March 24, 2011

DISTRICT COURT OF THE UNITED STATES

UNITED STATES OF AMERICA
v.
RICHARD KELLOGG ARMSTRONG

Certified mail #
Case No. 10-cr-00317-REB
Case No. 10-cv-01073

NOTICE TO THE COURTS TO RECOGNIZE MY STANDING AS ONE OF WE THE PEOPLE AND ABIDE BY THE CONSTITUTION OF 1787 AND THE BILL OF RIGHTS 1791, THE AFFIANT HEREBY DISSOLVES AND TERMINATES ANY FRANCHISE AGREEMENTS CONNECTED WITH THE BIRTH CERTIFICATE OR TRUST INSTRUMENT ORIGINATING AT THE CALIFORNIA STATE REGISTRAR AND DISMISS CASE NOS. 10-cr-00317-REB AND 10-cv-01073. AS THE EXECUTOR OF THE RICHARD KELLOGG ARMSTRONG ESTATE, I AM DIRECTING THE COURT TO DISMISS BOTH CASES WITH PREJUDICE AND CHALLENGES THE VALIDITY OF THE INDICTMENTS, THE VALIDITY OF THE CHARGES AND THE AUTHORITY OF THE IRS.

NOTICE TO PRINCIPAL IS NOTICE TO AGENT AND NOTICE TO AGENT IS NOTICE TO PRINCIPAL

REQUEST THAT THE COURT RECOGNIZE
Haines v. Kerner, 404 U.S. 519, 30 Led 652, 92 S.Ct 594 Rel den 405 U.S. 948, 30, Led 2d 819, 92 S.Ct 963

COMES NOW: Richard Kellogg Armstrong, Sui Juris, a native born American, One of the People, who by his declaration as a citizen of the Republic of the united States of America and a State Citizen of the Republic of Arizona is a man standing on the land evidenced by my filings of my UCC-1 as well as other legal notarized documents that have been recorded at the Arizona Secretary of State and numerous other state, federal and international agencies. These notices have rescinded any and all adhesion contracts with the Federal and State Corporate Governments (See www.getnotice.info/rka.html as public notice).

As a Sovereign, the laws of Congress do not extend into the limits of the States, but have force only in the District of Columbia and places that are within the exclusive jurisdiction of the national government (See: Caha v. U.S.). The Sovereign is only bound to the constraining certainty of the united States Constitution 1787, itself and absolutely nothing else except the laws of the Almighty God [ELHOIM] who created the Heavens and the Earth. This Sovereign bows his knees to none other.

The accused has been indicted on charges of fraud, mail fraud and conspiracy by the IRS and defended by the DOJ stating that the accused entered into a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent material pretenses and representations by the IRS through the submission of false claims for federal income tax refunds. These charges unlawfully brought against the accused by an agency of a foreign government are deemed to be knowingly fraudulent and false by the claimants. The IRS IS NOT AN AGENCY OF THE UNITED STATES GOVERNMENT and the DOJ has no Congressional authority to represent/defend them in court.

Fraud upon the court nullifies any final decision by any court. Its orders are Void by Operation of Law. The U.S. District Court Colorado has an obligation to dismiss this case with prejudice and release the affiant from custody. Where rights secured by the Constitution are inviolved, there can be no rule making or legislation which would abrogate them (See: Miranda v. Arizona, 384 U.S. 436, 491: 86 S.Ct 1602: Ed 2d 694, 1966). The violations and crimes have been filed with all courts concerned, U.S. District Court Colorado, Supreme Court of the United States, Colorado Supreme Court and the Colorado Court of Appeals.

Any judge or attorney who does not report a crime that has been brought to their attention and fails to report that crime as required by law, may themselves be guilty of misprison of treason (See: 18 U.S.C., Section 2382 under Federal law). These are the laws they must follow as federal employees.

The prosecution presented false and misleading evidence to the Federal Grand Juries to obtain indictments. The record in this case from the Grand Jury transcripts will show a practice of deception, fraud and misrepresentation by the IRS Agent, Greg Flynn and the AUSA, Kenneth Harmon.

While the affiant has been detained in Federal custody, the affiant has presented evidence to the court of my challenge of jurisdiction as well as declaring my political standing as a sovereign whose geneology dates back to 1748 which was before the signing of the Constitution of the Republic 1787. This qualifies that Richard Kellogg Armstrong is a Sovereign and not a corporate fiction, who cannot be tried in the territorial courts of the corporate fictions of the UNITED STATES OF AMERICA. This is verified by the Government's filing of its corporate charter. UNITED STATES OF AMERICA IS A CORPORATION, foreign to the united States (See: Title 28 USC, 3002(15).

Richard Kellogg Armstrong hereby understands that the cause of action cannot be in common law because a crime in law requires a corpus delecti, that is to say, the body of the crime or an injured party. A corporation cannot be the body of the crime or an injured party because it is artificial, a fiction. All cases in law, equity, admiralty or maritime, are now classified as CIVIL ACTION, Rule 17(1)(a). Civil maritime and admiralty actions require a contract between the plaintiff and the defendant for the plaintiff to have standing to bring an action. For the plaintiff to have standing and for the court to have jurisdiction of the subject matter, there must be in existence a bona fide contract binding the accused into the criminal maritime jurisdiction. The affiant has not signed any contract or other obligation that binds him to the maritime or admiralty jurisdiction. The affiant did not convey any interest, right or himself to the United States or any State.

The affiant is being held unlawfully against his will, which is kidnapping. The U.S. District Court lacks jurisdiction over a sovereign of the Republic of the united States and the Republic of Arizona. These territorial courts operate under Admiralty law that conducts itself under statutory rules and regulations. No higher duty rests upon this court than to exert its full authority to prevent all violations of the principles of the Constitution (See: Downes v. Bidwell 182 U.S. 244, 1901). The officials and officers of this court are aware of my status, but have continued to violate their oaths and overthrow the Constitution and protect a corrupted system against the American People, for their own financial gain.

The affiant is NUNC PRO TUNC. The facts are that I am the principal and you are the agent. Fail not your oath, lest you will be called to answer before the Highest Court of International Law. The terms and conditions of this instrument or presentment [Notice] puts liability with you and those acting in conjunction jointly and severally with the corporations involved with your unauthorized use of my name in all capital letters and/or in upper and lower case lettering will be taken as a violation of my privacy rights and for common law copywrited property rights. The penalty for said unautorized use is set forth as in my UCC-1, Memorandum of Law and Caveat Miranda Warning that was recorded at the Washington Secretary of State's office, UCC-1 #RKAUCC0001, June 8, 2009. The documents will show that Richard Kellogg Armstrong has rescinded, revoked and cancelled any and all adhesion contracts with the Federal Government of the United States. Your all-capital-letter strawman (tradename) that is a fiction name created by the bankrupt corporation, United States Government, is fraud by deception. Since the time of my birth, the government has been using my birth certificate without my knowledge or permission. One example of this is the acceptance for value of a document bearing the Creditor TRADENAME in all capital letters. The source of all credit and accountability (value) associated with the TRADENAME from which the TRADENAME was derived.

VERIFICATION UPON OATH OF AFFIRMATION JURAT DECLARATION

Private Sovereign, Sui Juris, Indigenous Armstrong, the Nationality Act of 1940.

I am Richard Kellogg Armstrong, Private Sovereign Sui Juris, who has declared his sovereign Diplomatic Immunity from the corporate United States Government UCC-1-207, UCC-1-308, UCC-1-103.6, 28 CFR 16.4161, 28 USC 1746(1).

The jurisdiction Richard Kellogg Armstrong is exercising is the "International Jurisdiction" which is Internal and Private, meaning that it is inside the Body and on the Soul. Therefore, I am a Private Citizen of the continental united States Republic and not a public citizen of the United States. In the international jurisdiction as holder of Preferred Stock, I am the alloidal land owner and therefore I am owner of the roadways and highways in the capacity of Sovereign, a Private Citizen of the united States of America.

I am a Sovereign Citizen of the Republic of Arizona. I do not reside in the corporate State of Arizona or any territory, possession, instrumentality or Federal Enclave which is under the Sovereignty of, or Subject to the Jurisdiction of, the United States.

I am not a Citizen of the United States and subject to its jurisdiction. I am a natural born flesh-and-blood Citizen of one of the Organic, de jure, fifty Republic States of the Continental united States of America, over which the Sovereignty of the United States does NOT extend.

