**

**Faretta V. State of California 422 US 806**

**<https://www.jud10.flcourts.org/sites/default/files/docs/FarettaInquiry.pdf>**

**“An individual has a constitutional right to represent himself.”**

# **EXHIBIT XI**

## **Title 18 USC § 1001**

<https://www.law.cornell.edu/uscode/text/18/1001>

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

## **EXHIBIT XII**

### **18 USC § 4001**

<https://www.law.cornell.edu/uscode/text/18/4001>

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

(b)

(1) The control and management of Federal penal and correctional institutions, except military or naval institutions, shall be vested in the Attorney General, who shall promulgate rules for the government thereof, and appoint all necessary officers and employees in accordance with the civil-service laws, the Classification Act, as amended, and the applicable regulations.

(2) The Attorney General may establish and conduct industries, farms, and other activities and classify the inmates; and provide for their proper government, discipline, treatment, care, rehabilitation, and reformation.

# EXHIBIT XIII

## US Constitution

<https://constitution.congress.gov/browse/article-1/section-8/#:~:text=Section%208%20Powers%20of%20Congress&text=The%20Congress%20shall%20have%20Power,Artl.>

- **Section 8 Powers of Congress**

- **Clause 1 Power to Tax and Spend**
- **The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;**
  - **Artl.S8.C1.1 Taxing Power**
  - **Artl.S8.C1.2 Spending Power**
- **Clause 2 Borrowing Power**
- **To borrow Money on the credit of the United States;**
  - **Artl.S8.C2.1 Borrowing Power**
- **Clause 3 Power to Regulate Commerce**
- **To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;**
  - **Artl.S8.C3.1 Commerce Powers**
    - **Artl.S8.C3.1.1 Foreign Commerce Power**
    - **Artl.S8.C3.1.2 Commerce Among the Several States**
    - **Artl.S8.C3.1.3 Commerce With Native American Tribes: Scope of Authority**
    - **Artl.S8.C3.1.4 Commerce With Native American Tribes: Restrictions on State Powers**

- **Artl.S8.C3.1.5 Dormant Commerce Power**
  - **Artl.S8.C3.1.5.1 Dormant Commerce Power: Overview**
  - **Artl.S8.C3.1.5.2 Dormant Commerce Power: Select Topics for Consideration**
    - **Artl.S8.C3.1.5.2.1 State Taxation and the Dormant Commerce Clause**
- **Clause 4 Naturalization and Bankruptcy**
- **To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;**
  - **Artl.S8.C4.1 Naturalization Power**
    - **Artl.S8.C4.1.1 Naturalization Power: Overview**
    - **Artl.S8.C4.1.2 Naturalization Power: Select Topics for Consideration**
      - **Artl.S8.C4.1.2.1 Expatriation**
  - **Artl.S8.C4.2 Bankruptcy Power**
    - **Artl.S8.C4.2.1 Bankruptcy Power: Doctrine and Practice**
      - **Artl.S8.C4.2.1.1 Scope of Federal Bankruptcy Power**
      - **Artl.S8.C4.2.1.2 Restriction on State Bankruptcy Power**
- **Clause 5 Money**
- **To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;**
  - **Artl.S8.C5.1 Coinage Power**
- **Clause 6 Money**
- **To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;**
  - **Artl.S8.C6.1 Counterfeiting Power**
- **Clause 7 Post Office**
- **To establish Post Offices and post Roads;**
  - **Artl.S8.C7.1 Postal Power**
    - **Artl.S8.C7.1.1 Postal Power: Overview**
    - **Artl.S8.C7.1.2 Postal Power: Doctrine and Practice**
      - **Artl.S8.C7.1.2.1 Postal Power: Restrictions on State Power**
- **Clause 8 Copyrights and Patents**
- **To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;**
  - **Artl.S8.C8.1 Copyrights and Patents**
    - **Artl.S8.C8.1.1 Origins and Scope of the Power**

- Artl.S8.C8.1.2 Patentable Discoveries
- Artl.S8.C8.1.3 Nature and Scope of the Right Secured for Copyright
- Artl.S8.C8.1.4 Power of Congress Over Patents and Copyrights
- Artl.S8.C8.1.5 Copyright and the First Amendment
- Artl.S8.C8.1.6 State Power Affecting Patents and Copyrights
- Artl.S8.C8.1.7 Trade-Marks and Advertisements
- **Clause 9 Creation of Courts**
- **To constitute Tribunals inferior to the supreme Court;**
  - Artl.S8.C9.1 In General
- **Clause 10 Maritime Crimes**
- **To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;**
  - Artl.S8.C10.1 Define and Punish Clause
    - Artl.S8.C10.1.1 Define and Punish Clause: Historical Background
    - Artl.S8.C10.1.2 Define and Punish Clause: Doctrine and Practice
- **Clause 11 The War Power**
- **To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;**
  - Artl.S8.C11.1 Power to Declare War
  - Artl.S8.C11.2 Power to Make Rules Regarding Capture
- **Clause 12 The War Power**
- **To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;**
  - Artl.S8.C12.1 Power to Raise and Support an Army
    - Artl.S8.C12.1.1 Power to Raise and Support an Army: Overview
    - Artl.S8.C12.1.2 Power to Raise and Support an Army: Historical Background
- **Clause 13 The War Power**
- **To provide and maintain a Navy;**
  - Artl.S8.C13.1 In General
- **Clause 14 The War Power**
- **To make Rules for the Government and Regulation of the land and naval Forces;**
  - Artl.S8.C14.1 Power to Govern and Regulate Land and Naval Forces
- **Clause 15 The Militia**
- **To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;**

- **Artl.S8.C15.1 Power to Call Forth the Militia**
- **Clause 16 The Militia**
- **To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;**
  - **Artl.S8.C16.1 Power to Organize Militias**
- **Clause 17 District of Columbia; Federal Property**
- **To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And**
  - **Artl.S8.C17.1 Power over the Seat of Government**
    - **Artl.S8.C17.1.1 Power over the Seat of Government: Historical Background**
    - **Artl.S8.C17.1.2 Power over the Seat of Government: Doctrine and Practice**
  - **Artl.S8.C17.2 Power Over Places Purchased**
- **Clause 18 Necessary and Proper Clause**
- **To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.**
  - **Artl.S8.C18.1 The Necessary and Proper Clause: Overview**
  - **Artl.S8.C18.2 The Necessary and Proper Clause: Historical Background**
  - **Artl.S8.C18.3 The Necessary and Proper Clause: Doctrine and Practice**
    - **Artl.S8.C18.3.1 The Necessary and Proper Clause Doctrine: Early Doctrine and McCulloch v. Maryland**
    - **Artl.S8.C18.3.2 The Necessary and Proper Clause Doctrine: Post-McCulloch Nineteenth Century Doctrinal Development**
    - **Artl.S8.C18.3.3 The Necessary and Proper Clause Doctrine: Modern Doctrine (Twentieth Century to Present)**
    - **Artl.S8.C18.3.4 The Necessary and Proper Clause Doctrine: The Meaning of Proper**
  - **Artl.S8.C18.4 Implied Powers of Congress**
    - **Artl.S8.C18.4.1 Implied Power of Congress to Conduct Investigations and Oversight**

- **Artl.S8.C18.4.1.1 Implied Power of Congress to Conduct Investigations and Oversight: Historical Background**
- **Artl.S8.C18.4.1.2 Implied Power of Congress to Conduct Investigations and Oversight: Doctrine and Practice**
- **Artl.S8.C18.4.2 Implied Power of Congress Over Immigration**
  - **Artl.S8.C18.4.2.1 Implied Power of Congress Over Immigration: Overview**
  - **Artl.S8.C18.4.2.2 Implied Power of Congress Over Immigration: Historical Background**
    - **Artl.S8.C18.4.2.2.1 Implied Power of Congress Over Immigration Historical Background: The English Common Law**
    - **Artl.S8.C18.4.2.2.2 Implied Power of Congress Over Immigration Historical Background: Colonial Practice and the Constitutional Convention**
    - **Artl.S8.C18.4.2.2.3 Implied Power of Congress Over Immigration Historical Background: Early Federal Laws Regulating Immigration**
  - **Artl.S8.C18.4.2.3 Implied Power of Congress Over Immigration: Pre-Plenary Power Jurisprudence (1837–1889)**
  - **Artl.S8.C18.4.2.4 Implied Power of Congress Over Immigration: Early Plenary Power Jurisprudence (1889–1900)**
  - **Artl.S8.C18.4.2.5 Implied Power of Congress Over Immigration: Judicial Development of the Plenary Power Doctrine in the Twentieth Century**
    - **Artl.S8.C18.4.2.5.1 Judicial Development of the Plenary Power Doctrine in the Twentieth Century: Overview**
    - **Artl.S8.C18.4.2.5.2 Judicial Development of the Plenary Power Doctrine in the Twentieth Century: Recognition of Constitutional Protections for Aliens within the United States**
    - **Artl.S8.C18.4.2.5.3 Judicial Development of the Plenary Power Doctrine in the Twentieth Century: Recognition of Limited Constitutional Protections for Aliens Seeking to Enter the United States**
  - **Artl.S8.C18.4.2.6 Implied Power of Congress Over Immigration: Modern Plenary Power Jurisprudence**
    - **Artl.S8.C18.4.2.6.1 Modern Plenary Power Jurisprudence: Overview**



- **Artl.S8.C18.4.2.6.2 Modern Plenary Power Jurisprudence: Challenges to the Exclusion of Aliens—Boutilier v. Immigration & Naturalization Service, Kleindienst v. Mandel, and Fiallo v. Bell**
- **Artl.S8.C18.4.2.6.3 Modern Plenary Power Jurisprudence: Challenges to the Exclusion of Aliens—Kerry v. Din and Trump v. Hawaii**
- **Artl.S8.C18.4.2.6.4 Modern Plenary Power Jurisprudence: Federal Laws Relating to Aliens within the United States**
- **Artl.S8.C18.4.2.6.5 Modern Plenary Power Jurisprudence: Judicial Scrutiny of Immigration-Related State Laws**
- **Artl.S8.C18.4.2.7 Implied Power of Congress Over Immigration: Conclusion**

# EXHIBIT XIV

## US Constitution

<https://constitution.congress.gov/browse/article-1/section-8/#:~:text=Section%208%20Powers%20of%20Congress&text=The%20Congress%20shall%20have%20Power,ArtI.>

### Clause 6 Money

- **To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;**
  - Artl.S8.C6.1 Counterfeiting Power

### Clause 10 Maritime Crimes

- **To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;**
  - **Artl.S8.C10.1 Define and Punish Clause**
    - Artl.S8.C10.1.1 Define and Punish Clause: Historical Background
    - Artl.S8.C10.1.2 Define and Punish Clause: Doctrine and Practice

# **EXHIBIT XV**

## **MEMORANDUM OF PL**

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810-614-1194

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No. 21-mj-498 (GMH)  
: :  
v. : MEMORANDUM OF LAW  
: :  
TREVOR BROWN, : :  
: :  
Defendant. : :  
: :

MEMORANDUM OF LAW OF PUBLIC LAW 80-772,

TITLE 18 UNITED STATES CODE, ACT OF JUNE 25, 1948

FACTS TO BE RECOGNIZED:

- If a different bill passes the House than passes the Senate, can the bill become a law?
- If the President pro tempore of the Senate and the Speaker of the House of Representatives sign a bill into law after Congress has adjourned sine die and is not in open session, can it be considered a law?
- If the President of the United States signs a bill into law which is not passed by both Houses of Congress, is it a law?
- If a bill signed into law is not placed into the Federal Register as required by law, is it a law?

As shown herein, Public Law 80-772 is not a law, and cannot be used to indict, prosecute, convict, or imprison Petitioner.

