No. 24-5421

ORIGINAL

***** FILED AS PRO-SE (Haines v Kerner) *****

FILED
AUG 06 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

"On Petition for an Extraordinary Writ of Habeas Corpus "

IN RE: Tiran R. Casteel #06958-030 — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

PETITION FOR AN EXTRAORDINARY WRIT,
Authorized by 28USC/1651(a)

United States Court of Appeals for the Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

NOTICE: Tiran R. Casteel (hereinafter) "CASTEEL" throughout this Petition.

Tiran R Casteel
BOP #06958-030 Butner - F.M.C.
(Your Name) Pro-Se

P.O. Box 1600
(Address)

Butner, NC 27509
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

QUESTION #1, Public Law 80-772,Act of June 25,1948,Chapter 645,62 Stat. 683,the statute which created the current Title 18,United States Code-the Criminal Code of the United States violated the Quorum,Bicameral and/or Presentment Clause of the Constitution of the United States in six instances (see: pages 4-13) any one of which precluded the Act from ever becoming law,is this true ?

QUESTION #2, Without a Quorum,is HR3190 Statute "null and void", "not in effect", "not a valid statute". ?

QUESTION #3, If Title 18USC was not constitionally enacted with Public Law 80-772,then the United States cannot assert Jurisdiction over crimes and offenses as no grant of Jurisdiction exists at the present under any statute,is this true. ?

QUESTION #4, Is it true that Public Law 80-772 and all subsections does not exist,and was never ratified by Congress and never entered as a legal statute?

QUESTION #5, If Title 18USC Sections 3231,4082 and 4083,House Resolution 3190 (HR3190),Public Law 80-772 was "NOT...validy enacted" with out a Quorum would render the resulting statute null and void?

QUESTION#6, Since House Resolution 3190 (HR3190) which created Section 3231,of Title 18USC,which the federal district courts claimed Jurisdiction ti detain and sentence CASTEEL to serve time in a federal prison,was passed with out a Quorum in violation of Article 1;5 Clause 1 of the Constitution (the quorum clause) and the enrolled bill rule was not lawfully passed,taken as true,the United States/Government does not have Jurisdiction to detain,prosecute or sentence CASTEEL?

QUESTION #7, Was HR3190 passed without a Quorum making Title 18USC null and void of any legal authority?

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

INDEX TO APPENDICES

d

TABLE OF AUTHORITIES CITED

CASES

STATUTES AND RULES

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

Rule 20. Procedure on a Petition for an Extraordinary Writ

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[✓] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[✓] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 13,2024.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

* See: The next 10 pages,known as pages 4-13 for precise details,because this page did not have enough room to explain as I did.

TITLE 18, UNITED STATES CODE

Public Law 80-772, Act of June 25, 1948, Chapter 645, 62 Stat. 683, the Statute which created the current Title 18, United States Code—the Criminal Code of the United States—violated the Quorum, Bicameral and/or Presentment Clauses of the Constitution of the United States in six instances—any one of which precluded the Act from ever becoming a law.

On June 25, 1948, President Truman signed a bill purporting to be H.R. 3190 titled: "AN ACT TO revise, codify and enact into positive law, Title 18 of the United States Code, entitled 'Crimes and Criminal Procedure.'" Pursuant to section 20 of this purported Act,[1] Title 18, United States Code went into effect on September 1, 1948. Since then, *all* federal criminal offenses proceed *jurisdictionally* through the matrix of 18 U.S.C. § 3231[2] subtitled "District Courts," which mandates in pertinent part that:

> **The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.[3]**

The Journals of the House and Senate, the Congressional Record, and shockingly the *unsigned* House bill (the *only* bill certified as "truly enrolled") and the *signed* Senate bill (never passed by the House) seemingly prove that the Act creating Title 18, United States Code never became "a law" as required by the Constitution, the laws and congressional rules passed and made pursuant thereto.[4]

1. EACH HOUSE PASSED DISTINCTLY DIFFERENT BILLS

As indicated by its number, H.R. 3190 was introduced by the House of Representatives in April of 1947, accompanied by *House Report No. 304.*[5] Section 3231 of that bill stated in relevant part:

> **Offenses against the United States shall be cognizable in the district court of the United States.[6]**

---

1 Public Law 80-772, Act of June 25, 1948, Ch. 645, 62 Stat. 683.

2 62 Stat. 826.

3 In *United States v. Sasscer*, 558 F. Supp 33 (D.MD. 1982), Kaufman, Ch. J., construed "the plain meaning of the word *all* in new (as of 1948) 18 U.S.C. §3231" to "confer [] jurisdiction in federal district courts over 'cases involving *all* offenses against the laws of the United States' .. regardless of whether the case involves violation of a crime set forth in Title 18 or in some other title...."

4 A "Majority of each [House] shall constitute a Quorum to do Business" although "a smaller number" may perform express non-legislative functions. Art. I, § 5, Cl. 1. Every bill must pass both Houses of Congress (bicameralism) and be presented to the President of the United States (presentment) "before it becomes a Law." Art. I, § 7, Cl.2. "orders[s], Resolution[s], [and] Vote[s]" of the Houses must comply with these requirements "Before the Same shall take Effect." Article I, § 7, Cl. 3.

"Each House complete discretion to "determine the Rules of its Proceedings," Art. I, § 5, Cl. 2, which are judicially noticeable. *E.g., Yellin v. United States*, 374 U.S. 109, 114 (1963). The House did make rules to determine exactly how legislative proceedings are carried forth and, crucially, when bills are void when not in compliance thereof. *Infra.*

5 *See* 94 *Cong. Rec.* D556-D557 (Daily Digest) (Charting H.R. 3190).

The House passed the bill on May 12, 1947,[7] following which it was sent to the Senate where it was "referred ... to the Committee on the Judiciary"[8] where it remained through an adjournment *sine die.*[9] That version of H.R. 3190 being rejected by the Senate was then reported on June 14, 1948, with "a large volume of amendments,"[10] one of which was the jurisdictional section.

The Senate agreed to the amendments "en bloc,"[11] passed H.R. 3190 "as amended,"[12] and "request[ed] the concurrence of the House of Representatives in the amendments."[13]

The House received the bill and the amendments and concurred in the amendments[14] without *ever* voting on H.R. 3190 *as amended.*[15] Thus two distinct bills with distinct text existed, one of which had been passed by the House on May 12, 1947, and the other passed by the Senate on June 18, 1948.