The IRS is not an organization within the United States Department of the Treasury and is not an agency of the United States Government. The U. S. Dept. of the Treasury was organized by statutes now codified in Title 31 of the United States Code, abbreviated "31 U.S.C." The only mention of the IRS anywhere in 31 U.S.C. Sections 301 - 310 is an authorization for the President to appoint an assistant General Counsel in the U.S. Dept of the Treasury to be the Chief Counsel for the IRS (See 31 U.S. C. 301(f)(2).

At Footnote 23 in the case of Chrysler Corp. v. Brown, 441 U.S. 281 (1979) , the U. S. Supreme Court admitted that no organic Act for the IRS could be found, after they searched for such an Act all the way back to the Civil War. See Article IV, Section 4. Since there was no organic Act creating it, IRS is not a lawful organization.

The IRS appears to be collection agency working for foreign banks, such as the Federal Reserve Bank, and operating out of Puerto Rico under color of the Federal Alcohol Adaministration. ("FAA") . But the FAA was promptly declared unconstitutional inside the 50 states by the U.S. Supreme Court in the case of U.S. v. Constantine, 296 U.S. 287 (1935), because Prohibition had already been repealed.

In 1998, the United States Court of Appeals for the First Circuit identified a second "Secretary of the Treasury" as a man by the name of Manual Diaz-Saldana. See the definitions of "Secretary" and "Secretary or his delegate" at 27 CFR 26.11 (formerly 27 CFR 250.11), and the published decision in Used Tire International, Inc. v. Manual Diaz-Saldana, court docket number 97-2348, September 11, 1998. Both definitions mention Puerto Rico.

When all the evidence is examined objectively, IRS appears to be a money laundry, extortion racket, and conspiracy to engage in a pattern of racketeering activity, in violation of 18 U. S. C. 1951 and 1961 et seq. ("RICO") . Think of Puerto Rico (Racketeer Influenced and Corrupt Organizations Act): in other words, it is an organized crime syndicate operating under false and fraudulent pretenses.

After much diligent research, several investigators have concluded that there is no known Act of Congress, nor any Executive Order, giving IRS lawful jurisdiction or a delegation of authority to operate within any of the 50 States of the Union, making anything they have done to create this case out of thin air null and void. IRS cannot produce a copy of a Delegation of Authority to be in Colorado or Arizona.

The IRS has committed numerous instances of Mail Fraud by showing "Department of the Treasury" on their outgoing mail to the accused who has retained all of the envelopes as evidence. It is obvious that such deceptive nomenclature is intended to convey the false impression that IRS is a lawful bureau or department within the U. S. Dept. of the Treasury. Federal laws prohibit the use of United States mail for fraudulent purposes (SEE THE CHARGE OF MAIL FRAUD PERPETRATED ON THE ACCUSED BY THE IRS, Title 18, U. S. C, Section 981 (a)(1)(c) and Title 28 U. S. C. Section 246(c)). Every piece of U. S. Mail sent from IRS with "Department of the Treasury" in the return address, is one count of mail fraud.

Although the U.S. Department of Justice ("DOJ") does have power of attorney to represent federal agencies before federal courts, the IRS is not an "agency" as that term is legally defined in the Freedom of Information Act or in the Administrative Procedures Act. The governments of all federal Territories are expressly excluded from the definition of federal "agency" by Act of Congress. See U. S. C. 551 (1)(C).

Since IRS is domiciled in Puerto Rico, it is thereby excluded from the definition of federal agencies which can be represented by the DOJ.

The IRS invariablly ignores Due Process of Law, as is the case with the accused. No property can be taken without a 4th Amendment Warrant or without 5th Amendment Due Process of Law which includes, but is not limited to a Right to a Valid 23C Assessment, followed by a VALID Notice of Deficiency, followed by a VALID Notice of Lien based on an ACTUAL lien , followed by a VALID "Warrant of Distraint". None of these Due Process elements were honored by the IRS in their filings of Notices of Liens with the Yavapai County Recorder and the Mohave County Recorder, Arizona, affecting the accused' real property, the filing of a lis

pendens on real property located in Adams County, Colorado, the filing of a Notice of Levy with Bank of America on the accused' checking account and the unlawful seizure of the accused' aircraft May 20, 2010. All of the above violations are crimes committed by the IRS and there is no evidence to the contrary.

The IRS regularly files fraudulent "Notice of Lien". The "Notice of Lien" is from 26 U.S.C. 6321- 6331 BUT its alleged authority is FRAUDULENTLY from BATF's 27 CFR Part 70.

Fair Debt Collection Act requires that all collection agencies register with the State and there is no evidence that the IRS has registered with the State of Arizona . A" Notice of Lien" must be connected with an actual Lien and must be supported by a properly filed 23c assessment. IRS must prove this was accomplished.

A "Notice of Lien" must be CERTIFIED to be true and correct by the Secretary of the Treasury or his or her delegate. IRS must prove this was accomplished.

The filing of such fraudulent "Notice of Lien" is a CRIME committed within the State and, per Article III, Section 2, Clause 3 of the U.S. Constitution, must be heard in a State court and cannot be transferred to a Federal Court.

The accused Due Process of Law was violated due to the fact that the IRS had no authority to lien, levy or seize any of the accused' property because of their lack of a valid court order. Recently acquired Certificates of Search with the U. S. District Court, Phoenix, Arizona, show no court orders were obtained by the IRS or any other agency authorizing the liens placed on the accused real properties, the levies placed on the accused 'Bank of America checking account with the resultant seizure of funds or the seizure of the accused' aircraft. The Fifth Amendment prohibits all derivations of life, liberty or property without due process of law. The IRS is also in violation of the Fourth and Seventh Amendments to the Constitutuin 1787 and the Bill of Rights 1791. The IRS has falsified official records and committed other criminal acts, and there is no evidence to the contrary. The IRS is hereby charged with theft of funds from Bank of America and theft of a U. S. registered aircraft, a federal crime.

As best as I can tell this whole misunderstanding centers around the issue of filing Original Issue Discount (OID) with the IRS. Without that issue present, there is really nothing else to discuss.

Over the past few years, many people around the country became aware of the OID issue. You can read about it in the tax code at 26 USC 1271 - 1275 and 6049, and in various IRS publications such as Publication 1212 - Guide to Original Issue Discount (OID) instruments, instructions for forms 1099-INT and 1099-OID, Publication 550 - Investment Income and Expense (Including Capital Gains and Losses) - Chapters 1. and 4., etc. You can also read about OID at 33A Am Jur 2nd.

OID certainly is not anything that is new. People have claimed it and the IRS has paid it out for years. So, why all of the sudden resistance from the IRS? Is it possible that with so many learning about OID, that the IRS simply does not want them to know? Or, is the IRS trying to protect certain interests?

Since OID is at the heart of this controversy, here is a simple explanation of original issue discount which involves an ISSUANCE OF CREDIT, NOT A TAX REFUND. The Original Issue Discount is an actual discount from the face value of a security instrument. Since 1933 there has been no lawful money in this country. Whereas, we have operated in the past under the belief that our money was backed by something, in fact, the financial system of this country has been based on the full faith and credit of the American people. Since money was reduced or converted to a fiat currency, the only value is what we perceive it to have and what we give for it.

As you can see, there is a requirement to report the OID, and banks have not been reporting it and have not been paying the tax on it. Understanding that I knew about the OID issue, I was required to report it. When I filed my personal returns, which included the filing of 1099-OID forms, and with the assistance of a tax accountant, I did so convinced that what I did was correct and perfectly legal, not to mention required by the Tax Code. If mistakes were made in the filing of the forms, the IRS should have advised me.

The forms 1099-OID that I submitted clearly show the bank/lender as the "Payer", identified as the name of the bank to whom I, as the source, issued credit and from whom the amount of the credit shown in Block 1 must be returned. Nowhere do you find any statement by me that the U.S. Department of the Treasury owed me the OID amount. It was the IRS obligation to collect those amounts from the bank/lender and in turn forward to me. If the IRS chose to send those funds to me prior to collecting from the banks/lenders, it was their option. Many months later the IRS sent me a notice that they had paid me in error and demanded the return of the funds.