Public Law 80-772 which purported to enact Title 18, United States Code, Act of June 25, 1948, Chapter 645, 62 Stat. 683 *et seq.*, and more specifically, Section 3231 thereof, 62 Stat. 826, which purported to confer upon “the district courts of the United States ... original jurisdiction ... of all offenses against the laws of the United States.” These legislative Acts violated the Quorum, Bicameral and/or Presentment Clauses mandated respectively by Article I, § 5, Cl. 1, and Article I, § 7, Cls. 2 and 3, of the Constitution for the United States of America. Any federal district court which rendered judgment and ordered commitment under 18 U.S.C. Section 3231, lacked jurisdiction and, therefore the judgment and commitment order is *void ab initio*. To charge, prosecute, sentence and imprison and placed a Citizen into Executive custody by order of United States District Court acting pursuant to the grant of original jurisdiction purportedly created by Public Law 80-772, Title 18, United States Code, Section 3231, (see 18 U.S.C. § 4082(a) (repealed) and § 3621(a) (enacted Oct. 12, 1984, and effective Nov. 1, 1987)) under *void* judgments and commitment orders undermines the sense of security for individual rights, is against public policy, is unlawful and unconstitutional.

Article I, § 1, commands and declares that “[a]ll legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

Article I, § 5, Cl. 1, commands, in relevant part, that “a Majority of each [House of Congress] shall constitute a Quorum to do Business,” excepting therefrom permission to “adjourn from day to day” and “to compel Attendance of its Members, in such Manner, and under such Penalties as each House may provide.”

Article I, § 7, Cl. 2, commands, in relevant part, that “[e]very Bill which shall have passed both Houses, shall, before it becomes a Law, be presented to the President of the United States.”

Article I, § 7, Cl. 3, commands, in relevant part, that “[e]very ... Resolution ... to which the Concurrence of the Senate and House of Representatives may be necessary ... shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.”

Title 1, United States Code, Section 106, Act of July 30, 1947, Chapter 388, Title I, Ch. 2, § 106, 61 Stat. 634, Pub.L. 80-278, provides, in relevant part, that “[w]hen [a] bill ... shall have passed both Houses, it shall be printed and shall then be called the enrolled bill ... and shall be signed by the presiding officers of both Houses and sent to the President of the United States.”

The text of the bill, H.R. 3190 as amended, which became Public Law 80-772 (enacting Title 18, United States Code, and especially Section 3231), was passed only by the Senate and never passed by the House of Representatives because the House had no quorum when it presented the bill to the House on a 38 to 6 vote on May 12, 1947, when the House had 435 members. Further, the Senate amended the bill “passed” by the House, sent it back to the House, which voted on the amendments,

but never voted on the amended bill. The bill passed by the Senate but never passed by the House was signed by the Speaker of the House and the President pro tempore of the Senate on

June 22 and 23, 1948. However, Congress had adjourned sine die on June 20, 1948, and was not in open session when the bill was signed. The President signed the bill passed by the Senate but never passed by the House on June 25, 1948. The bill is not a law.

For those reasons, Public Law 80-772 which purportedly enacted Title 18, United States Code, Act of June 25, 1948, Chapter 645, 62 Stat. 683 *et seq.* and Section 3231 thereof, 62 Stat. 826, purporting to confer upon “the district courts of the United States ... original jurisdiction ... of all offenses against the laws of the United States” violates Article I, § 5, Cl. 1, and Article I, § 7, Cls. 2 and 3, and are therefore unconstitutional and *void ab initio*. If the district court which took action against the Petitioner, so without jurisdiction, and the judgment and commitment order is *void ab initio*, and her imprisonment and/or confinement thereunder is fundamentally unconstitutional and unlawful. 18 USC 4001(a) states: “No citizen shall be imprisoned or otherwise confined except pursuant to an act of Congress.

**JUDICIAL NOTICE IS TAKEN OF THE RECORDS OF THE 80<sup>th</sup> U.S. CONGRESS**

**H.R. 3190 IN THE FIRST SESSION OF THE 80<sup>th</sup> U.S. CONGRESS**

H.R. 3190 was introduced and committed to the Committee of the entire House of Representatives on the State of the Union of the First Session of the 80th Congress entitled “Crimes and Criminal Procedure.” See House Report No. 304 (April 24, 1947), p. 1 See also 94 Cong. Rec.

D556-D557 (Daily Digest) (charting H.R. 3190). H.R. 3190 differed from “five ... bills which ... preceded it ... [because] it constitute[d] a revision, as well as a codification, of the Federal laws relating to crimes and criminal procedure.” 93 Cong. Rec. 5048-5049 (May 12, 1947). The bill was intended (1) to revise and compile all of the criminal law, (2) to “restate[]” and “consolidate[]”

“existing statutes,” (3) to “repeal” “obsolete, superseded, redundant and repetitious statutes,” (4) to coordinate the Criminal Code with the “Federal Rules of Criminal Procedure” formerly enacted, and

(5) to “clarify and harmonize” penalties of the “many acts” passed by Congress which were found to be “almost identical.” “The bill was ordered to be engrossed and read a third time, and “passed” the House on May 12, 1947, id.; Journal of the House of Representatives (“House Journal”), May 12, 1947, pp. 343-344 Cong. Rec. D556-D557 (showing H.R. 3190’s only passage by the House of Rep. on May 12, 1947), sent to the Senate and there “referred ... to the Committee on the Judiciary.” 93 Cong. Rec.

5121, May 13, 1947; Journal of the Senate (“Senate Journal”), May 13, 1947, p. 252. However, the “passage” of the bill, as established by the Congressional record was on a voice vote of 38 to 6, when 435 members were in Congress and no quorum was in session, rendering the bill in violation of Article I, Section 5, Clause I of the Constitution, and *void ab initio*.

As passed and enrolled by the House of Representatives H.R. 3190 included at section 3231, Subtitled “District Courts,” the following text:

Offenses against the United States shall be cognizable in the district courts of the United States, but nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several states under the laws thereof.

H.R. 3190 as passed by the H. of Rep., p. 367, § 3231. See United States v. Sasscer, 558 F. Supp. 33, 34 (D.MD. 1982).

On July 27, 1947, Congress adjourned without the Senate passing H.R. 3190. See 93 Cong.



Rec. 10439, 10522 (July 26, 1947). On November 17, 1947, Congress reconvened pursuant to a Presidential proclamation. Yet, Congress again “adjourned *sine die* on December 19, 1947,” without the Senate passing H.R. 3190. Kennedy v. Sampson, 511 F.2d 430, 444 Appendix n. 4 (D.C. Cir. 1974).

### **H.R. 3190 IN SECOND SESSION OF THE 80<sup>th</sup> CONGRESS**

The Senate Committee on the Judiciary reported amendments to H.R. 3190 on June 14, 1948, under Sen. Rep. No. 1620. 94 Cong. Rec. 8075 (June 14, 1948); Senate Journal, June 14, 1948, p. 452 (App. 34).<sup>1</sup> Sen. Rep. No. 1620 contained “a large volume of amendments” and “the new Federal Rules of Criminal Procedure [were] keyed to the bill and [were] reflected in part II of [the new proposed] Title 18.” Heraldizing that, upon passage of the amended bill, “[u]ncertainty will be ended,” the Senate wanted “the amendments adopted en bloc,” including a new jurisdictional section for Title

18. 94 Cong. Rec. 8721. The report contained only the proposed amendments. See Sen. Rep. No.

1620, pp. 1 & 4.

“[T]he amendments were considered and agreed to en bloc” and then “ordered to be engrossed.” 94 Cong. Rec. 8721-8722 (June 18, 1948), Senate Journal, June 18, 1948, p. 506 (H.R. 3190, “as amended,” passed the Senate). It was moved that “the Senate insist upon its amendments” by the House (94 Cong. Rec. at 8722); and “[o]rdered that the Secretary to request the concurrence of the House of Representatives in the amendments.” Senate Journal, supra, p. 506; House Journal, June 18, 1948, p. 688.

The House received the proposed amendments. The Clerk “read the Senate amendments” collectively into the record with which the House concurred. 94 Cong. Rec.

8864-8865 (June 18, 1948); House Journal, June 18, 1948, p. 704 (the “said Senate amendments were concurred in”). Although “[t]he House agreed to the amendments to ... H.R. 3190,” Senate Journal, June 18, 1948, p. 510, no action was taken on H.R. 3190 as amended.<sup>2</sup> The Journal of the House of Representatives is devoid of any vote on H.R. 3190 itself on June 18, 1948, and thereafter through adjournment on June

<sup>1</sup> The Senate approved its Journal for June 14, 1948. Senate Journal, June 15, 1948, pp. 461-462.

<sup>2</sup> The House approved the Journal for June 18, 1948, House Journal, p. 714 (June 19, 1948, approving Journal for “legislative day of ... June 17, 1948” – *i.e.*, calendar day of June 18, 1948); *id.* at p. 669 (showing Friday, June 18, 1948, as “legislative day of Thursday, June 17, 1948”), and the Senate approved its Journal for June 18, 19 and 20, 1948. Senate Journal, July 26, 1948, p. 593.

20, 1948. Moreover, the official historical chart of H.R. 3190 clearly shows the “*only* passage” by the House of Representatives occurring on May 12, 1947, and specifically references volume 93, page 5048 of the Congressional Record as the recorded date the House passed the bill. 94 Cong. Rec. D556- D557 (Daily Digest). However, as is clearly established by the Congressional record, the vote for passage was 38 to 6, when 435 members were in Congress and a quorum to do business would require a majority of those members to be present for passage. Therefore, with no quorum present, the bill is null and void ab initio.

**CONGRESS AGREED BY RESOLUTION TO CONTINUE LEGISLATIVE BUSINESS BY A**

**SINGLE OFFICER OF EACH HOUSE DURING ADJOURNMENT**

On June 19, 1948, the House submitted and agreed to concurrent resolutions H.Con.Res. 218

and 219 and requested concurrence by the Senate. House Journal, June 19, 1948, pp. 771-772; Senate

Journal, June 18, 1948, p. 577. “[T]he Senate [then] passed without amendment these concurrent resolutions of the House.”<sup>3</sup> 94 Cong. Rec. 9349 (App. 57). H.Con.Res. 218

“provid[ed] adjournment of the two Houses of Congress until December 31, 1948,” *id.*; see Concurrent Resolutions, Second Session, Eightieth Cong., H.Con.Res. 218, June 20, 1948, 62 Stat. 1435-1436. H.Con.Res. 219

“authorize[ed] the signing of enrolled bills following adjournment,” 94 Cong. Rec. 9349, specifically resolving:

That notwithstanding the adjournment of the two Houses until December 31, 1948, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

See Concurrent Resolutions, *supra*, H.Con.Res. 219, June 20, 1948, 62 Stat. 1436.

<sup>3</sup> The House sat from June 19 through June 20, 1948, adjourning at 6:56 A.M., House Journal, June 19, 1948, p. 775, and approved the Journal of the 19<sup>th</sup>. House Journal, July 26, 1948, pp. 792-793 (reconvention by Presidential Proclamation).

