No. 20-1657

In The

Supreme Court of the United States

MINOR LEE MCNEIL,

Petitioner,

v.

EIGHTH CIRCUIT COURT OF APPEALS, ET AL.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

MINOR MCNEIL
Pro Se Petitioner
12150 Congo-Ferndale Rd.
Alexander, AR 72002
(501) 551-6985

QUESTIONS PRESENTED FOR REVIEW

On March 9, 1933, Congressman Louis T. McFadden spoke vigorously against a proposed '***emergency***' legislation; that subsequently became on that very day, 48 Stat. 1, *The Banking Emergency Act*, and which amended the *Trading With The Enemy Act* of *1917*, (hereinafter TWEA). McFadden described it thusly: "*It is a dictatorship over finance in the United States. It is a complete control over the banking system in the United States*;" 77 Cong. Rec. 80.

The *Trading With The Enemy Act, 1917*, is strictly a War measure; *Stoehr v. Wallace*, 255 U.S. 239 (1921), 255 U.S. 241. That Act of March 9, 1933 initiated a domestic war, and produced an absolute federal sovereignty over the American society of nation/states which formed the ***New Deal Union*** as *occupied Territory*; *Cross v. Harrison*, Syllabus, 57 U.S. 164 (1853), 57 U.S. 166, citing to 1 Burlaquami, and to Vatel on International law.

Whether the use of the federal War power via the amended (TWEA), to establish federal jurisdictions inside the Union States is an act of Treason?

Whether the intentional acts of the named defendants, Executive Branch employees all, unaided by either constitutional authority or by congressional legislation; while acting knowingly and in direct support of the previously repealed (TWEA) and other federal legislation supporting these extra-constitutional and radical changes, amounts to providing "Aid and Comfort" to federal Treason?

PARTIES TO THE PROCEEDING

Minor L. McNeil, American State citizen and citizen of the Union, is the Petitioner/ Claimant below.

Defendants A, B, C, & D, are nominally United States judges. A is employed in a United States District Court. B, C, & D, are employees in a United States Circuit Court of Appeals. Each is herein alleged to have knowingly committed Treason. All are federal Executive Branch employees, engaged in carrying out certain executive functions of government; in federal offices denominated as United States' Courts in the United States Code.

The Defendants *are not* United States judges, and none of them exercises any part of the judicial function. *All* inferior United States Courts were legislatively created as Territorial Courts by Congress at 61 Stat. 633 et seq., July 30, 1947, and excepting only the District of Hawaii; *Balzac v. Porto Rico*, 258 U.S. 298 (1922), 258 U.S. 312. See also the Dockets of this Court, *McNeil v. Oklahoma*, No. 18-6, June 2018, App. Pp. 9-15.

STATEMENT OF RELATED CASES

McNeil v. Oklahoma, Docket No. 18-6, and *McNeil v. University of Arkansas for Medical Sciences, et al.*, Docket No. 18-1497, involve the same parties and subject matter.

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Id., Territorial Courts, App., 9-14.

90 Stat. 1255; 91 Stat 1625, Termination of Certain Authorities Related to National Emergencies.

Social Security Act, 49 Stat. 620-648, August 14 1935.

94th Congress Committee Print, Trading With the Enemy, November 1976, page 321.

War Powers Act, 1941, 55 Stat. 839 (Committee Print pg. 308).

Law of Land Warfare, Army Field Manual 27-10 (1956) Chapter 2, Par. 25, Enemy Status of civilians.

Public Papers and Addresses of Franklin D. Roosevelt, March 6, 1933, heinonline.org, Commercial Archivist, 1938: handwritten notes added to Public Notice; President Proclaims a Bank Holiday.

Opinion of this Court and concurring opinions; *Arizona v. United States*, 567 U.S. 387 (2012) as it appertains to federalism.

INTRODUCTION

There is probably no one in the United States, or in its officers, or in its people, with a living memory of how everyday life progresses under a de jure federal

government; one which operates within the delegated powers of the Constitution as adopted and amended.

The federal War power was relied upon by the *New Deal* Commander in Chief for new authorities to deal with the banking emergency. In addition to producing complete federal control of banking, it also altered the Constitution in other ways, so as to provide new and unauthorized concurrent taxing jurisdictions.

Treason is the levying of War *against them.* Whether seen or unseen, and whether intentional, or incidental, use of the War power to usurp a federal jurisdiction not granted originally is Treason. Usurpation of jurisdiction was exactly the stated intention of this Treason's creator. See FDR's handwritten notes appended to the Proclamation of the Banking Holiday.

The enactment of the *Banking Emergency Act*, 48 Stat. 1-7, amending the (TWEA) of 1917, began the *New Deal federal government.* It was an event which ended the free existence of Americans born and residing in one of the several States. The (TWEA) automatically converted State Citizens into *Wartime enemies* of the federal government, and the States themselves into occupied enemy Territory.