The IRS knows that it did not personally owe me the amounts of the OID and they know that I did not expect them to dig into the pocket of the U.S. Treasury and pay me such amounts - my OID clearly states so. So why have they concocted the fraudulent charges that I have been charged with? However, to alleviate any problems with the IRS and because our "money" system is based only around credit and debt instruments (See HJR-192 abd PL 73-10, 1933), my wife and I together issued twelve valid Acceptance for Value instruments as well as three International Bills of Exchange totalling approximately $8 million to satisfy the approximate $1.65 million the IRS demanded to be returned covering the tax years 2005, 2006 and 2007. All were sent via U.S. Certified mail with return receipts to either the IRS offices located in Austin, Texas or Washington, DC. The IRS has never acknowledged receipt of any of those instruments but I have U.S. Mail return receipts proving they were delivered. As they were valid instruments to be processed through the Federal Reserve System, it is my belief that the IRS did indeed "cash" them. In order to refute my claim, I demand that the IRS produce the fifteen original instruments within ten (10) days of the date of this Notice or Civil Case No. 10-cv-01073 must be summarily dismissed. Those instruments represent an "overpayment" of approximately $6.4 million so I would expect to receive a refund check for that amount. Concurrently, all liens and levies unlawfully placed by the IRS on our real and personal property should be removed, the approximate $10,000 unlawfully seized from our Bank of America account be returned and our U.S. FAA registered aircraft that was unlawfully seized May 20, 2010, be returned. This applies to any other real or personal property pertaining to this case that the government is attempting to seize.

All parties are hereby notified that all of the accused and his wife's real and personal property were secured by the filings June 8, 2009, of UCC-1 #RKAUCC0001, Commercial Security Agreement #RKACSA0001 and Legal Notice and Demand #RKALND0001. Filed concurrently were a Hold Harmless and Indemnity Agreement #RKAHHIA0001 and an Actual and Constructive Notice #RKAACN0001 that prove that I am a Secured Party Creditor and not a created fiction indicating that the Federal Government has no authority over a flesh-and-blood living soul. This court and this prosecution proceeding any further in these cases will be in violation of their oaths of office and will be guilty of overthrowing the Constitution 1787 and the court and prosecution will be guilty of treason, sedition and perjury.

So, if the IRS paid me out of U.S. Treasury funds, how is it that the independent decision, made solely by the IRS to do something which I did not request, and for which they had no obligation to do, has been translated into criminal charges against me? How am I responsible for the mistakes or deliberate mis-actions taken by the IRS behind the curtain, where I had no idea what they were actually doing? The IRS said, more than six months after they paid me, that the payment just got out by mistake! So there we see a part of the problem, assuming that we could even believe that a mistake was made. A person submits their tax return, receives a refund, and then is charged criminally for the mistakes of the IRS. That doesn't seem like an appropriate manner in which to cover up a mistake. Since when does someone file a tax return, receive a refund, and then is required to call the IRS and ask if they really meant to issue the refund?

I did not intend to defraud the United States, did not obtain payments on false, ficticious and fraudulent claims upon or against the United States. The IRS, even if they were a bonafide agency of the U.S. government, has absolutely no evidence that I committed any of the charged crimes or that I had the intent to commit the same. The fact is that the charged crimes were knowingly made under false and fraudulent pretenses by Greg Flynn, IRS/CID Agent, which is a crime.

Banks give loans and credit based on our signature at which point the bank then monetizes the instruments that we have signed. One does not get a loan based on the value of an object because the value of the object is not what is used in our present monetary system. It is based on our own labor and abilities. When the bank issues what they claim as a credit to us, they are actually only monetizing the signed instrument and generating a computer or ledger entry at some represented value of units after we sign a document that says the units are based on us and our labor. If this were not true then anyone would be able to go and buy a car or a house and have the object be the collateral and there would be no need for credit checks or any personal information to be reviewed. That is not what happens. Research is conducted into each of us personally and then the credit is extended based on our signature. This issued credit is based on a document (such as a promissory note) that is an issuance from us. By signing the documents/instruments presented to us we authorize a negotiable instrument and a bank takes that instrument and ledgers it onto their books. They use that ledgering to authorize further fractionalization of ledgered assets per "Modern Money Mechanics - A Workbook on Bank Reserves and Deposit Expansion" which is published by the Federal Reserve Bank of Chicago and was first written in 1961. Those asset instruments are then batched and sold on the open market as explained in the "Comptroller of the Currency Securitization Handbook", under Real Estate Investment Trusts, or Collateralized Debt Obligations and other such systems. These items are now securities and the banks have just been paid for these items by either selling them or offering them in groups and submitting them for bonding and income producing products.

A business cannot take out a loan on assets it does not have because the banks will not allow a business credit without assets to back it up. Banks cannot loan out their own money and or their investors money unless they make a public offering for a specific purpose and people invest in the bank for that purpose. When a bank receives a document with a signature, they are starting with a clean even balance sheet, assets = liabilities. How would they ledger the loan if they cannot pay out something that is not theirs? They have to increase assets at the same time as liabilities and so in doing this what can they use as an asset to create the liability that they take when they agree to the loan, other than your signature?

Banks do not report this payment back to the people who submit the instruments and are not notifying the individuals that the funds that they have received have settled the debt that the bank claims to be owed. This income is not reported and the creator of the security is not told that their creation has been used to make income for the bank or the other agencies that used the security. This is one of the main reasons for the bank scandals and all the foreclosure issues that are facing this country now.

When the security was converted and then submitted into the marketplace, there was a discount from the face value of the instrument, and this amount is 100 % of the value of the original security. The security had no value prior to the signature when it was originated and so the gain was made when the bank offered the security into the marketplace. This created the issue of the Original Issue Discount as the security was sold for a premium price while the original issue was submitted without value. This price difference and the gain from the sale was a profit or income to the original issuer of the debt instrument or security instrument.

The Banks were authorized and had a duty at this point to inform the issuer of the security of this gain but were negligent in their reporting and fiduciary duty to inform. This then created a requirement that a tax be paid on the gain but no documents were submitted by any of the parties to report this gain. The creator of the instrument was not aware of the gain and the bank did not file the details because they were not the true beneficiary of the gain on the instrument as it, the instrument, belongs to the original issuer, the only person who's signature is on the document. The tax became due but not reportable as no one reported the income. When any individual finds out that a taxable event has occurred, per title 26 of the US Code they are required to report such incident and that is what I feel is and was the appropriate thing to do. I issued the tax reporting forms to have the banks submit the proper taxes and return the original issue gain back to the true creditor or issuer (me) of the security instrument.

Title 26 § 6049. Returns regarding payments of interest

(d)(6) Treatment of original issue discount

(A) In general

Original issue discount on any obligation shall be reported—

IRS Publication 1212 - Guide to Original Issue Discount (OID) Instruments

Page6: "The issuer of the debt instrument ... should give you a copy of Form 1099-OID..."

33A Am Jur 2d¶ 60114. Reporting original issue discount (OID) - Form 1099-OID. OID of $10 or more on any obligation must be reported as an interest payment (¶ 60101) at the time it's includible in the holder's gross income (¶ 12400 et seq.). (26 USC 6049(d)(6)(A)(i))

A Form 1099-OID must be made for each person who is a holder of record of the obligation if the OID included in the holder's gross income is at least $10.

If the Sovereign is detained or jailed, the action would necessitate his immediate release from custody upon confirmation of his foreign status, or he may be released on his own personal recognizance bond, and in the event that his request for his bond is refused or dishonored, then the Sovereign will use the dishonor to charge an involuntary bankruptcy action against any and all parties responsible for his detention, pursuant to Administrative Claims under the Federal Tort Claims Act as amended July 1, 2002 [28 CFR 14.2, pages 253 - 254].

POLITICAL STATUS CLASSIFIED TRUTH FREEHOLD

1. Richard Kellogg Armstrong a native born American;
2. I am a Citizen of the Republic of the united States of America;
3. I am a Sovereign established by my geneology before the Constitution of 1787 was written or signed
4. I am a Citizen of the Republic of Arizona;
5. I am a flesh-and-blood living soul;
6. I am an indigenous Sovereign as well as a De Jure Natural Citizen of the Republic of the united States and declaring my power and authority by right of birth and right of the soil, retaining all substantive inalienable rights and immunities as described in the Organic united States Republic Constitution.

POLITICAL STATUS CLASSIFIED A-1 TRUTH FREEHOLD BY INHERITANCE LIBRARY OF CONGRESS DIPLOMATIC IMMUNITY DECLARATION OF INTENT AND CONSTRUCTIVE NOTICE OF EXPATRIATION FROM THE DE FACTO CORPORATION U.S. GOVERNMENT AND REPATRIATION INTO THE DEJURE ORGANIC REPUBLIC united States Of America (SEE www.getnotice.info/rka.html).