2. RESOLVING TO CONTINUE LEGISLATIVE BUSINESS POST-ADJOURNMENT

Both Houses resolved to adjourn on June 20, 1948, until December 31, 1948,[16] and additionally:

> That notwithstanding the adjournment of the two Houses until December 31, 1948, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign *enrolled bills* and joint resolutions *duly passed by the two Houses and found truly enrolled.*[17]

---

[6] *See* Note 22 *infra.* Notably, "[o]ffenses *against the United States"* (Senate's § 3231) represent a substantive difference in subject-matter. The House's jurisdiction section was written to embrace offenses defined in H.R. 3190. *See e.g.,* 18 U.S.C. § 371 (conspiracy limited to "offense[s] against the United States"); 18 U.S.C § 2 ("principle" defined as one who commits "offense against the United States"). Arguably, the House's § 3231 was deliberately "confined in its application to 'Offenses against the Operation of the Government'." *United States v. Gradwell,* 243 U.S. 476, 479-481, 485 (1917) (defining limiting terms "offense against he United States" as used since 1867 in the conspiracy statute of the 1909 Criminal Code, § 37, now 18 U.S.C. § 371). This particular textual disparity is far beyond the scope of this article. However, traditional canons of construction alone would rise a plethora of arguable claims against the reach of the currently employed § 3231 to most current offenses. *E.g., United States v. Braverman,*373 U.S. 405, 408 (1963) ("criminal statutes should not ... be expanded beyond their plain language"); *Chen Fan Kwok v. INS,* 392 U.S. 206, 212 (1968) ("a jurisdictional statute ... must be construed both with precision and fidelity to the terms by which Congress has expressed its wishes").

[7] 93 *Cong. Rec.* 5048-5049 (May 12, 1947); *Journal of the House of Representatives* ("House Journal"), May 12, 1947, pp. 343-344; 94 *Cong. Rec.* D556-557, *supra* (showing only passage by the House on May 13, 1947).

[8] 93 *Cong. Rec.* 5121 (May 13, 1947); *Journal of the Senate* ("Senate Journal"), May 13, 1947, p. 252.

[9] *H.Con.Res. No. 127,* 80th Cong., 1st. Sess., Dec. 19, 1947, 61 Stat. 1029 (Declaring Congress adjourned *sine die*). *See Kennedy v. Sampson,* 511 F.2d 430, 444 Appendix n. 4 (D.C. Cir. 1947) (Congress "adjourned *sine die* on December 19, 1947").

[10] Quoting Sen. Rep. 1620. *See* 94 *Cong. Rec.* 8075 (June 14, 1948); *Senate journal,* June 14,1948, p. 452.

[11] 94 *Cong. Rec.* 8721-8722 (June 18, 1948).

[12] *Senate Journal,* June 18, 1948, p. 506.

[13] *Id., see House Journal,* June 18, 1948, p. 688. *See also* 94 *Cong. Rec.* 8722, *Supra.*

[14] 94 *Cong. Rec.* 8864-8865 (June 18, 1948); *House Journal,* June 18, 1948, p. 704 *See also Senate Journal,* June 18, 1948, p. 510.

[15] 94 *Cong. Rec.* D556-D557, *supra sho*wing only vote by the House on H.R. 3190 occurred on May 12, 1947.

[16] *House Journal,* June 19, 1948, pp. 771-772; *Senate Journal,* June 19, 1948, p. 577; 94 *Cong. Rec.* 9349. See *Concurrent Resolutions,* Second Session, Eightieth Congress, *H.Con.Res* 218, June 20, 1948, 62 Stat. 1435-1436.

[17] *Concurrent Resolutions, supra, H.Con.Res.* 219, 62 Stat. 1436 (emphasis added).

Pursuant to *H.Con.Res.* 218, both Houses adjourned on June 20, 1948 (legislative day of June 19, 1948). Following adjournment and as required by statute[18] and House Rules,[19] Mr. LeCompte, Chairman of the Committee on House Administration reported to have found H.R. 3190 "truly enrolled"[20] and attached his certificate of enrollment to that bill.[21]

The only H.R. 3190 Mr. LeCompte found "truly enrolled" and to which he attached his certificate of enrollment was the original H.R. 3190 passed by the House on May 12, 1947, and rejected by the Senate.[22] However, this is only the beginning of the fatal journey of H.R. 3190 and perhaps the most egregious legislative mishap in Congress' history.

With both Houses adjourned and without quorums the Speaker of the House signed the Senate's amended H.R. 3190 on June 22, 1948, *House Journal*, legislative day June 19, 1948, p.777[23] 94 *Cong. Rec.* 9363, and the President pro tempore likewise signed it on June 23, 1948, *Senate Journal,* legislative day of June 18, 1948, pp. 578-579,[24] although the mandatory certificate of enrollment was not affixed thereto.[25]

The Senate's *amended* H.R. 3190 was presented to President Truman on June 23, 1948, and signed by him on June 25, 1948.[26]

The plethora of bills, resolutions, and petitions converging before Congress on those last couple of days before adjournment—many of which were breath-taking in scope—and the haste by which the Houses attempted to process them undoubtedly contributed to the fatal mistakes made in legislating H.R. 3190. Not only did the bill become two separate and distinct bills with different texts, but also, the version rejected by the Senate was mistakenly certified as truly enrolled and the Senate's amended version, which was not so certified, was mistakenly signed by the officers of the two Houses and then mistakenly presented to the President for his signature. Even if the signing by the officers in the absence of quorums was otherwise constitutionally permissible, it can hardly be argued that *H.Con.Res.* 219 (limiting such signing to "enrolled bills ... duly passed by the two Houses and found truly enrolled") permitted signing the Senate's amended bill, which neither passed both Houses nor was found truly enrolled.

---

[18] 1 U.S.C. 106 in pertinent part mandates that "[w]hen [a] bill ... shall have passed both Houses, it shall be printed and *shall then be called the enrolled bill....*" (emphasis added).

[19] Following passage of a House bill by both Houses the "Chairman of the Committee on House Administration ... affixes to the bills examined a certificate that the bill has been found truly enrolled." *House of Representatives Doc. No. 769, 79th Cong., 2nd Sess., Constitution, Jefferson's Manual,* and *Rules of the House of Representatives of the United States,* Stages of a Bill of the House, § 938, No. 16, p. [483], Eightieth Congress (G. P.O.) 1947.