This all happened by stealth in the midst of the financial crisis of 1933. No discussions and no enabling statutes were required, just a perceived *emergency* combined with intentional deception. FDR intended to take federal control of the banking functions in the foreign American States, convert the status of the people of those States from free citizens into federal enemies,

and the geographic location of the States into occupied Federal Territory. In addition, he fully energized the entire spectrum of federal belligerent rights expressly denied to the States by Article I, Section 10, Clause 3.

There has never been a robust discussion, in Congress or in the Courts, of the (TWEA) of 1917. There was virtually no discussion of it in 1917, and none in 1933. See the evidence provided in the Appendix (Memorandum for the special committee, pgs., 184-186) App. 23-25.

The 1933 amendment to the (TWEA) intentionally contained no language limiting its application to an "enemy," nor was its use confined to "time of War." See Foreword, pages iii-v, Reprint of the Church Commission, 1976; 94th Congress 2nd Session. App. 26-30.

The exclusion of "domestic transactions" was removed from the 1917 (TWEA) Act, by its 1933 amendment. See Memorandum for the Special Committee on Termination of the National Emergency.

Two long standing doctrines, supported and engaged in by this Court, aid immensely in helping the Executive Branch to conceal the true effects of the *Banking Emergency Act*: The Doctrine of Constitutional Avoidance provides a space where questionable legislative Acts can avoid close judicial scrutiny. And, the Ashwander Doctrine of 1936, under which the Court refuses to rule on the constitutionality of a statute for which a Party litigant has accepted the benefit of its operation, adds further cover to legislation capable of being, and intended to be misunderstood.

War-time legislative initiatives such as the Social Security program avoided close judicial scrutiny, even though participation in it, was and is, federally compelled by both the Alien Registration Act of 1940, and by the Current Tax payment provision of the Social Security program; *and each presumes concurrent taxing jurisdictions.*

The legality of taxing the wages and property of State citizens has never been adjudicated in this Court. See Petitioner's Appeal brief, docketed below. War is simply coercion.

Four decades after the fact, all the functions of the (TWEA) were separated and removed from the *Banking Emergency Act* of 1933. Its executive use for managing emergencies through use of the (TWEA) having been totally eliminated by Congressional legislation. Along with that went banking, taxing, and other jurisdictions obtained by that same means.

The wartime belligerent rights and federal wartime jurisdictions, provided by amending the (TWEA) in 1933, no longer exist inside American States, and have not done so since 1977.

The War power, like all others, is subject to the fifth amendment; *Hamilton v. Kentucky Distilleries*, 251 U.S. 146 (1919), 251 U.S. 149.

There exists presently no legislative basis for compelled participation in any federal program which provides individual assistance. And, no legislative power exists to extend banking regulations, federal taxes, or

to authorize non-judicial seizures in States. All such jurisdictions existed solely under the Congressional power to "make Rules concerning Captures on Land or Water," and all such usages were terminated by Congress for Executive use.

OPINIONS BELOW

The Eighth Circuit's opinion was not reported and can be found at App. 1 of the appendix. The order of the District Court can be found at App. 5-13.

JURISDICTION

Article III, Section 2, extends the federal judicial power to one Supreme Court, and to all cases in Law and in equity arising under it. Treason is an express criminal violation of the supreme Law of the Land, and is applicable to all persons owing allegiance to the United States.

Statutory jurisdiction was assigned to this Court by Title 28 U.S.C. § 1254(1).

"*Levying War against them*," or adhering to their Enemies, giving them '*Aid and Comfort,*' is a constitutionally defined Crime at Article III, Section 3, Clause 1. The named Defendants, A, B, C, & D, each in turn, have been alleged and affirmed in open Court by two different claimants, to have knowingly and intentionally provided aid and comfort to an ongoing federal

Treason. The allegations are reaffirmed for purposes of this petition.

Congress has created a penalty for the punishment of Treason and sedition, and for giving aid and comfort to the federal war against the several States of the United States, at Title 18 U.S.C. § 2381. Seditious conspiracies to levy War against them are punishable under § 2384.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"We the people of the United States, in order to – secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

"Representatives and direct taxes shall be apportioned among the several states – "

(A power given to one and only one government)

A. The Trading With the Enemy Act, 1917, and concurrent taxing jurisdictions created by statute.

"Upon Congress alone, the Constitution places the powers of both War and peace;" Penhallow v. Doane's Administrators, 3 U.S. 54 (1795), 3 U.S. 81.

Every power granted to the United States by the Constitution is an exclusive delegation from the people. See infra.

The stated objective of the Constitution is to protect the rights of people, not those of government.

"Treason against the United States, shall consist only of levying War against them, or in adhering to their enemies, giving them Aid and Comfort."

Among the components of enumerated War powers of Congress is Article I, Section 8, Clause 11: "*Congress shall have power – "To make Rules concerning Captures on Land or Water.*" The War power embraces its peacetime capacity "*to dispose of and make needful rules and regulations respecting the Territory or other property belonging to*" the United States.