Congress adjourned on June 20, 1948, pursuant to H.Con.Res. 218. 94 Cong. Rec. 9348, 9169;

House Journal, June 20, 1948, p. 775; Senate Journal, June 20, 1948, p. 578. Both Houses reconvened on July 26, 1948, pursuant to a proclamation of President Truman. Senate Journal, July 26, 1948, p. 593 (showing reconvention); House Journal, July 26, 1948, pp. 792-793 (same).<sup>4</sup>

**POST-ADJOURNMENT SIGNING OF H.R. 3190 BY A SINGLE OFFICER OF THE HOUSE**

**AND PRESENTMENT TO AND APPROVAL THEREOF BY THE PRESIDENT PURSUANT**

**TO H.Con.Res. 219**

With both Houses adjourned, with no quorum, disassembled and dispersed, Mr. LeCompte, the Chairman of the Committee on House Administration reported that that committee had found H.R. 3190 “truly enrolled.” House Journal, legislative day of June 19, 1948, p. 776 (recorded under heading “BILLS AND JOINT RESOLUTIONS ENROLLED SUBSEQUENT TO ADJOURNMENT”).<sup>5</sup> He attached his certificate of enrollment to the original H.R. 3190 passed by the House on May 12, 1947. See H.R. 3190, certified after adjournment as “truly enrolled” (as certified by Richard H. Hunt, Director, Center for Legislative Archives, The National Archives, Washington, D.C.). Although never certified as truly enrolled, the Speaker and President pro tempore respectively signed the Senate’s amended H.R. 3190 on June 22 and 23, 1948. 94 Cong. Rec. 9353-9354; House Journal, legislative day June 19, 1948, p. 777; Senate Journal, legislative day June 18, 1948, pp. 578-579. National Archives & Records Adm. Cert., H.R. 3190 signed by House and Senate officers and President Truman. The Senate’s amended H.R. 3190 was then presented by the Committee on House

<sup>4</sup> The House Journal for July 26, 1948, was approved, House Journal, July 27, 1948, p. 797, and the Senate Journal for July 26, 1948, was approved. Senate Journal, July 27, 1948, p. 593.

<sup>5</sup> Mr. LeCompte’s announcement was reported upon reconvention by the President’s Proclamation on July 26, 1948. 94 Cong. Rec. 9363.

Administration to President Truman, on June 23, 1948, who signed it on June 25, 1948<sup>6</sup>, at 12:23 P.M. E.D.T., 94 Cong. Rec. 9364-9367; House Journal, legislative day of June 19, 1948,

pp. 778, 780-782; Senate Journal, legislative day of June 18, 1948, pp. 579, 583. National Archives & Records Adm. Cert., H.R. 3190, supra; 94 Cong. Rec. D557 (Daily Digest).

**THE SIGNATORIES OF H.R. 3190 KNEW THE ENACTING  
CLAUSE WAS FALSE WHEN SIGNED**

Public Law 80-772 stated that the enactment proceeded “by the Senate and House of Representatives of the United States of America *in Congress assembled*.” See National Archives & Records Adm. Cert., H.R. 3190 as signed into P.L. 80-772, supra. Each signatory knew that no quorum existed at the time of the House vote on May 12, 1947, no quorum existed on June 20, 1948, and neither “House” legislatively existed at that time, and that the legislative process had ceased within the terms of Article I, §§ 5 and 7 on June 20, 1948.

**Public Law 80-772 Is Unconstitutional And Void Because H.R. 3190 Never Passed Both Houses**

As Required By Article I, Section 7, Clause 2.

**THE LEGAL PRINCIPLES**

This case presents a “profoundly important issue,”<sup>7</sup> of the constitutionality of an act of Congress<sup>8</sup> – matters “of such public importance as to justify deviation from normal appellate practice and to require immediate determination by this Court.”

Clinton, 524 U.S. at 455 (Scalia, J., and O’Conner, J., joining in part and dissenting in part) (adopting language directly from Sup. Ct. R. 11).<sup>9</sup>

<sup>6</sup> That same day President Truman signed into law Public Law 80-773 enacting into positive law Title 28, United States Code. Act of June 25, 1948, Ch. 646, § 1, 62 Stat. 869. That Act positively repealed the former criminal jurisdiction granted to the district courts. id., § 39 *et seq.*, 62 Stat. 991 *et seq.* (positive repeal listing former 28 U.S.C. § 41, ¶ 2 in schedule of repealed statutes).

<sup>7</sup> Clinton v. City of New York, 524 U.S. 417, 439 (1998).

<sup>8</sup> INS v. Chadha, 462 U.S. 919, 929 (1983).

Although “[a]ll legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives,” (Art. I, § 1, U.S. Constitution), “when [Congress] exercises its legislative power, it must follow the ‘single, finely wrought and exhaustively considered procedures’ specified in Article I.”

Metropolitan Washington Airports

Authority v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252, 274 (1991) (quoting INS v.

Chadha, 462 U.S. at 951). Article I establishes “just how those powers are to be exercised.” INS v.

Chadha, 462 U.S. at 945.

An act of Congress “does *not* become a law unless it follows each and every procedural step chartered in Article I, § 7, cl. 2, of the Constitution.” Landgraf v. USI Film Products, 511 U.S. 244, 263 (1994) (citing INS v. Chadha, 462 U.S. at 946-951 (emphasis added)); Clinton, 524 U.S. at 448 (noting requisite “steps” taken before bill may “become a law” and holding that a procedurally defective enactment cannot “become a law” pursuant to the procedures designed by the Framers of Article I, § 7, of the Constitution”).

The Constitution requires “three procedural steps”: (1) a bill containing its *exact text* was approved by a majority of the Members of the House of Representatives; (2) the Senate approved *precisely the same text*; and (3) *that text* was signed into law by the President. “If one paragraph of *that text* had been omitted at *any one of those three stages*, [the] law [in question] would *not* have been validly enacted.”<sup>10</sup> Clinton, 524 U.S. at 448 (emphasis added). Between the second and third “procedural steps,” the bill “... shall ... be presented to the President...” Article I, § 7, Cl. 2.

<sup>9</sup>Clinton, 524 U.S. at 447, “twice had full argument and briefing,” as did INS v. Chadha, 462 U.S. at 943- 944 (“The important issues have been fully briefed and twice argued.”) “[T]he

importance of the question,” Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252, 263 (1991), has always been noted. Wright v. United States, 302 U.S. 583, 586 (1938) (“the importance of the question”); Pocket Veto Case, 279 U.S. 655, 673 (1929) (“the public importance of the question presented”); Missouri Pacific Railway Co. v. Kansas, 248 U.S. 276, 279(1919) (“the importance of the subject”).  
10 “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” Art. I, § 1 of the Constitution.

The text of H.R. 3190 passed by the House of Representatives was the text as it existed on the date of passage – *i.e.*, May 12, 1947. Whereas, the text of the bill passed by the Senate on June 18, 1948, was H.R. 3190 “as amended.” Senate Journal, June 18, 1948, p. 506. Thus, no bill passed the House on May 12, 1947 since no quorum existed and no quorum existed on June 20, 1948, rendering the bills passed by the respective Houses invalid and neither bill ever “became a law.” Clinton, 524

U.S. at 448.

**PERMITTING POST-AJOURNMENT LEGISLATIVE BUSINESS PURSUANT TO H.Con.Res.**

**219 VIOLATED THE QUORUM, BICAMERAL AND PRESENTMENT REQUIREMENT OF**

**ARTICLE I OF THE CONSTITUTION**

After Congress adjourned on June 20, 1948, pursuant to H.Con.Res. 219, a single officer of each House of Congress signed *a bill* purporting to be H.R. 3190 on June 22-23, 1948, 94 Cong. Rec. 9354; House Journal, legislative day of June 19, 1948, p. 777; Senate Journal, legislative day of June 18, 1948, pp. 578-579, and presented *that bill* to the President, who signed it on June 25, 1948. 94 Cong. Rec. 9365-9367. Thus, the post-adjournment signature “provision [of H.Con.Res. 219] was an important part of the legislative scheme,” leading to the enactment of Public Law 80-772, without which it would never have “become a Law.” Bowsher v. Synar, 478 U.S. 714, 728 (1986). Public Law

80-772 *falsely* stated it was “enacted” while both Houses were “in Congress assembled,” when in fact Congress was not in session. See National Archives & Records Adm. Cert., H.R. 3190 as signed into P.L. 80-772.

“... [A] Majority of each [House] shall constitute a Quorum to do Business ...” Art. I, § 5, Cl. 1. “Every Bill which shall have passed [both Houses], shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it ...” Art. I, § 7, Cl. 2. “Every ... Resolution ... to which the Concurrence of [both Houses] may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him ...” Art. I, § 7, Cl. 3.

The bill signed was the Senate’s amended H.R. 3190 – a bill never certified as “truly enrolled,” *compare* Pub.L. 80-772, Enactment Clause & signature pages *with* H.R. 3190, certified as “truly enrolled,” *supra*, and H.Con.Res. 219 never authorized the signing of *unenrolled* bills after adjournment. See H.Con.Res. 219, *supra*, 62 Stat. 1436.

Article I, § 5, Clause 1 mandates a quorum of both Houses of Congress “to do Business.” This constitutional requirement has been enforced by practice, Rules of the Houses, custom, Supreme Court holdings and duly enacted statutes.

1 U.S.C. § 101 requires every “enacting clause of all Acts of Congress” to state: “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.” Although the bill after passage by “both Houses” must be “enrolled” following which it “shall be signed by the presiding officers of both Houses and sent to the President of the United States,”<sup>11</sup> 1

U.S.C. § 106, the actual procedure is regulated by House rules and established practice. Following passage the “chairman of the Committee on House Administration ... affixes to the bills examined a certificate that the bill has been found truly enrolled,”<sup>12</sup> House Doc. No. 769, *supra*, Stages of a Bill, § 983, No. 16, p. [483] (App. 79), after which the “enrolled bill is first



laid before the House of Representatives and signed by the Speaker ... after which it is transmitted to the Senate and signed by the President of that body.” *Id.*, No. 17, p. [484]<sup>13</sup>.

- <sup>11</sup> 1 U.S.C. § 106 contains an exception for enrollment “[d]uring the last six days of a session,” but no exception for enrolling, signing or presenting a bill to the President otherwise than during the sitting of both Houses.
- <sup>12</sup> Formerly, the “chairman of the Committee on Enrolled Bills” performed this critical task in the legislative business of enacting a bill, which has always required the enrolled bill to be “placed before the House and signed by the Speaker.” See *House Doc. No. 355*, 59<sup>th</sup> Cong., 2<sup>nd</sup> Sess., *Hinds’ Precedents of the House of Representatives*, Ch. XCI, § 3429, notes 3 & 5, p. 311 (G.P.O. 1907). See *House Doc. No. 769*, *supra*, Preface, p. [VI] (“The rulings of the Speakers of the House and of the Chairman of the Committee of the Whole are to the rules of the House what the decisions of the courts are to the statutes ... [which are] embodied in the monumental work[s] of *Hinds* and *Canon*.”).
- <sup>13</sup> The Supreme Court not only takes judicial notice of the legislative history of a bill, *Alaska v. American Can Co.*, 358 U.S. 224, 226-227 (1959), but will both judicially notice and “h[old]” Congress and its legislative committees “to observance of its rules.” *Yellin v. United States*, 374 U.S. 109, 114 (1963).

The Supreme Court in *Marshall Field & Co. v. Clark*, 143 U.S. 649 (1892), defined the essence of this procedure:

*The signing by the Speaker of the House of Representatives, and, by the President of the Senate, in open session, of an enrolled bill is an official attestation by the two houses of such bill as one that has passed Congress. It is a declaration by the two houses, through their presiding officers, to the President, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him.*

143 U.S. at 672 (emphasis added). 1 U.S.C. § 106 codified this implicit constitutional requirement. Reading 1 U.S.C. §§ 101 and 106 together requires that all acts must occur at least through presentment to the President while Congress is in session. That the enrolled bill must be “laid before the House” prior to signing by the Speaker and *then* “transmitted to the Senate” before the signing by the President of that body concludes that the respective Houses *must be in session during this transaction*.<sup>14</sup>

An “adjournment terminates the legislative existence of Congress.” Pocket Veto Case, 279 U.S. at 681. “Th[e] expression, a “house,” or “each house,” [when] employed ... with reference to the faculties and powers of the two chambers ... always means ... the constitutional quorum, assembled for the transaction of business, and capable of transacting business.” 279 U.S. at 683, quoting I Curtis’

Constitutional History of the United States, 486 n. 1. Moreover, the term “House” means “the House in session,” 279 U.S. at 682, and “as organized and entitled to exert legislative power,’ that is, the legislative bodies ‘organized conformably to law for the purpose of enacting legislation.’” Id. (quoting Missouri Pacific Railway Co. v. Kansas, 248 U.S. 276, 281 (1919)). See also House Doc. No. 355, supra, Hinds’ Precedents, § 2939, p. 87 (“The House is not a House without a quorum”) (App. 87).