[20] *House Journal,* legislative day of June 19, 1948, p. 776 (under heading "BILLS AND JOINT RESOLUTIONS ENROLLED SUBSEQUENT TO ADJOURNMENT"). *See* 94 *Cong. Rec.* 9363 (July 26, 1948) (reporting LeCompte's post-adjournment announcement upon reconvention pursuant to President's Proclamation).

[21] *See* Note 18, *supra.*

[22] A copy of the pertinent portions of H.R. 3190 with Mr. LeCompte's certificate of enrollment, the Senate's *amended* H.R. 3190, Journals of the House and Senate (all certified by the National Archives), as well as pertinent pages from the Congressional Record, *House Doc. No.* 769, and other relevant documents can be viewed (and downloaded) at www.NoCriminalCode.us.

[23] The *Journal* again states the signing by "[t]he Speaker" was "pursuant to the authority granted him by House Concurrent Resolution 219," which only authorized signing of bills "duly passed by both Houses and found truly enrolled."

[24] The *Journal* again references the signatory authority upon H.Con.Res. 219.

[25] *See* Note 19, *supra.*

[26] 94 *Cong. Rec.* 9364-9367 (July 26, 1948); *House Journal,* legislative day of June 19, 1948, pp. 778, 780-782; *Senate Journal,* legislative day of June 18, 1948, pp. 579, 583; 94 *Cong. Rec.* D557. A copy of the signature page certified by the National Archives can be viewed and downloaded at www.NoCriminalCode.us. *See* Note 22, *supra.*

3. FAILURE TO PASS BOTH HOUSES RENDERS THE ACT UNCONSTITUTIONAL

It is elementary that a bill "does not become a law, unless it follows each and every procedural step chartered in Article I, § 7, Cl. 2, of the Constitution," *Landgraf v. USI Film Products,*[27] which requires "three procedural steps," *Clinton v City of New York,*[28] namely: (1) a bill containing its *exact test* was approved by a majority of the Members of the House of Representatives; (2) the Senate approved precisely the *same text*; and (3) *that text* was signed into law by the President. *id.* "If one paragraph of that text had been omitted at any one of those three stages, [the] law [in question] would not have been validly enacted." id.

The jurisdictional sections of the two bills were very different and, aside from the numerous other differences identified in *Senate Report No.* 1620,[29] that alone establishes the Act was "not ... validly enacted." *Clinton, supra.* Constitutionally—the context that matters most—Title 18, United States Code is not law, but *void.*[30]

4. UNDER THESE CIRCUMSTANCES, DOES THE *FIELD* RULE[31] PRECLUDE JUDICIAL REVIEW OF THE BICAMERAL QUESTION?

In *Field & Co. v. Clark,* the Supreme Court considering a challenge to an Act of Congress alleging two distinct bills had been passed by each House created a rule, which became known as the "enrolled bill rule."[32] That case involved "the nature of the evidence upon which a court may act when the issue is made as to whether a bill originating in the House ... or the Senate, and asserted to have become a law, was or was not passed by Congress."[33] There, the appellants rested their claim that the bill in question did not pass both Houses on the Journal Clause, Article I, § 5, Cl. 3.[34]

Interestingly, the claim in *Field* rested upon the fact that "the journal of either house fail[ed] to show that [the bill in question] passed in the precise form in which it was signed by the presiding officers of the two houses, and approved by the President."[35] In other words, the appellants in *Field* sought to have an Act held invalid based not upon positive evidence that two different texts existed, but by a failure of evidence to show the same text passed both Houses. Thus, the suspicion aroused by absent evidence that legislative officers

---

27 511 U.S. 244, 263 (1994) (citing *INS v. Chadha*, 462 U.S. 919, 946-951 (1983).

28 524 U.S. 417, 448 (1998).

29 94 *Cong. Rec.* 8721-8722 (Senate) (June 18, 1948) (reading amendments); *House Journal*, June 18, 1948, p. 704 (reading amendments).

30 The Title has been amended numerous times. Some of those amendments create entirely new offenses or definitions, *e.g.* 18 U.S.C. § 921 *et seq.*, while some actually amend existing sections. *E.g.*, 18 U.S.C. § 1111(a). The former amendments may not be affected by the argument, while the latter undoubtedly would be.

31 The "enrolled bill rule," established in *Field & Co. v. Clark*, 143 U.S. 649 (1892), precludes judicial inquiry as to whether a bill properly passed both Houses of Congress when properly attested and under express circumstances. For an excellent discussion of the rule, *see Public Citizen v. Clerk, United States District Court for the District of Columbia*, 451 F. Supp. 2d 109 (D.D.C. 2006).

32 *Public Citizen, supra, aff'd*, 486 F.3d 1342, 1349-1350 (D.C. Cir. 2007) (paraphrasing with select quotations *Field's* reasoning and creation of the rule).

33 143 U.S. at 670. *See United States v. Munoz-Flores*, 495 U.S. 385, 391 n. 4 (1990).

34 143 U.S at 670.

35 143 U.S. at 672.

and the President *could* foist an unpassed bill upon the people was without more a 'possibility ... too remote to be seriously considered in the present case."[36]

"Although the Constitution does not expressly require bills that have passed Congress to be attested by the signatures of the presiding officers of the two houses, usage, the orderly conduct of legislative proceedings, and the rules under which the two bodies have acted since the organization of the government, require that mode of authentication."[37] Specifically, *Field's* Rule establishes that:

> The *signing* by the Speaker of the House of Representatives, and, by the President of the Senate, *in open session, of an enrolled bill, is an official attestation by the two houses of such bill as one that has passed Congress....* And, when a bill *thus attested,* receives [President's] approval, and is deposited in the public archives, *its authentication as a bill that has passed Congress should be deemed complete and unimpeachable.*[38]

Obviously the Court meant "the signatures of the presiding officers" and the "signing" by such officers "in open session" as coterminous particularly in light of House precedent requiring an enrolled bill to be "placed before the House and signed by the "Speaker" in its presence.[39] Indeed, legislative business is impermissible in the absence of a quorum[40] and House precedent has always mandated a quorum present for such signature.[41]

Thus, *Field* simply held that when the legislative business is completed at the critical stages, including the signing of an enrolled bill by the presiding officers "in open session," followed by the President's approval and deposit in the public archives, it will then be unimpeachable so far as text is concerned by reference to the constitutionally required *Journals.*

Pursuant to its unfettered discretion, the House "determine[d] the Rules of its Proceedings"[42] expressly in respect to the legislative stages of a bill. Specifically, following passage by both Houses "[t]he House in which a bill originates enrolls it," [43] and, in the case of House bills, the "chairman of the Committee on House Administration ... affixes to the

---

36 Id.

37 143 U.S. at 671. *See also Harwood v. Wentworth,* 162 U.S. 547, 558 (1896).