These are powers which were previously used in the early history of our national expansion and development. A leading example is the case of *Cross et al v. Harrison*, 57 U.S. 164 (1853), 57 U.S. 166-167. That case appertained specifically to directing the functions of the civil government of California, by exercising the belligerent war power of the occupying United States federal government over that conquered civil authority, and controlling its behavior regarding people:

> "*The Trading With the Enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Const. Art. I, § 8, cl. 11.*" Quoting: *Stoehr v. Wallace*, 255 U.S. 239 (1921), 255 U.S. 241.

An horrific *financial* disaster had enveloped America, and the world, after the Stock Market crash in 1929. It presented an economic crisis which begged for intervention by governments on the peoples' behalf.

From that crisis proceeded the enactment of 48 Stat. 1, and the Banking Emergency Act which amended the (TWEA) of 1917. In the same instant that Act was signed into law, the federal government was immediately and consequently changed; from a government with absolutely no jurisdiction inside Union State geography, – to that of a government possessing "*absolute sovereignty over*" the territory within the several Union States as occupied Territory. *McNeil v. Oklahoma*, Docket #18-6, p. 8.

As adopted, the Constitution of the United States grants *no jurisdiction* to the federal government, civil or criminal, within the sovereignty of a Union State, and "emphatically not with regard to legislation;" *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936), 298 U.S. 295, and positively prohibits concurrent taxing jurisdictions. And:

"[T]he right to ***exclusive power of taxation through the Congress formed one of the strongest inducements to the adoption of the Constitution of the United States****. See Madison Papers, 171, 217, 2-4, 475, 481, 493, 540; id. 146, 297; id. 109, 218, 488; id. 403; id. 730. See, also, Elliott's Debates in Convention on Adoption of Federal Constitution, vol. 1, pp. 72, 76, 82, 83, 86 to 88, 95 to 106; id. 298, 304, 320; vol. 2, pp. 189, 461, 441, 133 to 150, 118 to 125; 2 Story's Com.*

Const. § 977." Cross v. Harrison, 57 U.S. 164 (1853), 57 U.S. 176. Moreover:

"All the property and all the institutions of the United States are constructively without the local, territorial jurisdiction of each of the individual States, in every respect, and for every purpose including that of taxation." McCulloch v. State of Maryland, 17 U.S. 316, (1816) 17 U.S. 395.

An exclusive power of taxation through the Congress, plainly operates to deprive *Union State governments* of any such power as explained in the 10th Amendment. Prior to the *New Deal*, State governments never had a power to lay and collect taxes directly: a constitutional limitation which the *New Deal* general government intended forever to be eliminated.

Under these original and ***exclusive*** *jurisdictional* conditions, governments both State and federal, were *"sovereign and independent in each's sphere of action, and exempt from the interference or control of the other, either in the means employed or functions exercised." The People of New York on the Relation of the Bank of Commerce v. The Commissioners of Taxes for the City and County of New York*, 67 U.S. 620 (1863), 67 U.S. 634.

Except for the enumerated *national functions* such as immigration, bankruptcies, regulation of commerce, delivery of mails, etcetera, the States were *foreign and independent* from each other; *Buckner v. Finley & Van Lear*, 27 U.S. 586 (1829), 27 U.S. 590;

Constitution, Amendment # 10. Only one government had the power to directly tax people.

Being foreign to the federal government, each State government had citizens of its own, and one could be a citizen of either the nation, or a state, or of both; *United States v. Cruikshank*, Syllabus #2, 92 U.S. 542 (1875).

Federal laws are *prima facie* territorial, and taxing laws of the United States do not reach into the boundaries of a Union State; *American Banana v. United Fruit Co*, 213 U.S. 347 (1909), 213 U.S. 349-350.

So, from 1797 through 1933 – no federal *taxing jurisdiction* existed within the several States, and the States themselves had no such capacity. These conditions would change with the *New Deal federal* takeover of State banking as an act of War.

To begin an analysis of the amendments to the (TWEA), we have the testimony of Representative McFadden; stating that the bill did not originate in the House of Representatives. At the time of enactment of the *Banking Emergency Act*, McFadden had been Chairman of the House Finance Committee for a decade. That Bill, which clearly did not originate in the lower House, was passed over his strenuous objections and which, it is rumored, led subsequently to his murder.

But this was just the beginning of it. "*The Trading With The Enemy Act, 1917, is strictly a War measure*;" *Stoehr v. Wallace*, supra. An unseen and unprecedented military takeover, and a silent civil War was

established de facto, with the enactment of the *Banking Emergency Act*, 48 Stat. 1, amending the (TWEA).

The *New Deal* State governments exactly duplicated the civil government which was installed in upper California; as a federal conquest and territory after the end of the War with Mexico. Only after the *New Deal* and national banking began, did the federal government possess the belligerent rights of a conqueror within all Union States, and assumed superior and concurrent taxing jurisdiction; *Cross v. Harrison*, 57 U.S. 164 (1853), 57 U.S. 166-167, provided herewith at App. 32.