STATUS: INDIGENOUS, TRUTH A-1 FREEHOLD BY INHERITANCE

TO ALL WHOSE PRESENCE MAY COME

1. Richard Kellogg Armstrong does state and declare my intent to expatriate from the United States. United States as used in their document means the corporate United States, Washington, D. C., The District of Columbia, or U.S. Government, Incorporated, as a for profit commercial enterprise in the Legislative Act of February 21, 1878, forty-first Congress, Session III, Chapter 62, page 419. I know and believe, that I, Richard Kellogg Armstrong, am not and never was a citizen of the United States because:

1. I could have never knowingly or willingly entered into any contract or obligation with the United States, or any of its principals, agents, or assigns.
2. I could have never been a part this fraudulent adhesion contract the Government or the Courts have forced on me or the American people.
3. I could not or would not have been involved with the adhesion contract if it would have been explained to me in the beginning. Since it was not, it is fraud and is null and viod.
4. I could not particate in anything that would violate my God given rights that would be in direct conflict with my spiritual and religious beliefs, that are spelled out from Gods Word from the Book of Genesis through the Book of Revelations. To waive any of my God given rights would be an unconscionable agreement of my part.

My Expatriation from the United States Government to further prevent the violation of my God given rights by the United States, its principal agents and assigns, Expatriation Act 1868, the right to expatriation is a natural and inherent right to Life, Liberty and the pursuit of Happiness and any declaration instruction, opinion order, or decision of any officers of the government which denies, restricts, impairs or questions the right of expatriation is hereby declared with the fundamental principals of government (15 STAT 223-224, 1868, R.S. Section 1999, 8 U.S.C. Section 800, 1940. I GIVE MY LAWFUL NOTICE to the world that it is my intent to expatriate from the United States Government.

I, Richard Kellogg Armstrong announce my claim of my birthright a sovereign Armstrong, and declare my repatriation into the Republic united States of America.

As a declared sovereign Citizen of the Republic of Arizona, I give my lawful NOTICE to the world of my claim to my Divine

birthright as a sovereign. This has been proclaimed in the past, but I wish to restate my claim once again so that all concerned will have no doubt.

A NATIVE BORN AMERICAN NATIONAL OF THE REPUBLIC FOR THE united States.

Having made proof of my status AT LAW, by way of my Declaration of Nationality as well as Sui Juris Indigenous private Sovereign. The Supreme Court construction and application of Property Clause "ARTICLE IV Section 3, Clause 2" of the Federal Constitution, confers upon Congress the powers to dispose of and make rules and regulations as to property belonging to the United States. 49 L.Ed. 2d 1239, See: 63-C AM JUR 2d. Public Land at Section 40. This Sovereign is not property of the United States Government.

No Public Policy of a State can be allowed to override the positive guarantee of the united States Constitution: ARTICLE IV Section 4. We are guaranteed a Republic Form of Government. This government and the Courts are in violation of this great document (SEE:16 AM JUR 2d. Constitutional Law, at Section 70).

CERTIFICATE OF EXEMPTION ON INDIGENOUS GROUNDS, DENIAL OF CORPORATE STATUS AND NEGATIVE AVERMENT

In the Nature for a declaration of Non-Corporate Status, I, Richard Kellogg Armstrong, Am a living Soul, a Sovereign, a Private Human Being, a Creditor and claimant: I Am Not a "Statutory person" or Juristic person. I am domiciled on the overlay of the Republic, otherwise known as the Republic of Arizona.

Whereas: I, Richard Kellogg Armstrong, do hereby solemnly declare that 1. I AM a living SOUL, I am competent for stating the matters set forth herewith: 2. A living Soul, have personal knowledge about the facts stated herein : 3. Everything stated in this TRUTH AFFIDAVIT is the truth, the whole truth, and nothing but the truth and all stated is true, correct, complete and not misleading to the best of One's knowledge.

NO THIRD PARTIES ALLOWED

Whereas: I, Richard Kellogg Armstrong, AM NOT, a man made created entity: a corporation, a franchise, a subject of Briton, The British Commonwealth, the British Isles, the United Kingdom or the Holy See, a citizen of England, a citizen of the United States, a 14th Amendment citizen subject to the jurisdiction of the United States, a citizen of America, a resident citizen or subject of any earthly Territory, Kingdom or Land:

Whereas: I, Richard Kellogg Armstrong, AM: a child of the Most High God, who created everything that is, was, or shall ever be, an heir of the Almighty {ELOHIM}, and therefore My Citizenship is on the Soil which I am a Sojourner on the earth. I exist on the Land commonly know as Arizona, a Republic, where the Land will forever belong to the people being established by "We The People."

In the Word of God, Genesis Chapter 1, verse 1, states as fact: In the beginning God created the heavens and the earth, who said "I, AM THAT I AM," who created all land and owns all land is Sovereign and so I am Sovereign: No court can decide my Citizenship or political views without violating their oath of office.

Whereas: I, Richard Kellogg Armstrong, AM a living, breathing, sentient flesh-and-blood man, proving that I, AM NOT a Corporate Fiction and that I, DO NOT belong in the Courts of the Corporate Factions. The entities named below are corporations and I hereby negatively aver over their existence: CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO, ALL COLORADO DISTRICT AND CIRCUIT COURTS, WASHINGTON D.C., UNITED STATES FEDERAL CORPORATION, UNITED STATES, U.S., UNITED STATES DISTRICT COURTS, ALL BRITISH BAR ASSOCIATES, AND ATTORNEYS, LAWYERS, COUNSELORS, ESQUIRES and JUDGES.

Whereas: I Richard Kellogg Armstrong, AM NOT in affirmation but rather I DENY the existence for the above Corporations and Factions and all departments, branches, divisions, subdivisions of the above corporations, factions and all other limited liability fictional entities. Furthermore, I object, and do not ratify, the use of the ALL CAPITAL NAME. THE ALL CAPITAL NAME is a fictitious person doing business as. When anyone is doing business as, he is entering into contract. The ALL CAPITAL NAME is prima facia evidence that one is doing business with the STATE.

NOTICE TO THE CALIFORNIA STATE REGISTRAR

Whereas I, Richard Kellogg Armstrong was born in the Republic of California. The State Registrar is the CUSTODIAN OF PROPERTY TRUE NAME, TRADE NAME, SPELLED IN ALL CAPITAL LETTERS RICHARD KELLOGG ARMSTRONG and looks after your personal property. The so called "CUSTODIAN" is not to give the property to anyone else. This order is to put a "permanent

roadblock" in the path of any who would use my name as SURETY. That property could not be touched by anyone other than the State Registrar and Richard Kellogg Armstrong who occupies the office of Executor of the RICHARD KELLOGG ARMSTRONG Estate. I, therefore, am able to demand surrender of custodianship of the property and receive it. Note: also that this "Act" uses the non-judical (common law) term "authorized representative" instead.

Whereas: The FRANCHISE, BIRTH and or TRUST CERTIFICATE was created and offered FRAUDULENTLY and DECEITFULLY, supposedly to aid in the Census, as a means of identification, to document birth and for health reasons and purposes. Instead, the true nature of the BIRTH CERTIFICATE is an UNREVEALED COMMERCIAL AGREEMENT, and unconscionable adhesion contract with an Agency of the Federal Corporate United States, the Department of Commerce. The true nature of the DATE OF BIRTH is to execute the birth of the CERTIFICATE by signing, filing and recording, not the natural person.

Whereas: This TRUST INSTRUMENT has deceived Richard Kellogg Armstrong into an unrevealed contract attempting to place myself and my fellow American Citizens into the jurisdiction of the Federal United States with its tax and regulating authority originating from the Department of Commerce, pursuant to the AUTHORIZING from the Department of Commerce, pursuant to the authority of the Constitution for the UNITED STATES OF AMERICA CORPORATION OF 1789 and by fraudulently placing the Sovereign Citizen under the jurisdiction of equity, Admiralty or Maritime jurisdictions of the Federal Territorial Court System, and the Uniform Commercial Code (UCC) of 1969.

Now, therefore: Should any man or woman deem that the statements above are not true, I demand an answer by notarized affidavit using their given name at Birth and Married Name if different for autograph signature written ten (10) days from the date of this document.

Unrebutted after thirty (30) days from the date of Court Stamp Presentment, this affidavit stands as fact in the DISTRICT COURT OF THE UNITED STATES OR THE TERRITORIAL COURT of the UNITED STATES DISTRICT COURT, or any Court in the land including the Tribunal Courts.