38 143 U.S. at 672 (emphasis added); *Harwood,* 162 U.S. at 558-559. *See also United States National Bank of Oregon v. Independent Insurance Agents of America,* 508 U.S. 439, 455 n. 7 (1993).

39 *House of Representatives Doc. No.* 355, 58th Cong., 2nd Sess., *Hinds' Precedents of the House of Representatives of the United States,* Vol. IV, Ch. XCI § 3429, notes 3 & 5, p. 311 (G.P.O. 1907). As *Hinds'* notes, this practice appears continuous since the early years of Congress. id. *See also* Note 41, *infra.*

40 Article I, § 5, Cl. 1. *See House Doc. No.* 355, *supra, Hinds' Precedents,* Vol. IV, Ch. LXXXV, § 2939, p. 87 ("'The House is not a House without a quorum'"); id., Vol. IV, Ch. LXXXV, § 2951, pp. 90-91 (upon "disclos[ure] ... that there is not a quorum ..., [t]he House becomes constitutionally disqualified to do further business") (excepting from qualification the exceptions stated in Art. I § 5, Cl. 1).

41 *House Doc. No. 355, supra, Hinds' Precedents,* Vol. IV, Ch. XCI, § 3458, p. 322 ("The Speaker may not sign an enrolled bill in the absence of a quorum.")

42 Article I, § 5, Cl. 2.

43 *House Doc. No.* 769, *supra,* Stages of a Bill of the House, No. 15, p. [483].

bills examined a certificate that the bill has been found truly enrolled,"[44] after which it is "laid before the House ... signed by the Speaker [then] transmitted to the Senate and signed by the President of that body."[45]

To apply the *Field* Rule in light of such precedent, the plain language of 1 U.S.C. § 106, the rules governing the legislative procedure and authentication requirements of validly passed bills—to which the judiciary must defer[46]—and upon the clearly disclosed facts by which H.R. 3190 traveled en route to enactment would in essence create a new rule, overthrow precedents both of the House and Supreme Court, raise questions as to the textual construction of § 106 and engender grave constitutional questions. And such concerns, reading *Field* in context of its facts, arise even if the question involved only negative evidence upon a dubious journal entry. How much greater, then, are such concerns "[w]here, as here ... constitutional provisions[s] [are] implicated" in which "*Field* does not apply."[47]

Field created its rule precluding judicial review upon negative evidence in Congress' official journals and raised the claim not that the same text failed to pass both Houses, but that the Journals failed to expressly show that the passage involved the same text. Ultimately, the claim premised upon the Journal Clause[48] was an attempt to persuade the Court "to make the journal the best, if not conclusive evidence upon the issue as to whether a bill was, in fact, passed by the two houses of Congress.[49]

To the contrary, the record respecting H.R. 3190 is overwhelmed with *positive evidence* that two different bills with very different text existed, neither of which passed both Houses. Moreover, unlike the facts in *Field,*[50] H.R. 3190 (as signed by the Speaker of the House and President of the Senate) contained a fatal defect under House rules and precedent[51] "appearing on its face."[52] The certificate of enrollment required to be "affixed" thereto[53] was *missing.*

---

[44] *Id.*, No. 16 p. [483].

[45] *Id.*, No. 17, p. [484]. It is not insignificant that these rules governed the House during the 80th Congress and are in every possible respect wholly consistent with constitutional quorum requirements, Article I, § 5, Cl. 2; long-standing House precedents, *House Doc. No* 355, *supra, Hinds' Precedents,* § 3458, p. 322 ("The Speaker may not sign an enrolled bill in the absence of a quorum."); Supreme Court precedents, *Pocket Veto Case,* 279 U.S. 655, 682 (1929) (the term "House" means "the House in Session"); *Field & Co., supra,* 143 U.S. at 672 ("The signing by the Speaker ... in open session, of an enrolled bill..."); and positive law. 1 U.S.C. § 106, Act of July 30, 1947, Ch. 388, Title I, Ch. 2 § 106, 61 Stat. 634 ("When [a] bill ... shall have passed both houses, it shall be printed and shall then be called the enrolled bill ... and shall be signed by the presiding officers ob both Houses..."). Notably, 1 U.S.C. § 106 is the codification of the *Field* Rule, compare *United States Nat'l Bank of Oregon, supra,* 508 U.S. at 455 n. 7, and the "signing ... in open session" from *Field* is reflected exactly in § 106's "signed by the presiding officer of both Houses."

[46] *United States v. Munoz-Flores,* 495 U.S. 385, 391 n. 4 (1990) ("[T]he Constitution has left it to Congress to determine how a bill is to be authenticated as having passed" and "the courts accept as passed all bills authenticated in the manner provided by Congress.").

[47] *Munoz-Flores,* 495 U.S. 384, 391 n. 4.

[48] Article I, § 5, Cl. 3.

[49] *Field,* 163 U.S. at 671; *see also id.* At 672 ("[T]he contention is, that [the Act] cannot be regarded as a law of the United States if the journal of either house *fails to show* that it passed in the precise form in which it was signed by the presiding officers of the two houses, and signed by the President.") (emphasis added).

[50] *Id.*, at 672 (Showing "nothing to the contrary appearing on its face—that it passed Congress.").

[51] *House Doc. No.* 769, *supra,* Stages of a Bill of the House, No. 16, p. [483] (requiring certificate that bill was "found truly enrolled" to be "affixed" thereto); *see also House Doc No.* 355, *supra, Hinds' Precedents,* Vol. IV, Ch. XCI, § 3429, notes 3 & 5, p. 311 (same) (except such task was formerly carried out by the "chairman of the Committee on Enrolled Bills").