The (TWEA) of 1917, as amended in March of 1933, contained within it belligerent rights of War which are boundless. It established in the federal government an "*absolute sovereignty*" over the entire Union as occupied Territory. After March 1933, the federal war power embraced everything done legislatively in the Union of States, *by any government.*

Most Congressional legislation enacted after 1933, and before the repeal of the (TWEA) in 1977, was put in place to facilitate Executive use of the belligerent rights of War; and did so while never publicly expressing the unstated consequences of the *New Deal* amendments.

All legislative, or administrative, or judicial acts taken in support of concurrent government jurisdictions, taxing or otherwise, are products of the federal War against the Union States. See especially, Report No. 405, June 1959, – A Report on the Adjustment of

Legislative Jurisdiction – a Bill to Provide for the Adjustment of the Legislative Jurisdiction Exercised over Land in the Several States for Federal Purposes. This *intentional constitutional error* hugely facilitates the ongoing federal War.

The Supreme Court of the United States, in *Surplus Trading Co. v. Cook*, 281 U.S. 647 (1930), 281 U.S. 652, had held that the question of whether exclusive legislative jurisdiction existed "*was not an open one*;" and did so a scant three years before the initiation of the *New Deal*, and thirty years before Congress began *legislating* changes to the Constitution in order to provide an impossible thing: a ***concurrent legislative and taxing jurisdiction*** with Union States over federal property inside those States.

Congress therefore, with the licentious forbearance of the Courts, by "retroceding concurrent jurisdiction to States," has intentionally violated Article I, Section 8, Clause 17 which requires it; "*To exercise exclusive legislation in all cases whatsoever – and to exercise **like authority** over all places – of the State in which the same shall be – .*"

In *Surplus Trading Company*, the high Court cited to ten prior cases, all to the same effect: "*exclusive legislative jurisdiction* – and – "*to exercise like authority over all places & etc.*" could not be more conclusive. Those words can have *no other meaning* than that the federal government and the Union States are completely foreign and independent from each other; and

sales of military surplus from within a State, is neither a delegated nor an implied *national function*.

The legislative jurisdiction within the Union of the United States must always be ***exclusive***. In no fewer than *eighteen* separate and distinct cases, unrelated to the *Surplus Trading Company decision*, this Court held that powers delegated to the United States by the Constitution absolutely negatives any residual power in States over the same identical Territory or objectives. See; *Loughborough v. Blake*, 18 U.S. 317 (1820), 18 U.S. 325; *Holmes v. Jennison*, 39 U.S. 540 (1840), 39 U.S. 574; *Houston v. Moore*, 18 U.S. 1 (1820), 18 U.S. 23; *Gibbons v. Ogden*, 22 U.S. 1 (1824), 22 U.S. 196; *Chisholm v. Georgia*, 2 U.S. 419 (1793), 2 U.S. 468; *Brown v. Maryland*, 25 U.S. 419 (1827), 25 U.S. 446; *Sturges v. Crowninshield*, 17 U.S. 122 (1819), 17 U.S. 122; *Passenger Cases*, 48 U.S. 283 (1849), 48 U.S. 399; *Weston v. City Council of Charleston*, 27 U.S. 449 (1829), 27 U.S. 466.

The nature and effects of the belligerent rights of War are well understood in Law. The existing facts of this case speak with stunning clarity. Congress did, in fact, enact the Social Security Act, the Alien Registration Act, the Buck Act, and the current tax payment Act, and each creating a federal intrusion into functions constitutionally reserved exclusively to State governments. In addition, the "Treasury Department," the IRS, holds what McFadden designated as an *'absolute dictatorship'* over the fortunes of every ***federally numbered State citizen*** in America.

Every aspect of these undeniable facts is *strictly barred* by the Constitution, except when State governments are federal instrumentalities, and when State citizens are enemies residing in occupied Territory:

> *"(a.) During the flame of war, a nation may sell or abandon part of its public property, (Vattel, Bk. 1, c. 21, p. 105,) – and the domain or property, are not inseparable – for the nation may have its sovereignty but not its domain – which may be held in the possession of a foreign nation, either by war or treaty." Vattel, Bk. 1, c. 23, p. 118.*
>
> *"(b.) The sovereign – who acquires a country by conquest or treaty,* ***has the exclusive right to legislate in regard to it, and may impart this right to another****; and the country so acquired may be retained in a subject condition, or be erected into a colony." Cross v. Harrison*, 57 U.S. 166-167.

This recorded history of the use of the federal War power against the Union States leaves nothing to wonder about. The IRS exists in America, seizing the property and controlling the lives of every numbered enemy as an act of War; ***because of*** the 1933 amendments to the (TWEA), and the concurrent taxing jurisdictions produced by it.

B. Tracing the Federal Treason by its products:

On January 6, 1933, State citizens were subject to *indirect federal taxation* by apportionment by the

government of United States acting through the State wherein their residence was established.