<sup>14</sup> “[T]he Constitution has left it to Congress to determine how a bill is to be authenticated as having passed” and “the courts accept as passed all bills authenticated in the manner provided by Congress.” United States v. Munoz-Flores, 495 U.S. 385, 391 n. 4 (1990) (citing Field & Co. v. Clark, 143 U.S. 649 (1892), in which case the Court established the so-called “enrolled bill rule” – a rule not applicable in this case, but a ruling that supports Petitioners’ claims.)

No “attestation” or “declaration by the two houses ... to the President,” Field & Co., 143 U.S. at 672, that H.R. 3190 had “passed” Congress during the adjournment was possible because no such “houses” constitutionally existed. See also United States National Bank of Oregon v. Independent

Insurance Agents of America, 508 U.S. 439, 455 n. 7 (1993) (noting that the rule established in Field &

Co., 143 U.S. at 672, made statutory by 1 U.S.C. § 106 turned upon “the ‘enrolled bill,’ signed in open session by the Speaker of the House of Representatives and the President of the Senate”). Longstanding precedence of the House affirms this. House Doc. No. 355, supra,

Hinds' Precedents, Vol. IV, § 2951, pp. 90-91 (upon “disclos[ure] ... that there is not a quorum .., [t]he House thereby becomes constitutionally disqualified to do further business”) (excepting from disqualification the exceptions stated in Art. I, § 5, Cl. 1) (emphasis added) (App. 88-89); id., § 3458, p. 322 (“The Speaker may not sign an enrolled bill in the absence of a quorum.”) (App. 93); id. at § 3486, pp. 332-333 (recognizing enrollment and presentment to the President to be legislative business required to be completed before adjournment) (App. 95-96); id. at § 3487, p. 333 n. 3 (presentment to the President is legislative “business” which must be completed before adjournment) (App. 96); id. at § 4788, p. 1026 (“The presentation of enrolled bills” to the President of the United States is a “transact[ion]” of “business” of the “House.”) (App. 100).

Once a bill has passed the House of Representatives it must be printed as an “engrossed bill” which then “shall be signed by the Clerk of the House ... sent to the other House, and in that form shall be dealt with by that House and its officers, and, if passed, returned signed by said Clerk.” 1 U.S.C. §

106. In the immediate case H.R. 3190 was passed by the House of Representatives on May 12, 1947, engrossed and sent to the Senate and there referred to the Senate’s Committee on the Judiciary. See 93 Cong. Rec. 5048-5049, 5121; Senate Journal, May 13, 1947, p. 252. However, it was not dealt with nor passed “in that form.”

Instead, amendments were proposed which were “agreed to en bloc,” read into the record and “ordered to be engrossed,” 94 Cong. Rec. 8721-8722. Then, “the [amended] bill was read the third time and passed.” 94 Cong. Rec. 8722; Senate Journal, June 18, 1948, p.

506. The House then concurred in the amendments en bloc. 94 Cong. Rec. 8864-8865; House Journal, June 18, 1948, p. 704.<sup>15</sup>

“The House in which a bill originates enrolls it,” House Doc. No. 769, supra, Stages of a Bill, No. 15, p. [483] (App. 79), and, in the case of House bills, the “chairman of the Committee on House Administration ... affixes to the bills examined a certificate that the bill has been found truly enrolled,” Id., No. 16, p. [483], after which it is “laid before the House ... signed by the Speaker [then] transmitted to the Senate and signed by the President of that body.” Id., No. 17, p. [484]. Unequivocally, “[t]he Speaker may not sign an enrolled bill in the absence of a quorum.” House Doc. No. 355, supra, Hinds’ Precedents, § 3458, p. 322. *Cf.*, id., § 2939, p. 87 (“The House is not a House without a quorum.”).

The constitutional “quorum” issue is precluded from the Field & Co.’s “enrolled bill rule” by its terms – *i.e.*, “[t]he signing ... in open session, of an enrolled bill,” 143 U.S. at 672 (emphasis added), which in any case only applies in “the absence of [a] constitutional requirement binding Congress.” United States v. Munoz-Flores, supra, 495 U.S. at 391 n. 4. Moreover, just as “§ 7 gives effect to all of its Clauses in determining what procedures the Legislative and Executive branches must follow to enact a law,” id., 495 U.S. 386 (emphasis by Court), so too does Article I, § 5, Cl. 1 “provid[e] that no law could take effect without the concurrence of the prescribed majority of the Members of both Houses,” INS v. Chadha, 462 U.S. at 949-950, as to all legislative “Business.” *Cf.* United States v. Ballin, 144 U.S. 1, 3-5 (1892) (to determine whether constitutionally mandated quorum was present for

<sup>15</sup> < This contravenes the procedures of the House of Representatives for the 80<sup>th</sup> Congress. “When a bill with Senate amendments comes before the House, the House takes up each amendment by itself ....” House Doc. No. 769, Stages of a Bill in the House, § 983, No. 13, p. [483].

legislative action the Court “assume[s]” the Journals of the Houses are to be considered to decide the issue).

The bill signed by the Officers of the Houses presented to and signed by the President of the United States was the Senate’s amended bill, which never passed the House. H.Con.Res. 219 only “authorized [the] sign[ing] [of] enrolled bills ... duly passed by the two Houses and found truly enrolled,” H.Con.Res. 219, supra, 62 Stat. 1436, voiding the signatures on the amended bill.<sup>16</sup>

Having not been enrolled, certified as truly enrolled, or signed by the Speaker of the House with a quorum present, the bill was rendered constitutionally void. House Doc. No. 769, supra, Constitution for the United States, § 55, p. [19] (“[w]hen action requiring a quorum was taken in the ascertained absence of a quorum ... the action was null and void”) (App. 74); House Doc. No. 355, supra, Hinds’ Precedents, §§ 3497 & 3498, pp. 344-345 (such a bill is “not in force” and is “not a valid statute”) (App. 97-98). *Cf.*, id., Hinds’ Precedents, § 2962, p. 94 (to vacate legislative act “the absence of a quorum should appear from the Journal”) (App. 90).

Art. I, § 7, mandates that a bill that has passed both Houses “shall before it becomes a Law, be presented to the President of the United States ...,” Art. I, § 7, Cl. 2; INS v. Chadha, 462 U.S. at 945, which “can only contemplate a presentment by the Congress in some manner, [because] ... [a]t that point the bill is necessarily in the hands of the Congress.” United States v. Kapsalis, 214 F.2d 677, 680 (7<sup>th</sup> Cir. 1954), cert. denied, 349 U.S. 906 (1955) (emphasis added). Thus, presentment is clearly part of the legislative procedure required as essential to enactment of a bill as law. INS v. Chadha, 462 U.S.

at 945, 947, 951; La Abra Silver Mining Co. v. United States, 175 U.S. 423, 454 (1899) (“*After a bill*

<sup>16</sup> < On July 26, 1948, “Mr. LeCompte, from the Committee on House Administration, reported that that committee had examined and found” that H.R. 3190 had been “truly enrolled.” 94 Cong. Rec. 9363. The version of H.R. 3190 certified as “truly enrolled” by Mr. LeCompte, is the House version passed on May 12, 1947, with the text of the original § 3231 – the text of which was never passed by the Senate – to which his certificate of enrollment is attached. The statutory mandate after final passage and printing to “call[]” the bill in such final form “the enrolled bill,” 1 U.S.C. § 106, Act of July 30, 1947, Ch. 388, Ch. 2, 61 Stat. 634, is determined by the certificate “affixe[d] to the bill,” House Doc. No. 769, Stages of a Bill, supra, No. 16, all of which is required *before* the “sign[ing] by the presiding officers of both Houses and sen[ding] to the President of the United States.” 1 U.S.C. § 106.

*has been presented to the President, no further action is required by Congress in respect of that bill, unless it be disapproved by him. ...*) (emphasis added). See House Doc. No. 355, supra, Hinds’

Precedents, Vol. IV, § 4788, p. 1026 (recognizing that “the presentation of enrolled bills” to the President is a “transact[ion]” of “business” of “the House”); id., § 3486, p. 332 (recognizing presentment required prior to adjournment); id., § 3487, p. 333 note 3 (when bill is enrolled or signed by presiding officers “too late to be presented to the President before adjournment” signing and presentment must continue at next session as a “resumption of [legislative] business”). Clearly presentment is part of the constitutionally mandated “Business,” Art. I, § 5, Cl. 1, to be “exercised in accord with [the] single, finely wrought and exhaustively considered, procedure” “prescri[bed] ... in Art. I, §§ 1, 7.” INS v. Chadha, 462 U.S. at 951.

The “draftsmen” of the Constitution “took special pains to assure these [legislative] requirements could not be circumvented. During the final debates on Art. I, § 7, Cl. 2, James Madison expressed concern that it might easily be evaded by the simple expedient of calling a proposal a ‘resolution’ or ‘vote’ rather than a ‘bill.’ As a consequence, Art. I, § 7, Cl. 3, ... was added.” INS v.

Chadha, 462 U.S. at 947 (citing 2 Farrand, supra, 301-302, 304-305).

Whether actions authorized under a resolution are “an exercise of legislative powers depends not on their form but upon ‘whether they contain matter which is properly to be regarded as legislative in its character and effect.’” INS v. Chadha, 462 U.S. at 952 (quoting S. Rep. No. 1335, 54th Cong., 2d Sess., 8 (1897)). “If the power is legislative, Congress must exercise it in conformity with the bicameralism and presentment requirements of Art. I, § 7.” Metropolitan, 501 U.S. at 276. See also

Bowsher v. Synar, 478 U.S. at 756 (Stevens, J., concurring) (“It is settled, however, that if a resolution is intended to make policy that will bind the Nation, and thus is ‘legislative in its character and effect,’

S. Rep. No. 1335, 54th Cong., 2d Sess., 8 (1897) – then the full Article I requirements must be

observed. For ‘the nature or substance of the resolution, and not its form, controls the question of its disposition.’ *Ibid.*”).

“‘Congress,’ of course, “cannot grant to an officer under its control what it does not possess.” Metropolitan, 501 U.S. at 275 (quoting Bowsher v. Synar, 478 U.S. at 726).

Congress does not possess the “‘capab[ility] of transacting business” and is not “entitled to exert legislative power,” when its “legislative existence” has been “terminate[d]” by an “adjournment.” Pocket Veto Case, 279 U.S. at 681-683 (citations omitted). “The limitation of the power of less than a quorum is absolute,” House

Doc. No. 355, supra, Hinds’ Precedents, Vol. V, Ch. CXL, § 6686, p. 851 (App. 102), and includes the signing of an enrolled bill by the Speaker of the House, id., Vol. IV, Ch. XCI, § 3458, p. 322, and presentment to the President of the United States. id., Ch. XCII, §§ 3486, 3487 & 3497, pp. 332, 333 note 3, 344 & 345 (App. 95-98). Wright v. United States, 302 U.S. 583, 600 (1938) (Stone, J., concurring) (“The houses of Congress, being collective bodies,

transacting their routine business by majority action are capable of acting only when in session and by formal action recorded in their respective journals, or by recognition, through such action, of an established practice.”) Thus, “Congress,” as defined by the Constitution and Supreme Court, never “presented” *any* version of H.R. 3190 to the President of the United States.

Whether the action taken under H.Con.Res. 219 was an “exercise of legislative power” depends upon whether it was essentially “legislative in purpose and effect.” INS v. Chadha, 462 U.S. at 952. “In short, when Congress ‘[takes] action that ha[s] the purpose and effect of altering the legal rights, duties, and relations of persons ... outside the Legislative Branch,’ it must take that action by the procedures authorized in the Constitution.” Metropolitan, 501 U.S. at 276, quoting INS v. Chadha, 462 U.S. at 952-955. “If Congress chooses to use a [] resolution ... as a means of expediting action, it may do so, if it acts by both houses and presents the resolution to the President,” Consumer Energy Council

of America v. F.E.R.C., 673 F.2d 425, 476 (D.C. Cir. 1982), aff’d mem. sub nom., Process Gas

Consumers Group v. Consumer Energy Council of America, 463 U.S. 1216 (1983).