That: I, Richard Kellogg Armstrong, to regulate with Foreign Nations and among the several States and with the Indian Tribes (SEE: U.S. Constitution, Artical I, Section 8. Clause 3). Indigenous Armstrong has declared and established Sui Juris Status in connection with both my property and names. I demand a certified copy with My signed authorization of all documents or contracts being held-in-due-course, pursuant to UCC 3-305.2 UCC 3-305.52 and UCC 3-505, that create any legal disability to the claimed "Sui Juris" status and alien jurie relating to my "Name". My "Name" is my property and for My "Name" to enjoy "Sui Juris". Status, My "Name must be free of legal disability resulting from a contract or commercial agreement which is being held-in-due-course or by any agency of the Federal State, County, or Municipal government.

That: I, Richard Kellogg Armstrong, revoke all powers including, but not limited to, Powers of Attorney and Agencies. I, hereby DISSOLVE AND TERMINATE any franchise connected with the BIRTH CERTIFICATE OR TRUST INSTRUMENT. I hereby remove all commercial activity including, but not limited to, the Limited Liability Act for payment of debt. I hereby release the Department of Commerce, its agents and judiciaries, of their obligation to perform any commercial duties or responsibilities toward Myself. I AM NOT in commerce or involved in any commercial activities with the federal corporate United States Government or any subsidiary.

THIS IS A LAWFUL AND LEGAL NOTICE OF CLAIMANT REMEDY

To ALL PUBLIC OFFICIALS by and through the Secretary of State of Arizona, all letters or communications are to be presented in writing, via Notary Presentment, signed in blue ink under penalty of perjury. This NOTICE is in the nature of a MIRANDA WARNING for the record and on the record and let the record show, if for any reason you do not understand any of these statements, or warning, it is incumbent upon you to summon a superior officer or supervisor immediately to explain for you the importance of this Presentment [NOTICE]. There will be NO IMMUNITY from prosecution. (SEE: CLEARFIELD TRUST DOCTRINE 318 u.s. 362-371, 1942)

POLITICAL STATUS

1. Classified Truth, Freehold by Inheritance
2. I am a signer to the Republic for the united States of America
3. My Political Status Clarified, Truth Freehold by Inheritance
4. I have rescinded all adhesion contracts as a Secured Party Creditor UCC 1 #RKAUCC0001 (See www.getnotice.info/rka.html)

The right for this Citizen of the Republic for expatriation from this corporate fiction is hereby declared, consistent with the fundamental principals of Government (SEE: 15 STAT 223-224 (1868) R.S. Section 1999, 8 U.S.C. Section 800, 1940).

AFFIDAVIT OF TRUTH

I, Richard Kellogg Armstrong, Am competent to handle my own affairs, I am over the age of 21, and do solemnly make this affidavit with sound mind and voluntary actions.

I, Richard Kellogg Armstrong attest to the fact that I am a Citizen of the Republic of the State of Arizona, whose Constitution and the Enabling Act Guarantees a "Republic Form of Government."

The CORPORATE UNITED STATES IS IN VIOLATION OF THE ORGANIC CONSTITUTION OF 1787 AND THE BILL OF RIGHTS 1791

I, Richard Kellogg Armstrong, attest to the fact that I am a Citizen of the Republic for the united States whose Constitution of 1787 is the Supreme Law of the Land.

On December 18, 2010, I, Richard Kellogg Armstrong, filed into the District Court of the United States notification that I have now occupied the office of Executor of the RICHARD KELLOGG ARMSTRONG Estate, as evidenced on the Court record and by certified mail to the office of Governor of the STATE OF CALIFORNIA, and the office of Attorney General of the STATE OF CALIFORNIA, The Administrative Office of the United States Courts, James C. Duff, Director, and the Internal Revenue Service Headquarters, Office of Chief Counsel, William J. Wilkins.

These Statements made by Richard Kellogg Armstrong the principal, are the truth, the whole truth and nothing but the truth. Any objection to these statements made within this affidavit should be made within ten (10) business days to the address listed below or forever hold your peace.

THE FOLLOWING FACTS

The Supreme Court has ruled that where the Grand Jury Process is abused and the accused objects to the indictment before trial, the indictment should be dismissed where there is a showing that the abusing party "substantially influenced the Grand Jury's decision to indict, or if there is great doubt as to whether it had such effect (1d78).

The court should take notice that the affiant cannot obey an order that is not law from the beginning. Title 18 is NOT

Constitutional law as the signing did not meet the requirements of the Quorum Clause of the Constitution, Article I, Section 4, Clause 1 and according to United States v. Ballin, 144 U.S. 1 (1892), A QUORUM IS REQUIRED TO PASS LEGISLATION (PUBLIC LAW 80-772). Public Law 80-772(2), more specifically Section 3231 thereof, 62 Stat, 826 which purported to confer upon the district courts of the united States original jurisdiction of all offences against the laws of the united States. these legislative acts violated the Quorum, Bicameral and/or Presentment Clauses mandated respectively by Article 1, Section 5, Clause 1 and Article 1, Section 7, Clauses 2 and 3 of the Constitution of the united States. To imprison and detain a Petitioner and cause him future harm under a void judgement order is unconstitutional and unlawful. therefore, Petitioner must be discharged from any present illegal confinement and judgement must be declared void to prevent future harm. the Supreme Court has declared in Glover v. U.S. that even one additional day in prison without authority has Constitutional significance (531 U.S. 198, 2001) (See Exhibit B).

WRITTEN ALLOCATION RELATED TO ARRAIGNMENT

I, Richard Kellogg Armstrong, demanding that the prosecution answer each and every request under the penalty of perjury. This response is crucial to my defense and my right to due process and discovery. Your failure to answer would give me no choice but to subpoena this evidence before the jury (See Exhibit C).

If everything that might influence a jury must be disclosed then the only way a prosecutor could discharge his Constitutional duty would be to allow complete discovery of his files as a matter of routine practice. (See U.S. v. Agurs 427 U.S. 97, 107. 49. :ed 2d 342. 96 Sc-2392) The prosecutor refused to disclose facts that hid evidence from the Grand Jury. It is recorded in the Grand Jury transcripts.

This Order and Notice is to presently cease any further Governmental use of RICHARD KELLOGG ARMSTRONG TRADE NAME, BIRTH CERTIFICATE, TRUST, SURETY, INCLUDING ALL BONDS, NOTES, SECURITIES, ALL MILLER ACT BONDS, ALL BID PERFORMANCE AND PAYMENT BONDS, GSA 24, GSA 25 and GSA25A related to any cases, judgments, etc. These Bonds are now claimed by Richard Kellogg Armstrong as Collateral and hereby Terminated from want of consideration. The affiant has filed a Freedom of Information request for disclosure of all criminal bonds, bonding or otherwise as requested in this document (See Exhibit A).

Whereas I, Richard Kellogg Armstrong, have stated the facts and the evidence of this injustice. This territorial court has no authority over a Sovereign of the Republic of the united States. As Executor of the RICHARD KELLOGG ARMSTRONG Estate, I therefore demand that these cases be dismissed with prejudice as well as my immediate release from incarceration that was fraudulent from the beginning.

This document is not intended to threaten, intimidate or harass but is my remedy in law.

March 24, 2011

Richard Kellogg Armstrong
Sovereign
Secured Party Creator
Executor of the Estate

CC: Jefferson County Sheriff Dept., Colorado Supreme Court, California State Registrar, Tenth Circuit Court of Appeals, U.S. District Court, Supreme Court of the United States, U.S. Provost Marshal, James C. Duff, Administrative Office of the U.S. Courts, Office of Chief Counsel, Office of Policy and Public Affairs, U.S. Dept. of Justice, U.S Dept. of the Treasury, U. S. Dept of Commerce, U.S. Dept. of Transportation, U.S. Dept. of State, United Nations, Arizona Supreme Court and Office of Chief Counsel, IRS.

Return address:
Richard Kellogg Armstrong
1310 Parkside Village Drive
Chino Valley, AZ 86323

EXHIBIT A

7008 2810 0001 5717 5525

Certified Mail Number 7008-2810-0001-5717-5525 Memorandum of Record

AGENCY:/DEPARTMENT:

U.S. DEPARTMENT OF JUSTICE

TO:
Marie A. O'Rourke – Assistant Director
U.S. Department of Justice
Executive Office for United States Attorneys
600 E Street, N.W., Room 7300
Freedom of Information/Privacy Act Unit
Washington, D.C. 20530

DIRECT RESPONSE TO:

Your Name and address:
RICHARD KELLOGG, ARMSTRONG
1310 PARKSIDE VILLAGE DR,
CHINO VALLEY, AZ. 86323

IDENTIFICATION OF REQUESTER:
In accordance with 28 CFR § 16.41(d)

RE: DISCLOSURE OF ALL CRIMINAL BONDS, BONDING, OR OTHERWISE AS REQUESTED BELOW – NAME OF DEFENDANT – Case No. 10-CR-00317
10-CV-01073
Date MARCH 9, 2011

Dear Ms. Harris:

This request is made pursuant to the provisions of the Freedom of Information Act 5 U.S.C. §552 and the Privacy Act 5 U.S.C. §552a(d)(1) for a full disclosure and release of all records and/or data contained in the files of your Department and/or Agency under my name and/or identifier to my name. This request sought herein is for Bond Information and/or Commercial Crimes Bonding Information and/or Case Bonding Information and/or Commercial Crimes Bonding Certification 5 U.S.C. §552 (a)(2)(A)(B) of records that are secured and maintained by your Department and/ or Agency.