On March 6, 1933 – "President proclaims a Bank Holiday." See Presidential Papers, Vol. I, page 22, heinonline.org, Archivist, 1938, extract from handwritten notes of the President placed on the typed record of his proclamation:

> "*For nearly two months prior to my inauguration, I had discussed with a number of people the gloomy banking situation toward which the country had been drifting for some time.* ***In order to meet it successfully, it was necessary to discover some constitutional method of obtaining jurisdiction over the entire banking system of the Nation – including not only the banks which were members of the Federal Reserve System but also the State non member banks.***" Archivist records of the Proclamation provided at App. 35.

On March 9, 1933, the "*levying of War against them*," by the federal government became an accomplished fact. The architect (FDR) of this secret federal plan to *levy War against them* had acted; had penned his name upon the congressionally approved amendments to the (TWEA); and obtained the unconstitutional concurrent taxing jurisdiction he intended to obtain.

At the very instant the Banking Emergency Bill was signed into law, State citizens (*enemies* of the United States by operation of international law)

became what is now denominated as a special category of "*Federal personnel*;" see Definitions; Title 5, U.S.C. § 552a (B)(13). The term "Federal personnel," as used in Title 5, is a misdirecting term meaning State citizens, who are *numbered alien enemies*, and who are also compelled enrollees in one or more of the Federal Assistance programs.

Upon enactment of the Social Security Act, those (*captured alien enemy*) individuals became entitled (or enrolled) for future conditional entitlement, to receive immediate or deferred retirement benefits under the compelled retirement programs of the *Captor* government of the United States, including survivor benefits.

In 1939, a point in time long after State citizens had become foreign wartime enemies, and residing in Territory over which the occupying government of the United States possessed an absolute sovereignty; *American Insurance Company v. Canter*, 26 U.S. 511 (1828), 26 U.S. 542, Congress then enacted the Buck Act. From that enactment also flowed Title 4 U.S.C.A. § 110 (c), and establishing as a point of law, that an "income tax" was any tax "levied on, with respect to, or measured by, net income, gross income, or gross receipts."

C. The Federal Register Act, 1935:

At 49 Stat. 501, July 26, 1935, the Congress provides:

> "There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no

> general applicability and legal effect – Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect."

That is clear enough – if one is a numbered federal personnel, i.e., alien enemy, federal punishment statutes apply to you. So – the federal jurisdictions obtained concomitantly with the national takeover of banking, also swept in State citizens as captured federal enemies – enemies and jurisdictions produced directly by, and only by, the concealed federal Treason. All done without judicial objection.

This is plainly and indisputably an example of a *Federal jurisdiction* obtained by *levying War against them*, and a War which has resulted in producing *"An absolute federal sovereignty over occupied territory;"* see *American Insurance Company*, cited to supra.

D. The Alien Registration Act of 1940:

After the Alien Registration Act was enacted, it was used secretly to compel federal enumeration of all natural born Americans before their fourteenth birthday. See proofs which this Court rejected previously in the case of *McNeil v. Oklahoma*, Docket # 18-6, June 2018.

Federal jurisdictions over delegated government functions *never directly reached people in the Union States*, until they were made federal enemies in 1933.

In order to know who might be reached in States, by the penal laws of the United States – or to know who might have liquid assets held in banks, the U.S. needed a list. Americans needed to be numbered.

The Social Security Act, combined with the Alien Registration Act and the (TWEA), put every Union State citizen, individually, within reach of being punished, or at risk of having his property seized by a government that has no assigned jurisdiction inside the Territory of States. Without the federal government firing a shot, all of the American people and their property had literally become its enemy ***"captures on land."***

E. The Administrative Procedures Act:

With jurisdictional questions having been settled by the banking takeover in favor of the federal government in 1933, everything else had to change in order to accommodate the new state of things. The federal government is now in complete charge of everything. So, all federal laws have to reflect the change without clearly revealing how those changes came about.

The answer seems very straightforward: the U.S. ***alone*** possess a War power. By means of the use of it, the U.S. can obtain an *absolute* sovereignty over occupied Territory. The U.S. was originally delegated absolutely no direct contact with people who lived and worked in a Union State, and it fervently desired something that worked and looked like concurrent taxing

and penal jurisdictions. All this was available by simply *levying War against them.*

Congress, as of this date, has yet to see through the *New Deal* deceptions. The 94th Congress tasked the Committee on International Trade and Commerce to undertake a review of the Executive use of Emergency Powers during times of crisis. At the conclusion of its review, *Congress terminated all Executive use of the* ***Trading With The Enemy Act*** *for any purpose*; permitting its future use only for a single year at a time, and conditioned upon the issuance of a new Executive Order, detailing the terms of its use.

At 91 Stat. 1625, December, 1977, Title 50 U.S.C. § 1601, the termination of the *New Deal* excesses was signed into law by President Gerald R. Ford, and with that termination went all then extant federal capacity to exert its power over "federal personnel" who are federally numbered alien enemies residing in States.

Inescapably, *The New Deal* federal government got its banking and taxing *"jurisdictions,"* inside the Union States in 1933, through an Executive initiative that was centered on *levying war against them.* Since 1977, and the enactment of Statutes at Large, 91 Stat. 1625, terminating all capacity to use the (TWEA) in dealing with emergencies, the existence of the unseen federal War against the Union of States has been solely supported by the IRS, the inferior federal Territorial Courts, and individually in this instant matter by the named Defendants.