The inescapable conclusion as to the “purpose and effect” of H.Con.Res. 219 was to enact *a bill* the text of which at the time of adjournment on June 20, 1948, had not been passed by both Houses, enrolled, certified as “truly enrolled,” or signed by the officers of the Houses or presented to the President of the United States with quorums sitting. In other words, H.Con.Res. 219 unconstitutionally permitted post-adjournment legislative business to proceed without Congress and upon an unpassed bill. Congress did not follow the



procedures mandated by Art. I, § 7, Cl. 2 and attempted to supersede the quorum requirements of Art. I, § 5, Cl. 1 *via* a concurrent resolution to carry forth legislative business with no legislature. The 80th Congress surreptitiously provided a bill, the text of which had never passed either House “mask[ed] under ... [the] indirect measure,” Metropolitan, *supra*, 501 U.S. at 277 (quoting Madison, The Federalist No. 48, p. 334 (J. Cooke 1961 ed.)), of a resolution purporting to authorize continuing legislative action during adjournment with no quorum and no Congress of an extra-congressional bill. Public Law 80-772 did not “become a Law” as required by the constitutional procedures mandated under Article I, § 5, Cl. 1, and Article I, § 7, Cls. 2 and 3, and is unconstitutional and *void ab initio*.

“[W]hen action requiring a quorum was taken in the ascertained absence of a quorum ... the action [is] null and void,” House Doc. No. 769, *supra*, Constitution for the United States of America, § 55, p. [19] (citing Hinds’ Precedents, Vol. IV, § 2964), and “a bill ... not actually passed [although] signed by the President [is to be] disregarded [requiring] a new bill [to be] passed.” House Doc. No. 769, § 103, p. [34] (citing Hinds’ Precedents, Vol. IV, § 3498) (App. 75).

### **THE FACTS AND LAW ARE JUDICIALLY NOTICED**

#### **Courts Must Take Judicial Notice Pursuant to FRE 201**

Courts must take judicial notice of facts that are “not subject to reasonable dispute,” such as when they can be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed.R.Evid. 201(b)(2). Judicial notice of such documents is appropriate “at any stage of the proceeding,” FRE 201(d),

**If it is Subject to Judicial Notice, Then it is Taken as True**

The facts and law listed herein were judicially noticed in No. 15-806, Moleski v. United States, and become the judicially noticed facts and law of this case.

In *Veney v. Wyche*, 293 F.3d 726, 730 (4<sup>th</sup> Cir. 2002), citing *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9<sup>th</sup> Cir. 2001) “Nor must we ‘accept as true allegations that contradict matters properly subject to judicial notice or by exhibit.’”

**Judicial Notice is Proof being Superior to Evidence**

“In *Southern Cross Overseas Agencies v. Wah Kwong Shipping Group Ltd.*, 181 F.3d 410, [426](3d Cir.1999), we noted that judicial proceedings constitute public records and that courts may take judicial notice of another court's opinions. *Id.* at 426. \* \*

In *Beadnell v. United States*, 303 F.2d 87, 89 (1962) “Proof of facts judicially known was unnecessary. FN 5 (cites omitted).” See *Mills v. Denver Tramway Corp.*, 155 F.2d 808, 811 (10<sup>th</sup> Cir.1946).

**Judicial Notice is Taken of the Facts in this Case**

- 93Cong.Rec.5049: there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House of Representatives.
- Verified letter from Jeff Trandahl, Clerk, U.S. House, 6/28/2000: “Dear Mr. Degan: Thank you for your letter requesting information on Title 18. In response to your inquiry, Congress was in session on June 1, 3, 4, 7-12 and 14-19, 1948, however, Title 18 was not voted on at this time....”

- Verified letter from Karen Haas, Clerk, U.S. House 8/30/2006: “Yes, the Speaker of the House did sign bill HR 3190 in the absence of a quorum.”
- Verified letter from Karen Haas, Clerk, U.S. House, 9/11/2006: “After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill.... The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment. Page 5049 of the Congressional Record, 80<sup>th</sup> Congress, 1<sup>st</sup> Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore, by counting the total yea and nay vote a quorum was not present.”

According

to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must

show the names of Members present but not voting. I found no record of any names for the

May 12, 1947 vote....”

- Verified letter from Nancy Erickson, Secretary of the Senate, 3/09/2009“.... Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80<sup>th</sup> Congress. 1947 sine die adjournment.”

I asked the

- Verified letter from Lorraine Miller, Clerk, dated August 24, 2010: “Thank you for contacting the Office of the Clerk. Our office has conducted research of the House Journal and the Congressional Record in regards to HR 3190 and the voice vote that

was taken on May 12, 1947. After researching these official proceedings of the US House of Representatives we have

been unable to find the names of the 44 Members who responded to the voice vote....

- Independently verified Memorandum from Harley G. Lappin: "From: 'Harley G. Lappin'

≤ HYPERLINK "mailto:Harley.lappin@usdoj.gov"Harley.lappin@usdoj.gov. Sent:

Monday, July 27, 2009 3:17 PM. Logo for U.S. Department of Justice.(independently verified by 2 witnesses with over 1,800 witnesses available)

- "Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau's authority to hold or classify them under 18 U.S.C. §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed in the presence of a Quorum or Majority of both Houses of Congress as required by Article I, § 5, Clause 1 of the Constitution. Although most courts have, thus far, relief on *Field v. Clark*, 143 U.S. 649 (1892) to avoid ruling on the merits of these claims, however, there have been some which have stated that they were not bound by the *Field* case, but these cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the

House of Representatives to learn that there is no record of any quorum being present during the

May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong.Rec. 5049), and the record

is not clear as to whether there is was any Senate vote on the H.R. 3190 Bill during any session of the 80<sup>th</sup> Congress. There is only one Supreme Court case that says in order for any bill to be

valid the Journals of both Houses must show that it was passed in the presence of a Quorum. See United States v. Balin, Joseph & Co., 144 U.S. 1, 3 (1892). The Clerk of the House states

that the May 12, 1947 vote was a 'voice vote.' But the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772. "Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory," according to the Supreme Court in the case of Thunder Basin Coal Co. v. Reich, 510 U.S. 200, 215 (1994). Therefore, the Bureau under the advice of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Request by stating that only the Congress or courts can repeal or declare a federal statute unconstitutional. Signature. Harley G. Lappin. Director, Federal Bureau of Prisons."

Petitioner has multiple witnesses who verified the Lappin Memorandum, based on the study conducted by the Department of Justice. This study proves that Petitioner was illegally confined.

### **Judicial Notice of the Law**

- United States v. Ballin, Joseph & Co., 144 U.S. 1, 3 (1892)(in order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum).
- City of Wichita v. U.S. Gypsum Co., 72 F.3d 1491, 1496 (10th Cir. 1996) ("A matter of law may be judicially noticed as a matter of fact, that is, the court can look to the law, not as a rule governing the case before it, but as a social fact with evidentiary processes.").
- Article I, Section 5, Clause 1 of the Constitution: "Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.
- State Oil Co. v. Khan, 522 U.S. 3, 20 (1997)("it is this Court's prerogative alone to overrule its own precedent").
- Carol Ann Bond v. United States, 131 S.Ct. 2355 (2011), Ginsburg, concurring opinion, with whom Justice Breyer joins.
- A different bill (Public Law 80-772) was passed by the House in the First Session of the 80<sup>th</sup> Congress Than by the Senate in the Second Session  
Two separate and distinct bills were passed to authorize Public Law 80-772 to be enacted.
- Article I, Section 7 of the Constitution:  
"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds

of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.”

If a different bill passes the U.S. House...

If a different bill passes the U.S. House of Representatives than the Senate, is the bill void and of no legal effect. What is the proper Constitutional provision and supreme court law to support that judgment.

Three Law Professors and 26 of their top law students at the Pritzker School of Law at Northwestern University in Chicago were tasked with the research to determine if Public Law 80- 772/H.R. 3190/Title 18 were enacted into law as required by the Constitution and the Supreme Court. The group was headed by Professor Justin Rosenthal and concluded its research in July/August, 2018. Each member of the group, acting independently, came up with same conclusion. **No law exists to**

**indict, prosecute, or confine anyone pursuant to Title 18.** The results were confirmed by Dean Kimberly Yuracho. Those persons are available as witnesses.

“The challenge in [any current criminal case] goes to the subject-matter jurisdiction of the court and hence the power to issue the order[s],” United States Catholic Conference v. Abortion Rights Mobilization, Inc., 487 U.S. 72, 77 (1988), committing Petitioner to imprisonment in Executive custody. Thus, the “question is, whether ... the action is judicial or extra-judicial, with or without the authority of law to render [the] judgment,” Rhode Island v. Massachusetts, 37 U.S. (12 Pet.) 657, 718 (1838), and to issue the commitment orders.

Subject-matter jurisdiction means “the courts’ statutory or constitutional *power* to adjudicate the case,” United States v. Cotton, 535 U.S. 625, 630 (2002), quoting Steel Co. v. Citizens For A Better Environment, 523 U.S. 83, 89 (1998); Rhode Island v. Massachusetts, 37 U.S. (12 Pet.) at 718 (“Jurisdiction is the power to hear and determine the subject-matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them.”); Reynolds v. Stockton, 140 U.S. 254, 268 (1891) (“Jurisdiction may be defined to be the right to adjudicate concerning the subject matter in a given case.”). “Subject-matter limitations on federal jurisdiction serve institutional interests by keeping the federal courts within the bounds the Constitution and Congress have prescribed.” Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999).<sup>17</sup>

“Without jurisdiction the court cannot proceed at all in any cause ... and when it ceases to exist, the only function of the court is that of announcing the fact and dismissing the cause.” Steel Co.



<sup>17</sup> < “Federal courts are courts of limited jurisdiction ... Jurisdiction of the lower federal courts is further limited to those subjects encompassed within a statutory grant of jurisdiction.” Insurance Corp. of Ireland Ltd. v. Compagnie des Bauxite de Guinea, 456 U.S. 694, 701 (1982); Kline v. Burke Constr. Co., 260 U.S. 226, 234 (1922) (all lower federal courts “derive[] [their] jurisdiction wholly from the authority of Congress”); United States v. Hudson & Goodwin, 11

U.S. 32, 33 (1812) (federal courts “possess no jurisdiction but what is given to them by the power that creates them.”). United States v. Hall, 98 U.S. 343, 345 (1879) (federal “courts possess no jurisdiction over crimes and offenses ... except what is given to them by the power that created them”); Hudson & Goodwin, 11 U.S. at 33-34. See also, e.g., United States v. Wiltberger, 18 U.S. 76, 95-105 (1820) (“the power of punishment is vested in the legislative, not the judicial department,” criminal statutes are to be construed strictly, “probability” cannot serve to “enlarge a statute” and an offense not clearly within the terms of a statute precludes federal court jurisdiction).

v. Citizens, 523 U.S. at 94, quoting Ex parte McCardle, 74 U.S. (7 Wall.) 506, 514 (1869); Willy v.

Coastal Corp., 503 U.S. 131, 137 (1992) (“lack of subject-matter jurisdiction ... precludes further adjudication”). This Court has asserted over and over that “[t]he requirement that jurisdiction be established as a threshold matter ‘spring[s] from the nature and limits of the judicial power of the United States’ and is ‘inflexible and without exception.’” Steel Co., 523 U.S. at 94-95, quoting Mansfield, C. & L.M.R. Co. v. Swan, 111 U.S. 379, 382 (1884); See also Insurance Corp. of Ireland,

Ltd., 456 U.S. at 702.