The records sought specifically but not limited to are the compiled files containing: (1) Criminal Case Bonding Information (2) Commercial Bond Certification (3) Noted Criminal Case Bonding and/or the Bond(s) which secured the financing and/or the pledge for the financing of the Criminal Case listed above (4) Certified true and correct copies of the Bond(s) and identification number(s) (5) Certified indication of the amount secured per Bond per each offense charged (6) The expiration date and specified interest for the specified length of time of these Bond(s) (7) Which governmental body and/or whom or what "person(s)" i.e. corporations, companies, associations, firms, partnerships, societies, joint stock companies, individuals and/or officers (a) secured the Bond(s) (b) hold the Bond(s) (8) Any and all other records and data concerning the Bond(s) not otherwise exempt by 5 U.S.C. §552 (a)(6)(C),(b)(7), 5 U.S.C. §552a(j)(2),(k)(2) or law Public Citizens v. Dept. of Justice (1989) 491 U.S. 440, 105 L. Ed 2d 377, 109 S. Ct. 2552; Dept. of Justice v. Reporters Comm. (1989) 489 U.s. 749, 103 L. Ed 2d 774, 109 S. Ct 1448; Detroit Free Press v. Dept. of Justice, 73 F. 3d 93 (1998); F.B.I. v. Abramson, 465 U.S. 615 72 L. ed 2d 376, 102 S. Ct. 2054 (1982) including exemption ~ u.s.c. §552(b)(3).

If the information, records and/or data requested are placed, filed, secured and/or held in a separate, different and/or distinct file by or under another name, number or identifier other than the case docket number and/or identification(s) Listed above I authorize and request your Department and/or Agency to open and/or access that file for all the information, records and/or data requested herein.

It is further requested that your Department and/or Agency in response to all the information requested, specifically inform me if and to what governmental body and /or to whom and/or what

"person" previously described, has been released and/or disclosed any of the information and/or material requested herein, their name, title purpose and need for such information and/or material, the date of release, and the specific information and/or material released and/or disclosed such information and/ or material and the specific reference to authority, statute or regulation governing such release and/or disclosure 5 U.S.C. §552a(b)(1)---(12), (c)(1)---(4), or law, Abraham & Rose, P.L.C. v. U.S. 138 F. 3d 1075 (1998); Ray v. Dept. of Justice 720 F. 2d (1983).

Your Department and/or Agency is advised that the Bonding and/or Bond(s) info, data or reports in total are no longer accord exempt status unless under specific exemptions noted, and only with reference to specific citation of authority, Nemetz v. Department of the Treasury, 446 F. Supp. 102 (1987); Akins v. Federal Election Com'n, 101 F. 3d 731 (1996); Gummoc v. Gore, 180 F. 3d 282 (1999); Solar Sourses Inc. v. U.S., 142 F. 3d 1033 (1998).

I agree to pay any reasonable costs or fees applicable to this request, above and/ or beyond the specified allotment of costs or fees applicable at no charge pursuant to The Uniform Practices Code, The 0MB Uniform FOIA Fee Schedule & Guidelines §6(b) Fed Reg 10017, in compliance with 31 U.S.C. § 9701, or if I, am considered indigent, I ask that your Department and/or Agency wave all charges pursuant to 5 U.S.C. §552a (i)(3) et seq.

Pursuant to 5 U.S.C. §552(a)(6)(A)(i), it is noted that your Department and/or Agency has ten (10) working days following receipt of this request to provide me this information and/or material sought. Should any delay occur, it is requested that your Department and/or Agency inform me of this delay as provided by 5 U.S.C. §552(a)(6)(B), and the date when your Department and/or Agency will be able to act. In the event that I do not receive the response in the specified time provided by statute, I will then be forced to pursue other remedy, Public Citizen v. F.T.C. 869 F. 2d 1541 (1989); Blazy v. Tenet, 194 F. 3d 90 (1999); GMRI Inc. v. E.E.O.C., 149 F. 3d 449 (1998)

I certify under penalty of perjury under the laws of The United States of America in the nature of [28 U.S.C. §1746(1)], that I have read the foregoing request for information and know the contents thereof, and that the information listed above is true, correct and complete.

Executed this 9TH day of MARCH, 2011 ~~2005~~

Requester; ....Name..., *Secured Party (if applicable)*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Richard Kellogg Armstrong	§	**this brief is copyrighted**
Petitioner/Defendant	§	**© 2010**
	§	**10-cr-00317**
Vs.	§	
	§	
UNITED STATES OF AMERICA	§	
Respondent/Plaintiff	§	**Verified**
	§	**Affidavit**
	§	

ACTUAL INNOCENCE CLAIM

MOTION FOR DISMISSAL OF INDICTMENT WITH PREJUDICE AS THE COURT HAS NO JURISDICTION OVER PETITIONER

I. PRAYER FOR RELIEF

This motion to dismiss is filed pursuant to F.R.Crim.P. 12(b)(3). Petitioner files this ***Demand*** to a ***Constitutional court*** to have the proceedings dismissed with prejudice as no valid court of jurisdiction exists in this case. When jurisdiction is challenged, all proceedings must cease pending the outcome of the challenge. *Rhode Island v. Massachusetts*, 39 US 657 (1838). "Once jurisdiction is challenged, all proceedings must cease. The government of the United States may, therefore, exercise all, but no more than all the judicial power provided for it by the Constitution."

A. Findings of Fact

Petitioner requests the court take ***mandatory judicial notice*** as confirmed by Congressional records pursuant to F.R.E. 201 of the following facts in this case:

1) That no quorum was present for the House of Representatives vote

EXHIBIT B

on Title 18 (Public Law 80-772) on May 12, 1947[1], as confirmed by Congressional records, and that was the only vote on Public Law 80-772 in the first session of Congress in 1947;

2) That no other vote occurred, as confirmed by Congressional records, by the House of Representatives on Title 18 (Public Law 80-772) in 1948.

3) That Congress adjourned at 7 A.M. on June 20, 1948, and Congress was completely adjourned and no quorum was present when the president pro tempore of the Senate and the Speaker of the House "signed" Public Law 80-772 on June 23, 1948.

4) That Public Law 80-772 contained a jurisdictional section, 18 USC Section 3231 (1948), which is the only section of that bill which gives the court jurisdiction to prosecute crimes against individuals.

5) That the prior section to 18 USC section 3231, 18 USC section 546 (1940), was repealed by the 80th Congress.

6) That according to the Fair Warning Doctrine, a court has no jurisdiction pursuant to the 1909 enactment of Title 18.

B. Findings of Law

Petitioner requests this Court take mandatory judicial notice of the law of the case:

[1] The rules and practices of the House of Representatives governing quorums and voting on the floor are closely intertwined, and derive from two provisions of Article I of the Constitution. Regarding quorums, clause 1 of Section 5 states in part that "a Majority of each [House] 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." Regarding voting, clause 3 of the same section provides in part that "the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal."

1) That according to the Quorum Provision of the Constitution of the United States, Article I, Section V, Clause 1 of the Constitution, a quorum is required to conduct business: "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".

2) That according to *United States v. Ballin*, 144 U.S. 1 (1892), a quorum is required to pass legislation.[2] Public Law 80-

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[2] ***United States v. Ballin***, 144 U.S. 1 (1892)[1] is a decision issued on February 29, 1892 by the United States Supreme Court, discussing the constitutional definition of "a quorum to do business" in Congress. Justice David Josiah Brewer delivered the opinion of the unanimous Court, analyzing the constitutional limitations for the United States Senate and United States House of Representatives when determining their Rules of Proceedings. In particular, the Court noted that it is well within the powers of the House and Senate to establish their own rules for verifying the presence of a majority of their members.