STANDING

Petitioner/Appellant McNeil has Article III standing as an American State citizen who has been harmed as the intentional victim of judicial Treason. He has been denied due process and access to justice in order to protect this Treason. He has had his private property seized by the Department of Treasury as an act of War; while being denied access to a post seizure jury trial. All these harms done knowingly and intentionally by the named Defendants.

STATEMENTS

Facts giving rise to this case:

A. The United States government acts in three separate characters; and the Constitution assigns to it two separate *classes* of power, a War power and a peace power:

"As the head of a (federal) *nation* with all the attributes of sovereignty, the United States is vested with all the powers of government necessary to maintain an effective control of international relations;" *Burnet v. Brooks, Commissioner* 288 U.S. 378 (1933), 288 U.S. 396.

As a functioning *government in the family of American governments* there is no such thing as a sovereignty of the United States; instead all its powers are strictly delegated. Its power to lay and collect direct taxes extends over all the Union, restricted by the Rule

of Apportionment, and by the limitation of uniformity; Constitution, Article I, Section 2., Clause 3; Article I, Section 8, Clause 1; Article I, Section 9, Clause 4.

No such restrictions exist in instances wherein the United States functions as a government controlling absolutely the Territory of another sovereign with which the United States is at War. See *Cross v. Harrison*, cited supra; and Presidential Proclamation March 6, 1933.

Use of its War power to coerce the several Union States, in order to avoid the limitations imposed by the delegations enumerated in Article I, Sections 1-10, and by the 10th Article of amendment, is *"levying War against them."* Levying War against them, or supporting the efforts to do so is Treason; Article III, Section 3, Clause 1;

B. *International Law supports military governments*: At the time of founding, the duty of the United States was to receive the *mitigated law of War*; *Ware v. Hylton*, 3 U.S. 199 (1798), 3 U.S. 226;

> *"[T]he British creditor, by the conduct of his sovereign, became an enemy to the Virginia Colony." By function of International Law, in War, all the citizens of each Country are enemies to each other;" Armitz Brown v. United States*, 12 U.S. 110 (1814), 12 U.S. 112.

No action by the Congress was needed to create this circumstance, beyond authorizing Executive use of the (TWEA). See also the Army Field Manual statement as to the status of enemies and provided herewith.

The New Deal federal War against the Union needed only the Banking Emergency Act to Authorize Executive use of federal War Powers for any intended purpose. It produced a military possession, *or shared occupation* of the entire Union, and an "*absolute sovereignty over occupied Territory*; *Cross v. Harrison*, 57 U.S. 164 (1853), 57 U.S. 167.

Acquiescence by State governments to federal takeover of banking, unaided by any proclamation or legislative action, made State citizens enemies to the federal government.

C. *Military governments, including inferior federal Courts, function entirely under Executive control*:

It matters not, how Territorial judges see themselves, or their roles in the Executive Department. At the same instant that International Law made alien enemies of State citizens, it also obviated any semblance of tripartite federal government. What remained after the federal dictatorship over banking began, was a federal military government of paramount power, exactly as described by this Court in *Thorington v. Smith*, 75 U.S. 1 (1878), 75 U.S. 9. See Article II, Section 2, Clause 1.

In 1946, with the complete recasting of authorities found in the *New Deal* Judiciary Act, the federal government now had powers previously withheld from it; to investigate bank robberies, kidnaping, and sundry other crimes wherever they might occur. See Article III, Section 2, Clause 3. Administrative control of States by federal Agencies was also in progress.

Federal inferior Court judges are presently merely Executive Branch employees, acting officially to provide *'Aid and Comfort'* to Treason in the clear absence of all constitutional jurisdiction; as described in the Appendix of *McNeil v. Oklahoma*, Docket No. 18-6, App. 9-14.

D. *The definition of Treason is unaffected by political emergencies*:

There exists only a single Crime defined by the Constitution. The definition functions exactly as written both in peace and in War. Whether Executive Branch employees understand the true nature of their official conduct is entirely immaterial. It is enough that they act intentionally in providing *'Aid and Comfort'* to the *New Deal* government. There are no accessories to Treason; *United States v. Greathouse*, Fed.Case 15,254, (4 Sawy. 457; 2 Abb. 364-381).

CAUSE OF ACTION AND ARGUMENT

In the complete absence of all federal jurisdictions in Union States, and the concomitant loss of all capacity to contact people individually; following withdrawal of executive authority to use the (TWEA) in America and beginning in 2006, the IRS has annually seized private property of claimant McNeil, and which are moneys claimed as returnable on sworn tax returns. The fixed amount, excluding statutory interests, is approaching a half million dollars denominated in Federal Reserve Notes.