Without the certificate affixed to the bill as authority for the Speaker and President pro tempore to sign the bill post-adjournment pursuant to *H.Con.Res.* 219[54] or to sign it at all by House precedent,[55] there was another factor *missing*. Congress had adjourned and no "legislative powers"[56] remained. Indeed, *Congress was missing*.

Thus, the *Field* Rule could never apply to the facts involved in the H.R. 3190 fiasco. No "fail[ure] to show"[57] from the Journals that the same text passed both Houses is alleged. The two distinct bills are *positively shown* from the Journals, the Congressional Record, and on their face (as certified by the National Archives) to be just that[58]—distinct with different text. Moreover, on its face the version of H.R. 3190 signed post-adjournment contains no certificate of enrollment, whereas the version with the certificate—the only H.R. 3190 "authorized to [be] sign[ed]"[59]—remains unsigned today.[60]

5. SIGNING OF A BILL BY OFFICERS OF THE HOUSE IS LEGISLATIVE BUSINESS REQUIRING A *QUORUM* AND REVIEW IS NOT PRECLUDED BY *FIELD*

Unlike a bicameral claim premised upon a failure of positive evidence in the Journals and therefore precluding review under *Field*, absence of a quorum is *only* permitted to be shown "from the journal," *Hinds' Precedents*,[61] and so the courts "assume." *United States v. Ballin*.[62]

Congress itself has ruled that "[w]hen action requiring a quorum [is] taken in the ascertained absence of a quorum ... the action [is] null and void,"[63] and the House has expressly ruled upon "disclos[ure] ... that there is not a quorum ..., [t]he house becomes constitutionally disqualified to do further business."[64] An absence of a quorum at any stage requiring a quorum will render a resulting statute "not in effect" and "not a valid statute." id.[65]

---

52 *Field*, 163 U.S. at 672.

53 *See* Note 51, *supra*.

54 Expressly and only "authorizing]" such officers "to sign enrolled bills ... duly passed by the two Houses and found truly enrolled." *H.Con.Res. 219, supra*, 62 Stat. 1435-1436.

55 *See* Note 51, *supra*.

56 Article I § 1 ("All legislative Powers ... shall be vested in a Congress .., which shall consist of a Senate and House of Representatives."). *And see Pocket Veto Case, supra*, 279 U.S. at 682 ("House" means "the House in Session"). *House Doc No. 355, supra, Hinds' Precedents*, Vol. IV, Ch. LXXXV, § 2939, p. 87 ("'The House is not a House without a quorum.'").

57 *Field*, 143 U.S. at 672.

58 *See* Note 22, *supra*.

59 *See H.Con.Res.* 219, *supra*. *See also* Notes 17, 23-24 & 54, *supra*.

60 Of course, the H.R. 3190 certified as truly enrolled was rejected and never passed the Senate.

61 *House Doc. No.* 355, *supra, Hinds' Precedents*, Vol. IV, Ch. LXXXV, § 2962, p. 94 (to vacate legislative act "the absence of a quorum should appear from the Journal").

62 144 U.S. 1, 3-5 (1892).

63 *House Doc. No.* 769, supra, *Constitution of the United States*, § 55, p. [19] (citing *Hinds' Precedents*, Vol. IV, § 2964.

64 *House Doc.* 355, *supra, Hinds' Precedents*, Vol. IV, Ch. LXXXV, § 2951, pp. 90-91.

65 *Id.*, Vol. IV, Ch. XCII, §§ 3497, pp. 344-345.

6. *H.CON.RES. 219* CANNOT ABRIDGE THE CONSTITUTIONAL QUORUM

Even pretending that *H.Con.Res. 219* authorized the officers of the two Houses to sign post-adjournment[66] the H.R. 3190 that had not been certified as "truly enrolled," the resulting statute is nonetheless "null and void," "not in effect" and "not a valid statute,"[67] because such signing is legislative business constitutionally mandating the presence of a quorum.[68]

After the Chairman of the Committee on Administration "affixes a certificate" that a bill originating in the House "has been found truly enrolled,"[69] it is *then* "laid before the House,"[70] which means "the House in session" and "'as organized and entitled to exert legislative power' that is, the legislative bodies 'organized conformably to law for the purpose of enacting legislation.'"[71]

Positive law mandates that "the enrolled bill ... shall be signed by the presiding officers of both Houses," 1 U.S.C. § 106, by which tradition and precedent was codified and both text and context affirm the well-settled acknowledgment and requirement that the signing by the officers of the two Houses must occur in the presence of quorums. The terms "presiding officers" and "Houses" confirm each other. There can be no "presiding officer" of *an empty chamber* just as there can be no "'House without a quorum.'"[72]

"The Speaker may not sign an enrolled Bill in the absence of a quorum" is precedent too long established[73] to suspect this stage of legislative business is neither legislative nor "Business" as that term is constitutionally employed.[74] It is no accident that the Founders defined the exceptions to the quorum requirement,[75] expressly excluding therefrom the parliamentary practice of signing enrolled bills by witness of the very Houses through which they pass. As a stage in the legislative business toward final enactment of a bill, the signing thereof by officers of the House is clearly "action requiring a quorum ... the ascertained absence of" which renders the statute "null and void."[76]

---

66 *H.Con.Res.* 219 was employed to expedite passage of H.R. 3190—the most egregious codification and revision of federal criminal law and procedure in American history—by permitting legislative business to continue post-adjournment. All legislative business requires a quorum, Art. I, § 5, Cl. 1, and Congress cannot abrogate that requirement. Moreover, resort to resolutions is impermissible to evade constitutional constraints, unless passed by both Houses and presented to the President as in the case of bills. Article I, § 7, Cl. 3. *See INS v. Chadha,* 462 U.S. 919, 947, 952 (1983) (explaining limitations and purpose of Art. I, § 7, Cl. 3); *Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc.,* 501 U.S. 252, 275-277 (1991) (same). "If Congress chooses to use a [ ] resolution ... as a means of expediting action, it may do so, if it acts by both houses and presents the resolution to the President." *Consumer Energy Council of America v. F.E.R.C.,* 673 F.2d 425, 476 (D.C. Cir. 1982), *aff'd mem. Sub nom., Process Gas Consumers Group V. Consumer Energy Council of America,* 463 U.S. 1216 (1983). Thus, *H.Con.Res.* 219 is *probably* unconstitutional.