Because subject-matter jurisdiction “involves a court’s power to hear a case, [and thus] can never be forfeited or waived ... correction [is mandatory] whether the error was raised in district court” or not. United States v. Cotton, 535 U.S. at 630 (citation omitted); Steel Co., 523 U.S. at 94-95 (citing cases). When a district court did “not have subject-matter jurisdiction over the underlying action ... [its] process[es] [are] void and an order of [punishment] based [thereupon] ... must be reversed.” United States Catholic Conf., 487 U.S. at 77; Willy v. Coastal Corp., 503 U.S. at 139 (“[T]he [punishment] order itself should fall with a showing that the court was without authority to enter the decree.”); Ex parte Fisk, 113 U.S. 713, 718 (1885) (“When ... a court of the United States undertakes, by its process ... to punish a man

... [respecting] an order which that court had no authority to make, the order itself, being without jurisdiction, is void, and the order punishing ... is equally void.”)

*Habeas corpus* review “is limited to the examination of the jurisdiction of the court whose judgment of conviction is challenged.” INS v. St. Cyr, 533 U.S. 289, 311-314 (2001); Bowen v.

Johnston, 306 U.S. 19, 23 (1939). A “court ‘has jurisdiction to render a particular judgment only when the offense charged is within the class of offenses placed by the law under its jurisdiction.’” 306 U.S. at 24 (emphasis added). If it is found that the court lacked jurisdiction to try petitioner, then any judgment would be *void ab initio*. Ex parte Yarbrough, 110 U.S. 651, 654 (1884).

Petitioner has established that the text of H.R. 3190 signed by respective House officers and the President of the United States: (1) failed to pass the House of Representatives because no quorum was present when the House voted 38 to 6 to pass the bill on May 12, 1947, and (2) that the legislative process continued after Congress adjourned by single officers of each House acting pursuant to H.Con.Res. 219 without quorums in either House, all of which violated Article I, Section 5, Clause 1; Article I, Section 7, Clause 2, and/or Article I, Section 7, Clause 3 – and any of which rendered Public Law 80-772 unconstitutional and *void ab initio*. Marbury v. Madison, 5 U.S. 137, 180 (1803) (“a law repugnant to the constitution is void; and ... courts, as well as other departments, are bound by that instrument”). Therefore, because “the offense[s] charged ... [were] placed by the law under [the] jurisdiction,” of the respective district courts below pursuant to 18 U.S.C. § 3231 of Public Law 80-

772, which is unconstitutional, and “void, the court was without jurisdiction and the prisoner[s] must be discharged.” Yarbrough, 110 U.S. at 654. Since Public Law 80-772 has never been enacted as required by Article I, Section 5, Clause 1, and Article I, Section 7, Clauses 2 and 3 thereof, rendering *void ab initio* the jurisdiction by which the respective district courts acted to convict, enter judgment, and order Petitioner imprisoned in Executive custody, the district courts’ actions were “*ultra vires*,” Ruhrgas AG, 526 U.S. at 583 (quoting Steel Co., 523 U.S. at 101-102), and “*coram non iudice*.” Rhode Island

- Massachusetts, 37 U.S. (12 Pet.) at 720.

Any conviction and judgment thereupon “being without jurisdiction, is void, and the order punishing ... is equally void.” Ex parte Fisk, 113 U.S. at 718; United States Cath. Conf., 487 U.S. at 77; Willy v. Coastal Corp., 503 U.S. at 139. This is precisely the office and function of *habeas corpus*

– *i.e.*, to “examin[e] ... the jurisdiction of the court whose judgment of conviction is challenged,” Bowen v. Johnston, 306 U.S. at 23, and where, as here, a court is clearly “without jurisdiction ... the

prisoner ... must be discharged.” Ex parte Yarbrough, 110 U.S. at 654. See also Ex parte Lange, 85U.S. (18 Wall.) 163, 166 (1874).

### **CONCLUSION**

In summary, the bill passed by the House and the bill passed by the Senate for Public Law 80- 772 in the 80<sup>th</sup> Congress are different. Both Houses did not sign the same bill and the President signed a bill passed by the Senate but not the House.

**THIS IS ACTUAL AND CONSTRUCTIVE NOTICE:**

**NO LAW EXISTS FOR PUBLIC LAW 80-772 THEREFORE NO LAW EXISTS TO  
INDICT,**

**PROSECUTE, OR CONFINE ANYONE PURSUANT TO TITLE 18.**

Any district court orders to indict, prosecute, and commit Petitioner to executive custody pursuant to § 3231 (of the unconstitutional *public law 80-772*) undermines the sense of security for Petitioner's individual rights, is against public policy, is issued *ultra vires*, is unconstitutional and *coram non judices*, and imprisonment and/or confinement is unlawful and there is no evidence to the contrary.

Respectfully Submitted,

**Facts and Law That Have Already Been Judicially Noticed in the Supreme  
Court and Apply to Any Court Now**

**In David Moleski v. United States, 14-571, Supreme Court, judicial notice was taken of the facts and law of the case the case docketed 11/7/14; Government waived 11/21/14. Judicial notice was taken on 12/30/14 and is required to be accepted by any court.**

• **Courts May Take Judicial Notice Pursuant to FRE 201**

**Courts may take judicial notice of facts that are “not subject to reasonable dispute,” such as when they can be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2).**

**Petitioner seeks judicial**

**notice of public records which can be confirmed by reference to publicly available information. Judicial notice of such documents is appropriate “at any stage of the proceeding,” 201(d),**

- **2. If it is Subject to Judicial Notice, Then it is Taken as True**

In *Veney v. Wyche*, 293 F.3d 726, 730 (4<sup>th</sup> Cir. 2002), citing *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9<sup>th</sup> Cir. 2001) “Nor must we “*accept as true allegations that contradict matters properly subject to judicial notice or by exhibit.*””

In *Hutchinson v. State of Indiana*, 477 N.E.2d 850, 854 (Sup.Ct. Ind. 1985) “Judicial notice excuses the party having the burden of establishing a fact from the necessity of producing formal proof.”

- **3. Judicial Notice is Proof being Superior to Evidence**

In *State v. Main*, 37 A. 80, 84 (Sup.Ct.Err.Conn. 1897) “Judicial notice takes the place of proof, and is of equal force. As a means of establishing facts, it is therefore superior to evidence.In its appropriate field, it displaces evidence, since, as it stands for proof, it fulfills the object which evidence is designed to fulfill, and makes evidence unnecessary.” “In *Southern Cross Overseas Agencies v. Wah Kwong Shipping Group Ltd.*, 181 F.3d 410, [426] (3d Cir.1999), we

noted that judicial proceedings constitute public records and that courts may take judicial notice of another court's opinions. *Id.* at 426. \* \* \* We explained that a court may take judicial notice of another court's opinion to use it as proof that evidence existed to put a party on notice of the facts underlying a claim. [*Ibid. Southern Cross at 428*].”

In *Beadnell v. United States*, 303 F.2d 87, 89 (1962) “Proof of facts judicially known was unnecessary. FN 5 (cites omitted).” See *Mills v. Denver Tramway Corp.*, 155 F.2d 808, 811 (10<sup>th</sup> Cir. 1946).

- **Judicial Notice is Taken of the Facts in this Case**

Petitioner takes judicial notice of the following as judicially noticed in the Supreme Court:

- **93Cong.Rec.5049: there is no record of any quorum being present during the May 12,1947 vote on the H.R. 3190 Bill in the House of Representatives.**
- **Verified letter from Jeff Trandahl, Clerk, U.S. House, 6/28/2000 to Charles R. Degan, “Dear Mr. Degan: Thank you for your letter requesting information on Title 18. In response to your inquiry, Congress was in session on June 1, 3, 4, 7-12 and 14-19, 1948, however, Title 18 was not voted on at this time....”**
- **Verified letter from Karen Haas, Clerk, U.S. House 8/30/2006: “Yes, the Speaker of the House did sign bill HR 3190 in the absence of a quorum.**
- **Verified letter from Karen Haas, Clerk, U.S. House, 9/11/2006: “After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill.... The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment. Page 5049 of the Congressional Record, 80<sup>th</sup> Congress, 1<sup>st</sup> Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore, by counting the total yea and nay vote a quorum was not present. According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote....”**
- **Verified letter from Nancy Erickson, Secretary of the Senate, “....Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80<sup>th</sup> Congress.I asked the Senate Historian’s office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R. 3190 prior to the December 19, 1947 sine die adjournment.**
- **Verified letter from Lorraine Miller, Clerk, dated August 24, 2010: “Thank you for contacting the Office of the Clerk. Our office has conducted research of the House Journal and the Congressional Record in regards to HR 3190 and the voice vote that was taken on May 12, 1947. After researching these official proceedings of the US House of Representatives we have been unable to find the names of the 44 Members who responded to the voice vote.... This letter is in the Clerk’s Library.**
- **Independently verified Memorandum Harley Lappin from Harley G. Lappin: “From: ‘Harley G. Lappin’ ≤ HYPERLINK "mailto:Harley.lappin@usdoj.gov"Harley.lappin@usdoj.gov. Sent: Monday, July 27, 2009 3:17 PM.Logo for U.S. Department of Justice.**

**“Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau’s authority to hold or classify them under 18 U.S.C. §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed in the presence of a Quorum or Majority of both Houses of Congress as required by Article I, § 5, Clause 1 of the Constitution.**

**Although most courts have, thus far, relief on *Field v. Clark*, 143 U.S. 649 (1892) to avoid ruling on the merits of these claims, however, there have been some which have stated that they were not bound by the *Field* case, but these cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the House of Representatives to learn that there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong.Rec. 5049), and the record is not clear as to whether there is was any Senate vote on the H.R. 3190 Bill during any session of the 80<sup>th</sup> Congress. There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum. See *United States v. Balin, Joseph & Co.*, 144 U.S. 1, 3 (1892). The Clerk of the House states that the May 12, 1947 vote was a ‘voice vote.’ Bu the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it’s unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772.**

**“Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory,” according to the Supreme Court in the case of *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 215 (1994). Therefore, the Bureau under the advice of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Request by stating that only the Congress or courts can repeal or declare a federal statute unconstitutional. Signature. Harley G. Lappin.**

**Director, Federal Bureau of Prisons.”**

- **Judicial Notice Is Taken of the Law of the Case**
- ***United States v. Ballin, Joseph & Co.*, 144 U.S. 1, 3 (1892)((in order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum).**
- **Article I, Section 5, Clause 1 of the Constitution: “Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to**

**day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.**

- ***State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997) (“it is this Court’s prerogative alone to overrule its own precedent).**
- ***Carol Ann Bond v. United States*, 131 S.Ct. 2355 (2011), Ginsberg, concurring opinion, previously cited, *infra*.**



88/10/2014

KAREN L. HAAS  
CLERK

GERASIMOS C. VANS  
DEPUTY CLERK

H-154 THE CAPITOL

Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

August 30, 2006

According to the House Journal, House Concurrent Resolution # 219 was agreed to by the House on June 19, 1948, and passed by the Senate without amendment. The names of those House Members who agreed to H.Con.Res. 219 were not entered in the House Journal. The House Journal and the Congressional Record of June 19, 1948 states that H.Con.Res. 219 was agreed to by unanimous consent, but it does not state whether a quorum was present.

H.Con.Res. 219 was not sent to President Truman for his approval or disapproval. Yes, the Speaker of the House did sign bill HR 3190 in the absence of a quorum. Attached is a copy of pages 771-772 from the House Journal and page 9348 from the Congressional Record of June 19, 1948. We hope the provided information has answered your questions.

Sincerely Yours,

*Karen L. Haas*  
Karen L. Haas  
Clerk, U.S. House of Representatives

08/10/2014

Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

September 11, 2006

Thank you for contacting the Office of the Clerk.