The case was brought up after the U.S. Board of General Appraisers affirmed the decision of the Collector of New York to classify imported worsted cloth as woolens in order to levy a higher rate of customs duty. The importers challenged the validity of the law authorizing the duty increase, alleging an absence of a legislative quorum when the law was passed. On appeal, the Circuit Court of the United States for the Southern District of New York sustained the claim of the importers and reversed the decision of the Board; the United States appealed to the Supreme Court. The Supreme Court reversed the judgment of the circuit court, upholding the Board's decision, and establishing unambiguously that when quorum is present, votes of a majority of that quorum are sufficient to pass a bill in Congress.

For its first 100 years of existence, the United States House of Representatives did not pass legislation unless a full quorum of the House approved the bill.[2] Those present, but not voting, could block votes and prevent a quorum—the technique of the disappearing quorum. The practice was terminated on February 1890, with the adoption of a new set of House rules. In particular, Rule XV (passed on February 14, 1890) established that a quorum is satisfied if a majority of members are present, even if they withhold their votes on a particular bill

772 which purported to enact Title 18, United States Code, Act of June 25, 1948, Chapter 645, 62 Stat. 683 *et seq.*, and

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On March 1, 1888, the Ways and Means Committee of the House had started review of the McKinley Tariff bill which would eventually pass the House on May 21, 1890 One part of the tariff bill, authored by Nelson Dingley, Jr. and known as the Worsted act, would "authorize and direct the Secretary of the Treasury to classify as woolen cloths all imports of worsted cloth, in order to levy a higher rate of customs duty. The Worsted act came up for vote on May 9, 1890, garnering 138 yeas and 3 nays. House Speaker Thomas B. Reed requested a roll call, and 74 representatives were recorded by the clerk in the House Journal as being present and refusing to vote. The speaker concluded that those voting, together with the 74 members withholding their votes (in total more than 166 representatives), constituted a quorum present to do business. The House at the time comprised 330 seats.[9] Since 138 yeas were more than one-half of the members present, the speaker declared that the Worsted act had been passed.

In July 21, 1890, Ballin, Joseph & Co imported into New York certain manufactures of worsted. In agreement with the Worsted act, the collector assessed the duty rate prescribed at the time for manufactures of wool. The importers contended that the duty collected was in excess of what the law permitted, according to schedule K of 22 Stat. 488, c.121. In their request for refund from the Board of General Appraisers, the importers argued that the Worsted act had been enacted in violation of Article I, Section 5 of the Constitution of the United States. In particular, Ballin argued that a quorum of the House had not been present when the vote was taken and therefore the bill had not been legally passed

On October 13, 1890, the Board ruled against Ballin. Judge Henderson M. Somerville drafted the Board's decision, concluding that the act of May 9, 1890, had been constitutionally enacted and that the duty had been correctly assessed by the New York collector The importers appealed to the Circuit Court of the United States for the Southern District of New York, which reversed the decision of the Board. The circuit court reasoned that the act Congress had passed "expressly confined the exercise of its powers to the Secretary of the Treasury, in exclusion of any other officer" and that the collector had overstepped his bounds.

The Supreme Court heard oral arguments on December 2, 1891, with Attorney General William Miller and Solicitor General William Howard Taft arguing the case for the government. Edwin B. Smith represented Ballin, Joseph & Co. Two questions were presented to the Court: *Was the act of May 9, 1890, legally passed?*, and *What was the act's meaning?* On February 29, 1892, the Court issued its unanimous decision, addressing both questions in turn.

The Court started by assuming that information recorded in the House Journal is always accurate. This effectively dismissed any claims based on possible mistakes in the journal. The Court noted that Speaker Reed's actions on May 9, 1890, as recorded in the journal, had been in direct compliance with Rule XV. Rule XV had been legally enacted under the Rules of Proceedings Clause of the Constitution. Article I, Section 5, Clause 1, of the Constitution provides that "a majority of each [house] shall constitute a quorum to do business." Rule XV provided the House with a clear method to establish the presence of a quorum.

(2) 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 of the United States. The federal district court which ordered commitment of this Petitioner, under Section 3231, lacked jurisdiction and, therefore, any judgment and commitment order is ***void ab initio***. To imprison and detain a Petitioner and cause him future harm under a ***void*** commitment order is unconstitutional and unlawful. Therefore, Petitioner must be discharged from any present illegal confinement and his indictment or information, plea, and any judgment must be declared ***void immediately*** to prevent future harm. The Supreme Court has declared in *Glover v. United States* that even one additional day in prison without authority has Constitutional significance. 531 U.S. 198 (2001).

One bill, H.R. 3190, was allegedly passed by the House of Representatives on May 12, 1947, in the first session of the 80th Congress. In fact, it was ***not passed*** because no quorum was present.[3] A second, distinct, amended, and entirely different bill, H.R. 3190,

[3] Like most legislative bodies, both branches of United States Congress have a ***"quorum requirement"*** which is a Constitutional provision setting the minimum number of members allowed to do

was "passed" by the Senate in the second session of Congress in 1948. The first bill, the House bill, was allegedly truly enrolled, but as evidence now discloses, no quorum was present for the passage of the bill. The second bill, the Senate bill, not passed by the House, was signed by the Speaker of the House and President of the Senate on June 23, 1948, after Congress was fully and completely adjourned and disbanded, not in session and no quorum was present. ***Evidence presented herein now establishes that the bill was not passed by the House in 1948, as the House has now admitted.*** Thus, the Congress violated the ***quorum clause*** of the Constitution twice. The first violation was on May 12,

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business. In essence, it is similar to the saying "majority rules". If there were no such requirement as this, the founding fathers were fearful that a few rogue members of Congress might be able to meet secretly and pass legislation, even though the actual voting members would represent only a fraction of the American people claiming to be representatives of the views of the American people. This ***"quorum requirement"*** is founded in the U.S. Constitution's spirit and intent, in that it still allows ***"rule by the people"***, yet it also provides the necessary protection we expect and depend on by requiring a "quorum or majority" number of people voting for a particular choice in order for it to win or pass. This was the founding fathers' way of utilizing the ever so important theory of "check and balance". Further, since it is a constitutional mandate, the drafting members of the U.S. Constitution knew that ***it cannot be changed without a constitutional amendment.*** Art. 1, Sec. 5, of the Constitution provides that "...a Majority of each [House] 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."

In practice, parliamentary rulings in the House and Senate, beginning as far back as the Civil War, have defined the quorum in a more liberal sense. It has been held that a quorum is greater than a majority of the members of each house. However, as time moved forward, so did the definition of quorum. The quorum requirement in the House is presently defined by established precedents to be a ***"majority of the members who are "chosen, sworn and living."*** The most significant aspect of the current interpretation for the purposes of continuity of government is the provision that only a majority of the living members needs to be present for a vote rather than a majority of the whole number of seats. This current interpretation of the quorum requirement ensures that Congress could operate even after a massive death toll, but it could call into question the legitimacy of any legislation passed if necessary.

Title 18 of the United States Code was enacted by legislation allegedly "passed" by the House of Representatives on May 12, 1947 and then by the Senate on June 18, 1948. Yet, an analysis of the vote used to pass the legislation in the House of Representatives shows that no quorum existed at the time the legislation was passed. In fact, the Congressional Record, 93 Cong. Rec. 5049, shows that on May 12, 1947, there were only 44 members present out of the total 435 members who are enrolled in the House of Representatives. Therefore, with only 44 members of the House actually present, a mere 10 percent of the total available members, there was no constitutionally required quorum of members present for the formal vote to pass Public Law 80-772. Petitioner requests the court to take mandatory judicial notice of 93 Cong. Rec. 5049. 93 Cong. Rec. 8392, shows an example of a vote in the House that did not have quorum (only 103 members present) and was objected to based on this quorum issue. Petitioner requests the court to take mandatory judicial notice of 93 Cong.Rec. 8392.

1947, when no quorum was present for the House vote. The second violation was in the second session of the 80th Congress in 1948, when the House never voted on the bill. Thus, according to the Constitution, and Supreme Court precedent, the act must be declared unconstitutional. See *United States v. Ballin*, 144 U.S. 1 (1892)("The other branch of the question is whether, a quorum being present, the bill received a sufficient number of votes, and here the general rule of all Parliamentary bodies is that when a quorum is present, the act of a majority of the quorum is the act of the body")

The bill signed into law by President Truman on June 25, 1948, the amended Senate bill not passed by the House, not the House bill which was truly enrolled, and was signed by Congress after Congress was fully and completely adjourned and no quorum was present, is therefore a political law and not a statute authorized by Congress.