67 *See* Notes 63-65, *supra.*

68 Article I, § Cl. 1.

69 *House Doc. No.* 769, *supra,* Stages of a Bill of the House, No. 16, p. [483].

70 *Id.,* Stages of a Bill of the House, No. 17, p. [484].

71 *Pocket Veto Case,* 279 U.S. at 682 (quoting *Missouri Pacific Railway Co. V. Kansas,* 248 U.S. 276, 281 (1919).

72 *House Doc. No.* 355, *supra,* Hinds' Precedents, Vol. IV, Ch. LXXXV, § 2939, p. 87.

73 *Id. See also* Notes 39-41, *supra.*

74 *See* Article I § 5, Cl. 1.

75 *Id.* ("[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.")

76 *See* Note 63, *supra.*

7. PRESENTMENT TO THE PRESIDENT IS LEGISLATIVE BUSINESS REQUIRING A QUORUM AND REVIEW IS NOT PRECLUDED BY *FIELD*

Unlike the signing of bills by officers of the Houses, implicitly considered part of the legislative business of Congress[77] and codified as positive law by 1 U.S.C. § 106,[78] *presentment* of a bill to the President of the United States is an explicit part of the "'single, finely wrought and exhaustively considered procedures' specified in Article I."[79]

Just as the courts have understood presentment to the President pursuant to the mandate of Article I, § 7, Clause 2, to "only contemplate a presentment *by the Congress* in some manner, [because] ... [a]t that point the bill is necessarily in the hands of the Congress,"[80] after which "no further *action is required by Congress.*"[81] The practice, rules and precedents of the Houses have always determined presentment to be a "transact[ion]" of the "business" of "the House."[82] When enrollment and signing by the officers of the Houses occurs "too late to be presented to the President before adjournment" such signing and presentment must wait and continue at the next session as a "resumption of [legislative] business."[83]

Presentment being "action ... required by Congress,"[84] which "consist[s] of a Senate and House of Representatives,"[85] House precedents enforcing the Quorum Clause require this legislative "transaction" of "business"[86] prior to adjournment because "[w]hen action requiring a quorum [is] taken in the ascertained absence of a quorum ... the action [is] null and void."[87] A House "becomes constitutionally disqualified to do further business" without a "quorum."[88]

It is late in the day to suppose that presentment is no part of the constitutionally mandated legislative business of Congress.[89] As such, the Constitution requires "a Majority of each [House] [as] constitute[ing] a Quorum to do business"[90] to present a bill to the President "before it becomes a Law,"[91] without which such action is "null and void,"[92] and any resulting statute is "not in force" and "not a valid statute."[93]

---

77 *Field,* 143 U.S. at 671 ("usage, the orderly conduct of legislative proceedings, and the rules under which the two bodies have acted since the organization of the government [as] requiring that mode of authentication"). *See also* Note 45, *supra.*

78 *See* Note 45, *supra.*

79 *Metropolitan,* 501 U.S. at 274 (quoting *INS v. Chadha,* 462 U.S. at 951).

80 *United States v. Kapsalis,* 214 F.2d 677, 680 (7th Cir. 1954) (emphasis added).

81 *La Abra Silver Mining Co. v. United States,* 175 U.S. 423, 454 (1899) (emphasis added).

82 *House Doc. No. 355, supra, Hinds' Precedents,* Vol. IV, Ch. CVII, § 4788, p. 1026; id., Ch. XCI, §§ 3486, 3487 & 3497, pp. 332, 333 n. 3, 344 & 345.

83 *Id.,* Ch. XCI, § 3487, p. 333 n.3. *See* also *id.,* § 3486, p. 332 (recognizing presentment required prior to adjournment).

84 *La Abra,* 175 U.S. at 454.

85 Article I, § 1.

86 *See* Notes 82 & 83, supra.

87 *House Doc. No. 796, supra, Constitution of the United States,* § 55, p. [19].

88 *See* Note 40, *supra.*

89 *See* Notes 82 & 83, *supra. Cf. INS v. Chadha,* 462 U.S. at 945, 947, 951.

90 Article I, § Cl. 1.

91 Article I, § 7, Cl. 2.

92 *See* Note 63, *supra.*

93 *See* Note 65, *supra.*

Again, to determine whether the constitutionally requisite quorum was in session during presentment to the President, resort to the journals is required.[94] And, of course, *Field* cannot apply.

8. THE FORMER TITLE 18 JURISDICTIONAL PROVISION, IF OTHERWISE AVAILABLE, WAS POSITIVELY REPEALED

If Title 18, United States Code was not constitutionally enacted with Public law 80-772 as shown above, then, however doubtfully, at least arguably the United States could assert jurisdiction pursuant to the jurisdictional section for former Title 18, United States Code. Such an argument would be essentially that if the current Title 18 did not pass into law, then its enactment did not repeal the former Title 18, which it purported to do. Technically, this would be so.

However, the former jurisdictional provision for the crimes defined in the former Title 18 was to be found not in Title 18 itself, but in former Title 28, United States Code, at section 41(2). This section was positively repealed with the enactment of the new and current Title 28, United States Code, by Public Law 80-773, Act of June 25, 1948, Chapter 646, § 39 *et seq.*, 62 Stat. 991 *et seq.*, and thus no longer exists. Therefore, under any theory, the United States cannot assert jurisdiction over crimes and offenses as no grant of jurisdiction exists at present under any statute.

IN CONCLUSION

Unequivocally, the text of H.R. 3190 passed by the House on May 12, 1947, is not the text passed by the Senate on June 18, 1948. A bicameral violation is thus clearly established and the statute was "not ... validly enacted." *Clinton, supra,* 524 U.S. at 448.

Of course, the text signed by the President was not the text passed by the House *additionally* violating Article I, § 7, Clause 2, for which separate reason the statute was "not ... validly enacted." *Id.*

Certifying the bill as truly enrolled (ironically the bill rejected by the Senate) in the ascertained absence of a quorum *additionally* rendered the resulting statute null and void.

Likewise, signing the amended H.R. 3190 by the Chairman of the House (irrespective of the fact that it never passed the House) in the ascertained absence of a quorum *additionally* rendered the resulting statute null and void.

Signing the same bill by the President of the Senate *additionally* rendered the statute null and void.