After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill, although pages 343-344 of the Journal of the House of Representatives from the 1st Session of the 80th Congress indicates that the bill was amended, purportedly passed, and transmitted to the Senate for concurrence. The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment.

Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore by counting the total yea and nay vote a quorum was not present.

According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote. I hope this information has answered your questions.

Sincerely Yours,

*Karen L. Haas*

Karen L. Haas  
Clerk, U.S. House of Representatives

4:12-cv-04081-IBM # 6-12 Page 2 of 2

NANCY ERIKSSON  
SECRETARY

CLUTE E-312  
WE CAPitol  
READING ROOM, GE 500 0-100  
1-202-225-2888

**United States Senate**  
OFFICE OF THE SECRETARY

March 9, 2009

Mr. Wayne E. Matthews  
713 Bonnie Meadow Lane  
Ft. Washington, MD 20744

Dear Mr. Matthews:

Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80<sup>th</sup> Congress.

I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R. 3190 prior to the December 19, 1947 *sine die* adjournment. I have enclosed relevant pages from the *House Journal* and *Congressional Record* for your reference.

Sincerely,



Nancy Eriksson  
Secretary of the Senate

NE:wp

Enclosures

LORRAINE C. MILLER  
CLERK

H-154 THE CAPITOL

DEBORAH M. SPRIGGS  
DEPUTY CLERK

ROBERT F. REEVES  
DEPUTY CLERK

MARIA A. LOPEZ  
DEPUTY CLERK

Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

August 24, 2010

Thank you for contacting the Office of the Clerk.

Our office has conducted research of the House Journal and the Congressional Record in regards to HR 3190 and the voice vote that was taken on May 12, 1947. After researching these official proceedings of the US House of Representatives we have been unable to find the names of the 44 Members who responded to the voice vote. We have included pages from the House Journal and the Congressional Record that shows the proceedings of that day as far as the quorum is concerned. The text of HR 3190 passed on May 12, 1947 it was debated, engrossed and the motion was laid on the table. HR 3190 was passed by the House and Senate on June 18, 1948 and became Public Law 80-772 on June 25, 1948. The House Convened on December 19, 1947 for daily business the start of a new session of Congress was January 6, 1948. We hope the provided information and documentation will aid in your research.

Legislative Resource Center

Office of the Clerk

US House of Representatives

## Lappin Memorandum

Harley G. Lappin

From: "Harley G. Lappin" <[HYPERLINK](mailto:harley.lapln@usdoj.gov)  
"mailto:harley%2Clapln@usdoj.gov">[harley.lapln@usdoj.gov](mailto:harley.lapln@usdoj.gov) HYPERLINK  
"mailto:harley%2Clapln@usdoj.gov">[HYPERLINK](mailto:harley.lapln@usdoj.gov)  
"mailto:harley%2Clapln@usdoj.gov">\_Sent: Monday, July 27, 2009 3:17 PM

Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau's authority to hold or classify them under 18 U.S.C, §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed In the presence of a Quorum or Majority of both Houses of Congress as required by Article I, § 5, Clause 1 of the Constitution, Although most courts have, thus far, retied on *Field v. Clark*, 143 U.S. 649(1892) to avoid ruling on the moots of these claims, however, there have been some which have stated that they were not bound by the *Field* case, but those cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the House of Representatives to learn that there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong. Rec. 5049), and the record is not clear as to whether there was any Senate vote on the H.R. 3190 Bill during any session of the 80th Congress, There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed In the presence of a Quorum. See *United States v. Ballin, Joseph & Co.*, 144 U.S. 1, 3 (1892). The Clerk of the House states that the May 12, 1947 vote was a 'voice vote,' but the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. *On* May 12, 1947, a *presence* of 218 members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772. "Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory," according to the Supreme Court in the case of *Thunder Basin Coal Co. v. Reich*, 510 U,S, 200,215 (1994), Therefore, the Bureau under the advice of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Requestsby stating that only the Congress or courts can repeal or declare a federal statute unconstitutional.

Harley G. Lappin, Director

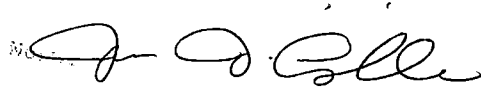
I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

31st 08  
Done this ~~28th~~ day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).



Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.

NOTARY JURAT.



JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer

# EXHIBIT XVI

## 5 Code of Federal Regulations, Part 2635

<https://www.ecfr.gov/current/title-5/chapter-XVI/subchapter-B/part-2635>, link to [ecfr.gov](https://www.ecfr.gov). “

### Subpart A - General Provisions

§ 2635.101 Basic obligation of public service.

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(5) Employees shall put forth honest effort in the performance of their duties. My NOTE, honesty is one basic premise, doing things properly which is what these U.S. Attorney characters get paid to do and all know they are held to higher standards of knowledge and duties because they signed a fidelity bond when they took the job and ratified their honesty when they took the paycheck.

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government. My NOTE, the Attorneys for the government bound the government when they acted and represented that their acts were acts of the United States Government.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.



## **EXHIBIT XVII**

### **“ §4. Misprision of felony**

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

(June 25, 1948, ch. 645, 62 Stat. 684 ; Pub. L. 103–322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147 .)

### **Historical and Revision Notes**

Based on title 18, U.S.C. 1940 ed., §251 (Mar. 4, 1909, ch. 321, §146, 35 Stat. 1114 ).”.

## EXHIBIT XVIII

Yick Wo v. Hopkins, 118 U.S. 356,

[https://www.supremecourt.gov/DocketPDF/20/20A67/157759/20201015104516219\\_Appendix%20FINAL.pdf](https://www.supremecourt.gov/DocketPDF/20/20A67/157759/20201015104516219_Appendix%20FINAL.pdf)

“ When we consider the nature and the theory of our institutions of government, the principles upon which they are sup- [118 U.S. 356, 370] posed 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.* It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, *no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage.* But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' *For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.*”  
Emphasis added.

## EXHIBIT XIX

Adickes v. Kress & Co., 398 U.S. 144

<https://tile.loc.gov/storage-services/service/ll/usrep/usrep398/usrep398144/usrep398144.pdf>

**“A party seeking summary judgment on the basis that no evidence supports a claim must negate all the possible inferences by which a jury could find in favor of the opponent. A plaintiff must counter defense arguments under Federal Rule of Civil Procedure 56(e) only once the defendant disproves the original complaint.”**

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title28-section2674&num=0&edition=prelim>

Title 28 US Code § 2674

“The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages. “

Title 42 US Code § 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case;... “

[https://uscode.house.gov/view.xhtml?req=\(title:42%20section:1986%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title42-section1986\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:42%20section:1986%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section1986)&f=treesort&edition=prelim&num=0&jumpTo=true)

## **EXHIBIT XX**

COOPER V. PATE, 378 U.S. 546,

<https://www.sccourts.org/opinions/htmlfiles/SC/25068.htm>

The Court must accept the allegations and pleadings as true

## **EXHIBIT XXI**

Title 28 US Code § 2674

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title28-section2674&num=0&edition=prelim>

**The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.**

**If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.**

**With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled.**

**With respect to any claim to which this section applies, the Tennessee Valley Authority shall be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the Tennessee Valley Authority whose act or omission gave rise to the claim as well as any other defenses to which the Tennessee Valley Authority is entitled under this chapter.**

## EXHIBIT XXII

42 U.S. Code § 1986.

<https://www.govinfo.gov/app/details/USCODE-2009-title42/USCODE-2009-title42-chap21-subc-hapl-sec1986>

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case;... “

I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Done this 28th day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 1746 (1).

  
Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.

NOTARY JURAT.

Done this 31 day of ~~June~~<sup>May</sup>, 2022.



JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer

Trevor Andrew Brown  
39603 Neston st.  
Novi Mi, 48377  
Tboy.est@gmail.com  
810-614-1194

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No. 21-mj-498 (GMH)</b>
	:	
<b>v.</b>	:	<b>ORDER TO CLERK</b>
	:	
<b>TREVOR BROWN,</b>	:	<b>EXECUTION ON FEDERAL</b>
	:	
<b>Defendant.</b>	:	<b>CIVIL RULE 65.1</b>
	:	
	:	

**ORDER ON FEDERAL CIVIL RULE 65.1**

**YOU WILL:** Recognize Seal Holders duties of the Clerk of the Article III United States District Court for the District of Columbia, duties to promptly send Acceptance of Fiduciaries Duties secured by law, right held by Trevor Andrew Brown, to each federal public servant identified in fully incorporated by the execution of contract for services, Acceptance of Fiduciary Duties.

**YOU WILL:** Access all federal databases identifying and locating federal public servants, verifying access points, addresses, emails, fax numbers qualifying as notice and proper service among federal public servants to the Fiduciaries herewith appointed.

**YOU WILL:** Inform both the United States Treasury and the federal office in care and custody of employment records for each appointed Fiduciary and include access point and instructions for access to full files held in care of the Clerk of Court.

**YOU WILL:** Provide Trevor Andrew Brown via U.S. Post, court certified copies of all Rule 65.1 actions by the Seal holder.

Done this \_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Article III Judicial Officer.  
Colleen Kollar-Kotelly

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No. 21-mj-498 (GMH)  
: :  
v. : :  
: : MOTION FOR EXECUTION FEDERAL  
: :  
TREVOR BROWN, : :  
: : CIVIL RULE 65.1  
: :  
Defendant. : :  
: :  
: :

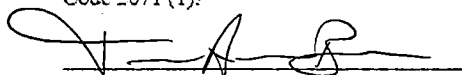
MOTION FOR EXECUTION FEDERAL CIVIL RULE 65.1

Trevor Brown, misidentified defendant in the above entitled criminal action, moves the court to endorse and serve the Clerk, the annexed fully incorporated Praecepti to Clerk of Court immediately.

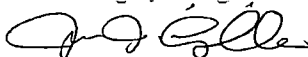
- 1.) Every citizen holds the absolute right to recognize any or all public servants, both state and federal governments, fiduciary obligations required by law. Any public servant refusing or tampering with the Acceptance of Fiduciary Obligations required by Article VI of the Constitution, in context of public records pledging fidelity to the People, creators and exclusive beneficiaries of all governments operating in the States United and federal territories, commits a breach of public trust, breach of oath and breach of employment contract. These breaches are acts attacking the governments administrations of the People's powers memorialized in the People's constitutions as controlled by the States United Declaration of Rights and the national Bill of Rights.
- 2.) In the event the court refuses or fails for any reason whatsoever to Order the Clerk to execute Civil Rule 65.1, the court will admit it does not recognize its inherent jurisdiction and that the dismissal of the criminal case no. **1:21-mj-00498** is mandatory as stated in Trevor Brown's motion to dismiss.
- 3.) In the event the court fails or refuses to issue the Declaratory Judgment formally presented for acceptance and execution the court is without jurisdiction and must issue the remedy and reliefs demanded by Trevor Andrew Brown. If not, then the court is either enticing a citizen to engage in servitude recognized by arguing with a public servant who's duties have been called to account, or, practicing slavery over one considered to be a subject to "no law" as declared by the care takers at the Archives and Congress.

I, Trevor Andrew Brown, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Done this 28th day of May, 2022, duly sworn within the venue jurisdiction of the United States of America recognized as separate from jurisdiction of the United States found by reference Title 28 U.S. Code 2671 (1).



Trevor Andrew Brown, State Citizen of Michigan, All Rights Reserved.



NOTARY JURAT.

JAN J. GILLIS  
Notary Public, State of Michigan  
County of Lapeer  
My Commission Expires 10/29/2024  
Acting in the County of Lapeer  
May 31, 2022



Trevor Andrew Brown  
39603 Neston st.  
Novi Mi, 48377  
Tboy.est@gmail.com  
810-614-1194

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No. 21-mj-498 (GMH)</b>
	:	
<b>v.</b>	:	<b>ORDER</b>
	:	<b>( Proposed )</b>
<b>TREVOR BROWN,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	
	:	

**FINDING OF FACT CONCLUSION OF LAWS.**

Trevor Brown approached the court under pleading entitled Motion to Dismiss, Lack of Jurisdiction, Declaratory Judgement, Tort settlement:

1.) The court out of an abundance of caution reviewed the motion and the full docket records in case no. 1:21-mj-00498. , as its duty as a full Article III judicial power court of Constitutional inferior jurisdiction legislative court.