The bill signed into law as Public Law 80-772 was also not published in the Federal Register as required by the Federal Register Act, 44 USC § 1501, et seq. (1935) and therefore its purported enactment is in violation of Due Process.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant submits this Motion by Affidavit and respectfully prays this Honorable Court to:

A. Declare the findings of fact of Petitioner to be judicially noticed on the record;

B. Declare the findings of law of Petitioner to be judicially noticed on the record;

C. Declare Public Law 80-772 and 18 USC section 3231 unconstitutional;

D. Declare Petitioner actually innocent of any alleged crimes charged;

E. Issue an immediate order of release of Petitioner;

F. Grant such further relief as this Court deems just and proper.

Done this 17th day of June, 2010.

Respectfully submitted,

Richard Armstrong

CERTIFICATION UNDER PENALTY OF PERJURY

I, Richard Armstrong, certify on this the 21st day of June, 2010, pursuant to 28 USC § 1746(1) that the foregoing is true and correct.

Richard Armstrong

CERTIFICATE OF SERVICE

On this the 24TH ~~21st~~ day of MARCH ~~June~~, 2011 ~~2010~~, a true and correct copy of this Notice was served on the Office of the US Attorney for the opposing party as required by law.

Richard Armstrong

PROOF OF FILING

On this the 24TH ~~21st~~ day of MARCH ~~June~~, 2011 ~~2010~~ a true and correct copy of this Motion was served on the court by delivery or first class mail, or better.

Richard Armstrong

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Richard Kellogg Armstrong	§	**this brief is copyrighted**
Petitioner/Defendant	§	**© 2010**
	§	**1:10-cr-00317-REB**
Vs.	§	
	§	
UNITED STATES OF AMERICA	§	
Respondent/Plaintiff	§	**Verified**
	§	**Affidavit**
	§	

WRITTEN ALLOCUTION RELATED TO ARRAIGNMENT

I. INTRODUCTION

Petitioner notes to the court that Petitioner has now entered as co-counsel in this case.

Petitioner was charged by criminal complaint on or about May 18, 2010 as stated by Greg M. Flynn, Special Agent for the U.S. Internal Revenue Service, Criminal Investigation Division. Petitioner was subsequently indicted, charged with crimes against the government. This court asserts its jurisdiction pursuant to 18 USC section 3231 (1948).

Petitioner notifies the court that Petitioner does not waive his right to counsel, as according him by Supreme Court and Constitution, but requests the right to have a written interview of any potential counsel to determine his competence pursuant to the Sixth Amendment of the Constitution. Since Petitioner's very freedom is at stake, then Petitioner has a right to determine the authority of the charging parties. See *Federal Crop Insurance v. Merrill*,

EXHIBIT C

332 U.S. 380 (1947).

Petitioner now issues this written statement related to arraignment and requests that the government produce the following documents and answer the following questions in order to protect Petitioner's Constitutional rights. Petitioner has not only authority, but a duty to demand that the government officials prove that they are acting on behalf of the government.

1. Petitioner requests that the U.S. attorney(s) assigned to this case provide certified copies of their bar cards and certified copies of their identifications as employees of the United States government. Petitioner also requests that they produce any bonds which underwrite their activities for the government and provide all contact information related to those bonds, including names, addresses, phone, fax, and email, of the bonding company.

2. Petitioner requests that the IRS agents in this case provide certified copies of any identification establishing that they work for the United States government, and are not unregistered foreign agents, as well as a certification that the names they have used in this case are the names on their birth certificates.

3. Petitioner requests that the judge in this case produce his original or a certified copy of his oath of office, his appointment affidavit, and any other documents which establish that he is appointed to act as an Article III judge in this case.

4. Petitioner requests to inspect the original charging instrument in this case to determine if it is a valid charging instrument with original wet ink signatures.

5. Petitioner requests that the U.S. Attorney certify the charging instrument as true and correct before the court during this hearing.

6. Petitioner requests that the U.S. Attorney certify before the court that he/she will

produce for discovery all documents, both federal and state, in any and all agencies of the government related to Petitioner for inspection and review, including classified records, *Rovario* records, and all other records in any agency of the government, whether state or federal, or any agency in which the government keeps or maintains records.

7. Petitioner requests that the U.S. Attorney certify before this court that he/she has authority to pursue this case pursuant to 18 USC section 3231, and that statute was *Constitutionally passed* in 1948.

8. Petitioner requests that the U.S. Attorney certify before this court that he/she nor anyone that has acted as a U.S. Attorney in a tax related case has ever received bonuses or compensation for prosecuting a tax related case.

9. Petitioner requests that the U.S. Attorney certify before this court that he/she nor anyone that has acted as a Federal Judge in a tax related case has ever received bonuses or compensation for sitting on the bench in a tax related case.

10. Petitioner requests that the U.S. Attorney certify before this court that the Internal Revenue Service is an agency of the UNITED STATES OF AMERICA.

11. Petitioner requests that the U.S. Attorney certify before this court that the court is holding all grand jury records as required by Supreme Court precedent and the U.S. Attorneys's office holds no grand jury records and has no stamp with the Grand Jury Foreman's name on it in their office and that the U.S. Attorney's office has never stamped a grand jury foreman's name on a document.

12. Petitioner requests that the U.S. Attorney certify before this court that Defendant's rights were properly presented before the Grand Jury.

13. Petitioner requests that the U.S. Attorney certify before this court and produce the Grand Jury logs to establish if any no-bills occurred during the life of this Grand Jury.

14. Petitioner requests that the U.S. Attorney produce an invoice to the Defendant identifying the cost to pay for this case.

15. Petitioner requests that the court appoint a second transcriber in this case, specifically assigned to this case under the direction of the Defendant, in order to insure that the Defendant's rights are protected and that proper and complete transcriptions are done in this case.

II.

PRAYER FOR RELIEF

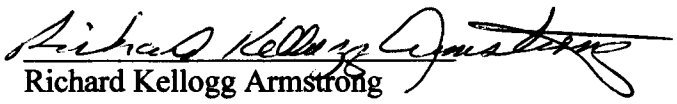
Petitioner is being arraigned on accusation of serious crimes. Petitioner's very liberty is at stake. Petitioner requests that the proceedings questions be provided with answers during arraignment, and notices the court that Petitioner does not waive his right to counsel as guaranteed by the Constitution, but requests the right to interview counsel in a written interview to determine their competence pursuant to the Sixth Amendment.

Respectfully submitted,

Richard Kellogg Armstrong

JURAT

I, Richard Kellogg Armstrong, certify under the penalty of perjury pursuant to 28 USC section 1746 that the foregoing is true and correct, that I have personal knowledge of the facts stated herein, that I am over the age of the majority, and that I am prepared to testify to those facts.



Richard Kellogg Armstrong

CERTIFICATE OF SERVICE

I, Richard Kellogg Armstrong, certify that on this the 24TH day of MARCH, 2010, a true and correct copy was sent by first class mail, postage prepaid, or better, to opposing counsel of record.

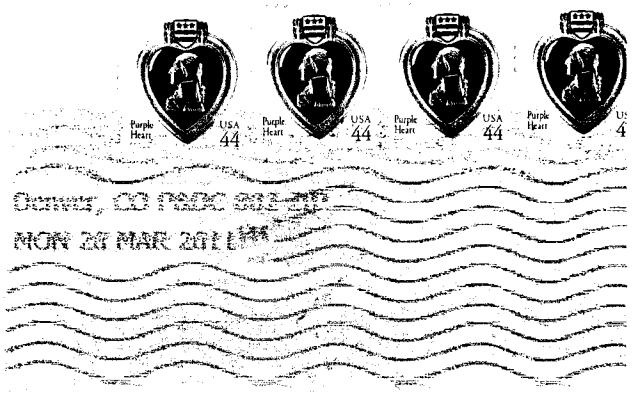
Richard Kellogg Armstrong

PROOF OF FILING

On this the 24TH day of MARCH, 2010 a true and correct copy of this Motion was served on the court by delivery or first class mail, or better.

Richard Armstrong

RICHARD V [illegible]
20413
FEDERAL
9595 QUINCY AVE.
LITTLETON, CO 80123



LEGAL MAIL

GREGORY C. LANGHAM, CLERK OF THE COURT
U.S. DISTRICT COURT COLORADO
901 19TH STREET, ROOM A105
DENVER, CO 80294-3589

RECEIVED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 29 2011
GREGORY C. LANGHAM
CLERK

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