Being properly before a United States District Court for a defined district within a state, in a counter claim to a summons for information presented him by the IRS, Petitioner McNeil established on the record made there, that the "*New Deal*" founded by the Franklin Roosevelt Administration in 1933, was in fact based upon a federal Treason, and these allegations remain unaddressed by anyone. Thus, the actions of Defendant A., in giving aid and comfort to federal Treason were fully informed and intentional.

On appeal to a United States Court of Appeals, the Department of Justice responding for the Department of Treasury, simply refused to address either the alleged want of federal jurisdictions, or the allegations and proofs provided of judicial Treason. The named Defendants, B, C, and D, in the absence of all federal jurisdiction, elected to affirm the decision of the trial judge, and imposed a 'bill of attainder;' a monetary sanction without ever identifying its reasons for doing so, and without providing a hearing prior to imposing a punishment.

Actions of the federal government initiating the Depression era "*New Deal*," changed both the sovereignty and functions of State governments in the American Union. It changed every jurisdiction of any sort, and did so by means of giving a military character to the federal government, and status of an *occupied enemy Territory* to the Union States and to their citizens.

The (TWEA) provided the federal government a capacity to control the lives and fortunes of a foreign people: State citizens made captive Wartime enemies resident in occupied Territory.

These, and many other changes were empowered by the Trading with the Enemy Act, and by its underlying congressional faculty to "*make rules for capture on Land or on Water.*"

War is simply the use of force for the purpose of coercion, and in this instant case, for coercing State citizens. Levying War "*against them*" is expressly defined by the Constitution as Treason. State *governments*, by their silent acquiescence to Treason, were absorbed into the federal government as instrumentalities of it, or as a shared sovereignty controlled by it.

Standing clearly above all the other incidental and invisible alterations to governments, was that federal use of the (TWEA) in the Banking Emergency Act. It entirely eliminated the *foreign character* of Union States to the general government, and imbued their people with the obligations intrinsic to that of national or territorial enemies regarding the government of the District of Columbia. See Army Manual 27-10, Law of Land Warfare, p. 4., Sources of Law, quoted supra.

Prior to the enactment of the Banking Emergency Act, amending the (TWEA), States and their citizens were foreign and independent from the general government by *alienage*. Neither taxation nor criminal jurisdictions were then vested in the United States government within the boundaries of a State. See

Syllabus #2, *United States v. Cruikshank*, 92 U.S. 542 (1875), 92 U.S. 549-550:

> "*Sovereignty, for the protection of life and personal liberty within the respective States, rests alone with the States.*" Id., p. 92 U.S. 553.

After adopting the character of military government through the federal government's use of the (TWEA), an "*absolute sovereignty*" embracing every conceivable jurisdiction over occupied Territory, devolved upon the Congress in its military character of an occupying invader. However, authority for Executive and judicial uses of the (TWEA) was terminated by the Congress in 1977, upon conclusion of the work of the Church Commission. See Pub. L. 95-223, Title I, § 101(b), (c), Dec. 28, 1977, 91 Stat. 1625.

While Congress may, and often does, still consider the effects of its legislation within the boundaries of a State, it is no longer debatable that the adoption of a military character through use of the (TWEA) has for all purposes, eliminated the "*dual character*" of American governments in favor of a centralized military government. Otherwise, Congress has no power to directly tax the earnings of State citizens *because of alienage*. The Defendants here are chargeable with knowledge of their Treasons.

Congress withdrew Executive power to use the (TWEA) of 1917 as amended, in any circumstance in America in 1977. Beginning in 2006, Petitioner began truthfully and correctly reporting his earnings in Arkansas as being derived from non-federal sources,

and exempt from reach of the "federal income tax" by reasons of alienage; Petitioner having no domicile in the United States (federal territory). All such receipts are expressly exempted by applicable sections of the current tax code. See also in particular *Dred Scott v. Sanford*, 60 U.S. 363 (1856) 60 U.S. 508-509:

> *"The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere except in cases where it is delegated, and the court denies the faculty of the Federal Government to add to its powers by treaty or compact."*

The federal government "*Captured*" the several Union States through application of the (TWEA) of 1917, as amended. As had been recognized by this court previously, this *capture* placed U.S. agents, and now the IRS, on a military footing:

> *"The formation of the civil government in California, when it was done, was the lawful exercise of a belligerent right over a conquered territory. It was the existing government when the territory was ceded to the United States as a conquest, and did not cease as a matter of course or as a consequence of the restoration of peace, and it was rightfully continued after peace was made with Mexico until Congress legislated otherwise, under its constitutional power, to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."*

Cross v. Harrison, Syllabus #5, 57 U.S. 164 (1853).

During and after 2006, the IRS seized and converted to the use of others, a large amount of money earned by McNeil while performing an occupation of common right in a foreign venue, a Union State. All compensation for his labor being beyond the reach of any federal taxing legislation, *except when occupied by a foreign military government.*

Each of the named Defendants, all completely wanting of jurisdiction, played a personal and intentional role in dismissing legitimate claims for replevin of McNeil's money, and have done so by refusing competent proofs of citizen status, affidavits, official records, published tax laws, and other competent evidence of non-liability by McNeil, while accepting hearsay documents from government attorneys.