2.)The court performed extreme due diligence in review of Trevor Andrew Brown's Motion to Dismiss. Particularly the exhibits which all qualify as full faith and credit public documents the court must accept as true. The lone exception to this fact is the Memorandum of law which the court recognizes as ratified completely by public record evidence contained in the official Memorandum, issued by director of the Bureau of Prisons, which identifies the Legal counsel for the National Archives, Clerk of the House of Representatives, and the dispositive fact: " There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed In the presence of a Quorum. See United States v. Ballin, Joseph & Co., 144 U.S. 1, 3 (1892). " , declarations " there is no law "!

3.) This court recognizes that all three branches of government, Legislative, the House Clerk, the Executive, Bureau of Prisons and this court's ultimate superior in the Judicial branch all agree. There is no valid law under which Trevor Brown may be prosecuted.

4.) These public records are dispositive and binding on the court.

5.) Further the troubling issues Brown presents relating to proper and complete identification of a defendant or one in Brown's position as being identified as the same exact legal person as defendant TREVOR BROWN, requires the court to act. The court has no proper evidence from which to properly identify who or what is being charged.

6.) Mr. Brown is perfectly correct in his declaration that Congress is not granted powers under the Constitution to legislate over the American People, nor legislate identification of the People as either subjects nor objects over which legislative force could be applied. Ours is a government based on informed consent.

7.) Mr. Brown has clearly stated he refuses to consent to a fatally defective process implemented by the United States Attorneys Office for the District of Columbia. This lack of consent declaration is clearly dispositive which requires the plaintiff to produce evidence to cancel Mr. Brown's standing on the laws, facts and procedures required to be administered by this court.

8.) Mr. Brown's self identification, duly sworn, on proper venue, is not challengeable by this court without dispositive evidence negating Mr. Brown's duly sworn declarations. No such evidence has been provided to the court by the U.S. Attorney's Office. Thus, the court can not positively identify Trevor Andrew Brown as the named defendant TREVOR BROWN.

9.) The court is now required to address the TORT charges presented by Trevor Andrew Brown. The court has a statutory duty to exercise and apply the jurisdiction given to the court by Congress which Trevor Andrew Brown invoked through his Motion to Dismiss, Lack of Jurisdiction, Declaratory Judgment and Tort Settlement.

10.) Mr. Brown's Tort Invoice supported by his Motion to Dismiss and the public record facts in care and custody of this court require a determination that the Torts were committed by public officers for which the United States Government stands as underwriter and surety to make Mr. Brown whole. The statutes provided by Mr. Brown bind the court to this decision based on the facts on record.

11.) Mr. Brown's demand for Declaratory Judgment places this court in the dispositive position. This court nor any other federal court created by Congress as an inferior tribunal, nor any Executive or Legislative branch action, hold any Constitutional power or authorities to circumvent, nullify, repeal, modify, limit or alter in any manner whatsoever, the Constitution for the United States of America or its controlling Bill of Rights. The court is not aware of any fact, law or procedure verified by public record, nor does the court believe any evidence exists, indicating the Constitution, its Bill of Rights have ever been suspended. Nor is there any public

record indicating equality under the law has ever been suspended and the laws do not apply equally to public servants.

12.) Therefore, the court has no option but to declare that the Constitution and Bill of Rights are valid and in full force and effect in this instant matter. Further, that Mr. Trevor Andrew Brown is a beneficiary of the Constitution and Bill of Rights. Mr. Brown holds the contract rights to demand every federal public servant to properly recognize his standing at capacities, and comply with all the law and procedures all the time, everywhere in the States United.

13.) More to the point, the court finds, Mr. Brown holds the property right as a State Citizen of Michigan to demand the United States Attorneys and their employer and surety party, the United States Government, to account and specific performance of the law applied to the facts represented in Mr. Brown's Motion to Dismiss.

14.) This court recognizes that Mr. Brown, in a very confusing set of circumstances, has actually supplied the absolute protection of the law to any judicial officer operating under the United States and its court system. When this court or any other federal court or any other public officer of the Executive or Legislative branch stands under the laws as written and properly verified and executes the laws, We as a class of public servants are completely protected from all attacks from any standing or capacity whatsoever. Honorable execution of the law and the procedures is what every public servant gets paid to perform. There is no excuse or defense for failures to do so.

15.) The court commends Mr. Brown and expresses his sincere appreciation for informing the court of relevant material facts and law.

THEREFORE: The court orders the following to be processed and served on the plaintiff parties and Trevor Andrew Brown.

1. The plaintiff, the United States of America, through its representative, the United States Attorney's Office, for the District of Columbia, failed to properly invoke the jurisdiction of this court.
2. Criminal action, case no. **1:21-mj-00498** is dismissed.
3. Plaintiff, the United States of America, and all of his agents under respondent superior control of the United States District of Columbia United States attorneys office committed Torts of an indefensible nature.
4. The Clerk of the court is to prepare an order, under seal of the court, to the United States Attorney's Office, for the District of Columbia, ordering payment of the full amount ledgered in Mr. Brown's Tort Invoice, within 10 days of receipt of this order, and provide the court proof of payment, receipt by Mr. Brown, and the release of liability for the United States endorsed by Mr. Brown.
5. The Clerk will inform the office of the United States Attorney for the District of Columbia, under court seal, that it will entertain no more motions or actions in this matter, criminal action no. **1:21-mj-00498** until that office provides all of its proper authority and the invocation of the full and proper jurisdictions of this court, on record at the clerk's office for the court's review.

Done this \_\_\_\_\_ day of June, 2022.

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Article III, Judicial Officer Colleen Kollar-Kelly

**Name** Trevor Brown

**Address** 39603 Neston st. Novi Mi 48377

**Phone** 810-614-1194

**Email** Tboy.est@gmail.com

**May 31, 2022**

**RE: DEMAND FOR PROPER REPRESENTATION.  
DEMAND FOR ELECTRONIC FILING.  
ACCEPTANCE OF FIDUCIARY DUTIES.**

**REF: MOTION TO DISMISS FOR LACK OF JURISDICTION.**

**DULY SERVED, Date May 31, 2022**

**BY:**

**Time:**

**TO: Name of attorney: Todd Shanker**

**Michigan State BAR # P65112**

**Address 613 Abbott st, Detroit Mi 48226**

**Phone 248-770-2197**

**Email Todd\_Shanker@fd.org**

**Dear Mr. Todd Shanker**

**I approach you as trustee to my legal and political rights, appointed by U.S. Magistrate G Michael Harvey.**

**YOU WILL: File the duly served to you, Motion to Dismiss, Lack of Jurisdiction, Declaratory Judgment, TORT Settlement, via electronic filing portal to the U.S. District of Columbia, criminal case no. 1:21-mj-00498 , today April 31, 2022 and provide me proof of filing that day.**

**This is an ORDER from the beneficiary to the manager or trustee of the representative resulting trust created by the court to protect my rights and properly execute federal law providing me or any defendant attached by the United States with COMPETENT COUNSEL in a criminal matter.**

**Second ORDER: YOU WILL: Provide copy of this letter and my complete Motion to Dismiss to PreTrial Services, Mr. Hardy immediately with advisory that once a proper challenge to jurisdiction is presented to any court officer or other public servant affecting**

**my situation is presented, the court is without jurisdiction as are all other acts by public servants. Jurisdiction must be proved on record before it lawfully exists and you and every public servant knows this is true.**

**You will inform Mr. Hardy at PreTrial Services that I have reserved all my rights and the legal coercion you and he are applying to me is absolutely unsupported by any legitimate government function. More to the point completing any government documents under threat, duress or coercion voids the documents and attaches personal liability to the conspirators.**

**See; Ahlers V, Schebil, 188 F3d 580. ( 6th Cir. 2004 ) Civil conspiracy is an agreement between two or more persons to injure another by unlawful action. The unlawful action in this instant matter is the utter and proved lack of jurisdiction as represented in my Motion to Dismiss.**

**See; Jencks V. US, 353 US 657. "The interest of the United States in criminal prosecution is not it shall win a case but that justice will be done". Mr. Todd Shanker , Justice means full disclosure of jurisdiction on the record when I demand it as in my Motion to dismiss. More to the point you and the Pretrial Officer Hardy know this is true and now have orders from the Supreme Court to know and act accordingly.**

**Being identified as my legal representative on the court records by appointment, with or without my consent, created a trust to which you have the high Fiduciary duties.**

**Thus, my Acceptance of Fiduciary Duties identifying you Mr. Todd Shanker as fiduciary, annexed as fully incorporated herewith which is being filed via Certified US Post as I write along with my Motion to Dismiss.**

**Being that the U.S.. District Court in District of Columbia, it's Magistrate G. Michael Harvey, in criminal case no. 1:21-mj-00498 , constructed the resulting trust is the recognition of obligations owed by the United States Government to every criminal case subject defendant, properly identified or not.**

**The obligation of the federal government and the court is to ensure a defendant in a criminal case has COMPETENT COUNSEL. That means, as you very well know because of your higher knowledge and duties of the special class of legal professionals, you are to assist me in properly understanding the legal system and performing services so that I may access the laws and procedures with which to defend myself. That's the definition of defendants counsel.**

**Check the following for verification of my positions.**

**Cuyler v. Sullivan 446 U.S. 348. Sixth amendment entitles a defendant to representation by conflict free counsel.**

**US v. McKee, 192 F3d535. Kastigar hearing to determine if the government's evidence was obtained in violation of the defendant's fifth amendment and sixth amendment rights. Mitchell V Mason, 325 F3d 732. The pre-trial. Constitutes a "critical period" in criminal proceedings because it encompasses counsel's constitutionally imposed duty to investigate the case.**

**Krilich V. Federal Bureau of Prisons, 346 F3d 157. The confidentiality of attorney-client relationship is entitled to protection even where the client is a prisoner.**

**More to the point you Mr. Todd Shanker took the job and it is assumed you will take the paycheck which means you have obligations to both me as the beneficiary of a trust and to your paymaster the United States via its agent the U.S. District Court in District of Columbia. As required, I will access discovery to find out how much you have been paid for your services and the competency standards in the employment contract.**

**You Mr. Todd Shanker , BAR # P65112 , have breached your fiduciary trust duties to me. I cite two instances, which is more than enough to establish the breach.**

**1. You have been advised repeatedly of my agreement with PreTrial Services, Demetrius D. Hardy , that I had the right to have produced to me and on the record, the oath of office for every public servant having effect on the charges against me. Before I engage with any other process due.**

**You have repeatedly pontificated to me that my belief founded on the law was incorrect. More to the point, attempting to entice me to believe that I do not have the absolute right to demand proof, oaths of public servants officers, is an enticement into involuntary servitude through deception acted out by court officers.**

**2. Your continued overbearing browbeating and misleading behaviors uttering that I could not stand on the Bill of Rights, could not demand proof of jurisdiction before engaging in any other process with the court or other public servants is a premium act of deceit. You know and should have always known because you claim to be a legal expert, that I, in particular and every defendant, holds the absolute right to demand PROOF OF AUTHORITY.**

**Yet your texts, letters and conversations show fairly conclusively you failed in your fiduciary duties to advise me of ALL relevant facts, laws, procedures I could apply for defending my rights.**

**More to the point, my requests for your assistance under your contract as court appointed representative for me have not only been ignored, you used my request to you to try and sell me false information affecting my legal political rights over and over.**

**This letter will be filed at the court in criminal case no. 1:21-mj-00498**

**You and Mr. Hardy at PreTrial Services please govern yourselves accordingly.**