

# JURISDICTION

## In Personam Jurisdiction

There are various types of jurisdictions which Lawful courts must consider when weighing the merits of a case and deciding whether or not to prosecute a criminal action. *In personam* jurisdiction simply means jurisdiction over a person. As an American Citizen the federal administrative courts lack natural jurisdiction to adjudicate any matters involving you. You are a sovereign and the legislative statutes used by the federal and State governments to prosecute ignorant individuals do not apply to you, nor were they ever intended to.

**"In common usage, term "persons" does not include the sovereign, and statutes employing it will ordinarily not be construed to do so."** Title 1 United States Code, Section 1, Note 12, United States v United Mine Workers, 330 U.S. 258, 91 L.Ed 884

This is a form of diplomatic immunity. While you are not excused from the consequences of any legitimate crimes which you may commit against real parties, in which you cause damage to another man or woman Citizen, as a sovereign, you cannot be forced to comply with arbitrary administrative regulations imposed by Congress on "federal" citizens. The courts charged with adjudicating matters stemming from violations of these administrative statutes, rules and regulations, lack *in personam* jurisdiction over sovereign American men and women Citizens.

The federal and corporate State courts are aware of this 'want of jurisdiction'. However, they will not freely admit to their lack of authority. This goes to the heart of judicial corruption in America today and will be addressed in greater detail in other writings.

It is essential that you understand that *in personam* jurisdiction must be challenged or the court will presume it, and may thereafter prosecute the matter against you. Further, there are many ways for you to waive jurisdiction and permit the court to proceed. You must be ever diligent and never waive any of your unalienable rights, regardless of the convenience of doing so. You have no legal or moral responsibility to waive your right for the convenience of the courts. Always remember that the court system is supposed to be long and tedious; due process is supposed to be difficult; don't ever make it easier for the government to prosecute you.

**Once you challenge jurisdiction in a criminal case, the courts have the burden of proof pursuant to 5 USC 556(d)**

**"It is an elementary rule of pleading, that a plea to the jurisdiction is**

the first in the order of pleading, and that any plea which refers to the court any other question, is a tacit admission that the court has a right to judge in the cause, and is a waiver to all exceptions to the jurisdiction." Girty v. Logan, 6 Bush Ky.8

"Whenever it appears upon the record that the court has no jurisdiction, nothing which the parties may do or omit to do will give it; but where the want of jurisdiction may exist consistently with the record; a plea to the action is a waiver to any exception to the jurisdiction." Lawrence v. Bassett, 5 Allen 140

### Subject Matter Jurisdiction

Subject matter jurisdiction is a different and more critical type of jurisdiction. It goes directly to the question of whether a given court has the authority to hear a matter. Unlike *in personam* jurisdiction, subject matter jurisdiction cannot be waived by any party involved in the matter. If a court lacks subject matter jurisdiction it has no authority to proceed with a case. Subject matter jurisdiction may be challenged at any time before, during, or after trial. It may be challenged even if the accused party has already pled guilty, been duly convicted and sentenced to jail, even if he is currently serving time on a conviction. A jurisdictional challenge of this type is never limited, since it goes to the foundation of whether the court had the authority to incarcerate or even try the individual in the first place.

Now I am going to reveal to you something truly amazing. The federal administrative court system lacks subject matter jurisdiction on all criminal charges used today! In other words, every man and woman Citizen incarcerated today has a legitimate challenge based upon lack of subject matter jurisdiction. If enough of them learn how to mount such a challenge, every "law" on the books can be and will be overturned! Of course, the basic common law crimes involving injury to another man or woman (i.e. murder, burglary, assault, rape; arson, etc.) would remain crimes, but the endless stream of regulatory "crimes" would disappear, as they should.

### The Enacting Clause

Every state constitution (except Virginia, Pennsylvania, Georgia and Delaware, and the federal Constitution) mandates that an *enacting' clause* be part of each and every law properly enacted by the state Legislature. In the case of the four states and federal government, whose constitutions lack such a mandate, state and federal Supreme Courts have consistently ruled that an *enacting clause* is never the less a requirement of any properly enacted law. These and countless other Supreme Courts have further ruled that any law which lacks a required *enacting clause* is void on its face and need not be obeyed!

An *enacting clause* is the portion of a law, rule or regulation that identifies the relationship between the lawgiver and those who are expected to obey the law. The *enacting clause* for the Ten Commandments was "*I am the Lord thy God, who brought thee out from bondage in Egypt.*" Anyone hearing this message understands that it is God who is laying down this law. I could say "thou shalt not kill" but who is obligated to obey me? The *enacting clause* informs the Citizen of the authority behind the law; if the Citizen is subject to that authority, then the law which follows has jurisdiction over him/her.

In medieval England, a town crier might have been heard to say, "Hear Ye! Hear Ye! His Most Royal Highness and Excellent Majesty, Emperor of the Irish Republic, Lord Duke of Wales, King of England and high King of the British Isles, does hereby decree..." This is an *enacting clause*. If you are a subject of this monarch then his decree holds jurisdiction over you; if you are not his subject, you do not have to obey.

Conversely, if the Citizen is not subject to the authority of a given law, then that law has no effect upon him/her.

Throughout modern civilization the *enacting clause* has been used to identify the authority of Laws. Now here's a shocker. The statutes used to regulate American Citizens lack enacting clauses! Every State uses its "Revised Statutes," and the federal government uses the United States Codes, as the law. Now burn this into your brain:

***Neither the United States Codes nor any State's Revised Statutes contain any enacting clauses whatsoever!!!***

If you have been following this material you have begun to see that what I have just said means that all current federal and State "laws" are void. This is absolutely true! It means that federal and State administrative courts lack *subject matter jurisdiction* to hear any matters based upon the United States Codes and State Revised Statutes.

Check out the inside cover page of any State Revised Statute or U.S. Code volume: You will find a copyright notice. You cannot copyright a public law! This means that all of these Codes and Revised Statutes are bodies of *private law* or corporate law! If you are not a member of the corporation (as identified by your possession of a non-required social security taxpayer identification number), then *its laws do not apply to you!*

You could overturn any conviction, any proceeding, any action brought against you by the State or federal government. A motion to dismiss for lack of *subject matter jurisdiction* cannot be denied by the court, if the law in question lacks an *enacting clause*. For a more detailed explanation of enacting clauses, including a seventeen page *Motion to Dismiss for Lack of Subject Matter*

*Jurisdiction*, I suggest *The Authority of Law* by Charles A. Weisman (Weisman Publications, 11751 W. River Hills Drive #107, Burnsville, Minnesota 55337).

Now that you understand the treachery perpetrated upon the American people by the United States federal government, you are in a position to decide for yourself. Are you a federal citizen, for example, a citizen of the State of California, subject to the whims of Congress, essentially a servant of the federal government, or are you an American Citizen, for example, a California Citizen, subject only to the laws of God and superior to both the' state and federal governments? Only you can make this decision; only you can stand up for your rights.

Just remember this simple precept of law: *if you are outside of a law's jurisdiction, that law doesn't apply to you* and you may ignore and disobey it with impunity.

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