Presentment to the president in the ascertained absence of quorums equally, but *additionally,* rendered the statute null and void.

These *six* constitutional violations, all supported by House Precedents, statutes, and Supreme Court precedents, cannot seemingly withstand challenge.

---

[94] *See* Note 61 & 62, *supra.*

STATEMENT OF THE CASE

CASTEEL states,the issues raised,stems from the United States of America/Government lacked jurisdiction under Title 18 United States Criminal Code,Sections 3231,4082 and 4083,and House Resolution 3190 (HR 3190) to arrest,detain,prosecute and sentence CASTEEL.

Both,the United States Court of Appeals for the Eighth Circuit and the United States District Court both listed in the enclosed Appendix A & B,never heard the Title 18 arguments on the merits,they both denied it,to avoid facing the merit challange.

Also, Guilt or Innocence of CASTEELS original Criminal case # 108-CR-00053 is not the issue in hand and should be set-aside when judging the Title 18 Jurisdiction issues.

Public Law 80-772 and any subsections does not exist,it was never ratified by Congress and never entered as a legal statute.Any prosecutor that references this non-existant statute,would constitute fraud.If anybody gets retained or prosecuted under this false statute would constitute Obstruction of Justice.

TITLE 18 Convictions

NOTICE: All counts in CASTEELS criminal case are Title 18 statutes.

2009 Trial (part 1),	18USC/2119 carjacking	Count 4
	18USC/924(c)(1)(A)(ii) firearm related to violent crime	Count 5
	18USC/1503 Obstruction of Justice	Count 8
	18USC/1512(a)(1)(A) Tampering with witness	Count 9
2012 Trial (part 2),	18USC/922(g)(1),924(a)(2) felon in possession of firearm	Count 1
	18USC/922(g)(1),924(a)(2) felon in possession of firearm	Count 3

GOVERNMENT LACKS JURISDICTION

Title 18 U.S.C. Sections 3231, 4082 and 4083 are the statutes that federal Judges and US Attorneys claim authority to order arrests, detain, prosecute, sentence and hand those convicted over to the Bureau of Prisons. Without these three sections they would not be allowed to preside over criminal cases.

House Resolution 3190 (H.R.3190), which created Section 3231 Title 18 U.S.C., which the federal District Court claimed jurisdiction to detain and sentence CASTEEL to serve time in federal prison, and 4082 which the U.S. Attorneys Office claimed jurisdiction to hand CASTEEL over to the Bureau of Prisons, and 4083 which the Bureau of Prisons claimed authority to imprison CASTEEL for over twelve years, was passed without a quorum in violation of Article 1;5 Clause1 of the Constitution. (the quorum clause).

Some government officials have claimed that it does not matter that H.R.3190 was passed without a quorum, during an adjournment, because the Enrolled Bill Rule authorizes the signing of enrolled bills during adjournments. But their claim lacks merit.

In short, the Enrolled Bill Rule was not lawfully passed and is therefore invalid also. Which means it lacks any authority to authorize the signinng of bills during adjournments.

With this being known and taken as true, the government lacks jurisdiction to arrest, detain, prosecute, sentence and hand over to Bureau of Prisons CASTEEL in any which way, shape, nor form. CASTEELS criminal case should be vacated and released.Therefore,under any theory,the United States cannot assert jurisdiction over crimes and offenses as no grant of jurisdiction exists at present under any statute.

VERIFIED CRIMINAL COMPLAINT PURSUANT TO 18 U.S.C./4

Title 18 of the United States Code (Title 18 U.S.C./4) demands that "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person of civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

I, Complaintant, Tiran Casteel (hereinafter CASTEEL) am reporting to you that I am a victim of fraud and the state and federal crime of Kidnap: I was seized,transported across state lines and held against my will by government officials who falsely claimed to have authority to do so. Then other members of their organiztation discovered the wrongdoings and concealed certain facts and records from myself and the public which proves that I have been in prison in violation of Title 18 U.S.C. Section 4001, for more than twelve years.

The following facts and records have been verified by at least eleven highly qualified, prominent citizens and public officials who support this complaint and will testify in an offer of proof hearing as to their investigations and findings.

FACTS

In 2008, CASTEEL was arrested and charged in Case No.108-CR-53-RWP with numerous offenses. Judge Robert W Pratt sentenced CASTEEL to serve 319 months in Federal prison.

Decades prior to CASTEEL being sentenced, Congress enacted Title 18 U.S.C. Section 4001 which demands that, "No citizen shall be imprisoned or detained by the United States except pursuant to an Act of Congress."

To become law or an act of Congress a bill or resolution must be passed by a majority of members of both the House of Representatives and the Senate. The text must be certified as having been passed in identical form by both houses (or "truly enrolled") then signed by the Speaker of the Houses and President pro tempore of the Senate, then presented to the President of the United States to be signed into law.

Article 1;5, Clause 1 of the Constitution also demands that a presence of a majority or each house must be present before any business can be transacted. Specifically the Clause reads:

> "Each house shall be the judge of the election,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 a manner,and under such penalties as each house may provide.."
>
> See: Article 1;5, Clause 1.

The word "quorum" is the number of definite limited body which can do business, "See: Ballin v United States, 144 US 1 (1982)". As stated in Ballin, the presence of a quorum validates the act of its majority as the act of the entire body. It is not required that a quorum shall act, but that a majority of the quorum present should act. When a quorum is absent the only business that can be conducted by Congress is a call for a quorum or a motion to adjourn. "IV Hinds Presedent 653,ID.680.

If a bill or resolution is passed without a quorum the bill or resolution does not become an "Act of Congress".

THE FOLLOWING FACTS AND RECORDS PROVE THAT.

(1) House Resolution 3190 (H.R.3190), which created Section 3231 of Title 18 U.S.C., which the federal district court claimed jurisdiction to detain and sentence CASTEEL to serve time in federal prison, and 4082 which the U.S.Attorneys Office claimed jurisdiction to hand CASTEEL over to the Bureau of Prisons, and 4083 which the Bureau of Prisons claimed authority to imprison CASTEEL for over twelve years, was passed without a quorum in violation of Article 1;5, Clause 1 of the Constitution (the quorum clause).

(2) Because H.R.3190 was passed without a quorum, Sections 3231,4082 and 4083 of Title 18 are not "Acts of Congress". Therefore, CASTEEL has been detained and imprisoned in violation of Title 18 U.S.C. Section 4001, for more than twelve years.