Upon having been presented the proofs of their individual participation in the federal Treason, each Defendant has redoubled their own efforts to deny McNeil access to justice, and to ratify the thefts of his property taken as War prizes, or simply as military confiscations.

Each Defendant, though nominally a "judge" – is simply a federal executive branch employee performing an assigned role in a federal Territorial Court. None has a delegated authority to function in the office of Alien Property Administrator. Each is alleged to be providing *'Aid and Comfort'* to federal Treason, and knowingly doing so long after Congress has removed

any executive or judicial authority to use the (TWEA) for any purpose whatsoever in America.

No one has authority, previously delegated by the President under his "*emergency*" War powers, to impose sanctions upon a litigant without a judicial trial. Those kinds of acts being expressly prohibited to American governments by Article I, Section 9, Clause 3.

CONCLUSION

Courts which are created by written law and whose jurisdiction is defined by written law cannot transcend that jurisdiction; *Ex Parte Bollman and Ex Parte Swartwout*, 8 U.S. 75 (1807), 8 U.S. 93. Repeal of the Alien Registration Act, 1940, in 1952, combined with Congressional Termination of Executive use of the (TWEA), absolutely ended all statutory basis for extension of the federal "Gross Receipts tax," into the Union States, and the incidence for IRS seizures.

"Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable" from the various incidences of state citizenship. See *Lawrence v. State Tax Commission*, 286 U.S. 276 (1932), 286 U.S. 279; "The responsibilities of that citizenship arise out of the relationship to the state which domicile creates. That relationship is not dissolved by mere absence from the state." *Milliken v. Meyer*, 311 U.S. 457 (1940), 311 U.S. 463. Petitioner McNeil was born a citizen of Arkansas and of the Union, he has not been involved in the

federal Military, or ever been a federal employee. However, the "State of Arkansas – and State citizen – are terms that described a place and a status that no longer exist.

Concurrent jurisdictions being constitutionally impossible, those terms now describe a State as an "instrumentality" of the federal government, with which absolute sovereignty is shared. States are being legislated for, and occupied by the federal government, and their people have been reduced to numbered federal personnel.

Upon enactment of the Banking Emergency Bill, all Americans who were not citizens of the United States (State Citizens) were by express language in the Bill made "enemies" of the United States, subject to its belligerent powers of War, and the federal dictatorship over Banking. Thankfully, whether they knew it or not, Congress took away the *'emergency'* Executive power to use the (TWEA) for jurisdictional purposes in 1997. See the new national emergency act, 91 Stat. 1625, Dec. 28, 1977, Extension and Termination of National Emergency Powers Under the Trading With the Enemy Act.

We are not here dealing with any departure from long established and familiar legal principles. This Treason was initiated precisely to destroy the limitations placed on federal power by the Constitution in peacetime. In *Young v. United States*, 97 U.S. 39 (1877), 97 U.S. 60, this Court remembered:

"The rightful capture of movable property on land transfers the title to the government of the captor as soon as the capture is complete, and it is complete when reduced to "firm possession." There is no necessity for judicial condemnation. In this respect, captures on land differ from those at sea."

There can be no "*rightful capture*" of a State citizen's property under the authority of an act of federal Treason.

This Court says the Union and the States are indestructible. We do now, however, find ourselves in a time like never before, having been infected with a kind of universal, societal, and cultural madness. The national body is slowly succumbing, as to a progressive and hidden virus, to the enduring and increasingly controlling enslavement of this country's people by the federal Treason of the '*NEW DEAL*' proven here. FDR's, and other's Treasons, is leading to an end as sure as death for our once great nation, and as evidenced by: a crumbling economic and educational system, a national fatigue of conscience, an abandonment of law and its policing, a collapse of morality and family, and a decaying spirit of honor, faith, and national and personal duty.

This 'brave *New Deal* world' has been foisted upon us as, in the modern slang vernacular, a political '*Wokeness.*' A '*Wokeness*" which must be adhered to, and that denies obvious truths, yes, even biologic truths; while compelling unwavering acceptance of any lie that advances a radical '*Woke*' political agenda.

'Wokeness' is just another name for a hybrid progressive and violent Marxist/Fascist political movement. *'Wokeness'* compelled by an illegitimate federal government of paramount power may very well disprove this court's opinion, that the Union of American States is indestructible.

The sixteenth Amendment made it possible to tax investment income without apportionment. It did not give States the power to lay and collect taxes directly. It did not reach individual earnings or enable collection at the time of payment. It did nothing to alter jurisdictions, to tax gross receipts, or to change Americans into numbered enemies and federal personnel. The Trading With the Enemy Act and the Social Security Act did all that and more. We see 'through a glass darkly,' and deny truth, while accepting federal Treasons in its place.

This is not as it should be.

Respectfully submitted,

MINOR MCNEIL
Pro Se Petitioner
12150 Congo-Ferndale Rd.
Alexander, AR 72002
(501) 551-6985