(3) Certain top government officials were made aware of the above and they continued to hold CASTEEL against his will, which constitutes the state and federal crime of Kidnap.

(4) Federal judges have a professional and financial and also personal interest in Title 18, Therefore they can not be allowed to make any determinations regarding this complaint.

HISTORY OF TITLE 18 U.S.C.

Title 18 U.S.C. was/is a creation of House Resolution 3190, which was titled "AN ACT TO" revise, codify and enact into positive law", "Crimes and Criminal Procedures". The Bill is also refered to as Public Law 80-772, Act of June 25,1948. It was introduced by the House in April of 1947. And it was accompanied by House Report No.304. The House passed the Bill on May 12,1947.

See: Exhibit-A,House Journal,pp.343-344.

When considering H.R.3190 on May 12,1947, only one amendment was suggested at the level of the House. Congressman Walters from NewYork moved to change the number of members on the board of parole from 3 to 5. Conrgressman Cole objected to the amendment on the grounds that the House was not convened that day to change the law with respect to H.R 3190, but only to codify it. Mr Coles objections reads as follows;

"Mr Speaker,I rise in oppostion to the amendment only for the purpose of suggesting to some extent (Mr Walters) amendment is in violations of the understanding on which those bills were submitted to the House for passage today.It was understood that they were simply codifications of existing law and understood to make no change to the existing law."

See: Exhibit-B,May 12,1947 Congressional Record,pp.5048-5049.

Nonetheless, with the Speaker in doubt, and the House divided a vote was taken. The vote was taken without quorum and the amendment was agreed to by a vote of 38 yeas and 6 nays (a number that does not represent a quorum). And even though House Rule 15 demands that the names of all members sufficient to make a quorum in the hall of the House who do not vote, shall be noted by the clerk and recorded in the journal, and counted in determining the presence of a quorum House records fail to indicate the names of any members that were present that day who refused to vote. Therefore, because no such names were recorded by the clerk its a certainty that there was no other members present that day other than the 44 members who voted, which means there was a lack of a quorum at that time.

Many pro-se litigants have challenged the legality of the passage of H.R.3190 by arguing that the vote of 44 members described on page 5049 of [Exhibit-B enclosed] represents the vote cast in the process of passing H.R.3190, which was not the case. The 44 member vote, as evidenced by the journal, was cast in the process of amending H.R.3190. Nonetheless, the amendment represents "business" which could not be constitutionally carried out without a quorum either.

After passing H.R.3190 without quorum, the bill was forwarded to the Senate and was properly turned over to the Judiciary Committee where it sat for more than 1 year. The Judiciary Committee then made its report to the Senate and a number of amendments was suggested. The Senate passed H.R.3190 on June 18,1948.

See: Exhibit-C, Congressional Record,p 8864.

To circumvent the foregoing facts some have claimed that H.R.3190 was passed before the May 12,1947 non-quorum vote in the House and was then sent to the Senate where it was passed with a number of amendments. Even if that were the case there is no record of the House voting on H.R.3190 after the unconstitutional amendment of May12,1947. Therefore it would not be any more lawful than the first example.

If the House vote occurred following the unlawful amendment of May 12,1947, where did the voting members come from? The record shows a vote of 44 members occurred on May 12,1947. As addressed infra, even if House Rule 15 was violated and non-voting members were noted by the Clerk, that still does not change the basic math. The vote of 38 yeas had to represent a majority. That means a maximum of 75 members was present that day. Did 125 members of Congress arrive to work late on May 12,1947? That is what the government must suggest to explain how 44 member vote could have occurred and was then followed by a full quorum vote passing the H.R.3190 Bill.

The bottom line is, H.R.3190 was passed without a quorum making Title 18 U.S.C. null and void of any legal authority.

FURTHER EVIDENCE OF THE LACK OF A QUORUM

(1) On June 28,2001 House Clerk Jeff Trandal issued a letter to Mr.Deegan stating, "In response to your letter requesting information on Title 18...Congress was in session on June 1,3,4,7-12 and 14-19,1948, however, Title 18 was not voted on at that time..."

(2) On August 30,2006, House Clerk Karen Haas issued a letter in which she stated, "Yes,The Speaker of the House did sign Bill H.R.3190 in the absence of a quorum".

(3) On September 11,2006, Karen Haas issued another letter, this time stating, "After conducting a through examination of the journals, I found no entry in the journal of the house of any May 12,1947 vote on the H.R.3190 Bill prior to the December 19,1947 sine die adjournment. Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 members voting 38 to 6 to amend H.R.3190 on May 12,1947. Therefore, by counting the total yea and nay votes a quorum was not present. According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show names of members present but not voting..."

(4) On March 9,2009, Secretary of State Nancy Ericson issued a letter in which she stated, "Thank You for your resent letter requesting confirmation on the status of H.R.3190 from the 80th Congress. I asked the Senate Historians Office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R.3190 prior to the December 19,1947 sine die adjournment".

(5) On August 24,2010, House Clerk Lorraine Miller issued a letter in which she stated, "Thank You for contacting the Office of the Clerk. Our office has conducted a research of the House Journal and the Congressional Records in regard to H.R.3190 and the voice vote that was taken on May 12,1947. After researching these official proceedings of the U.S. House of Representatives we have been unable to find the names of the 44 members who responded to the voice vote."

THE ENROLLED BILL RULE

Some government officials have claimed that it does not matter that H.R.3190 was passed without a quorum, during an adjournment, because the Enrolled Bill Rule authorizes the signing of enrolled bills during adjournments. But their claim lacks merit. Here is why..

After passing H.R.3190 without a quorum an oddity occurred. An oddity on account that during the course of a six month adjournment concurrent Joint Resolution 219 was passed, which reads;

> "Resolved by the House of Representatives (the Senate concurring) that not withstanding the adjournment of the two Houses until December 31,1948,the Speaker of the House of Representatives and President pro tempore of the Senate be,and they are hereby authorized to sign enrolled bills and joint resolutions duly passed by the two houses and found truly enrolled."

See; Exhibit-D, Congressional Record of June 20,1948, p9348.

The record is clear, Joint Resolution 219, otherwise known as the Enrolled Bill Rule, which authorizes the signing of enrolled bills during adjournemnts was passed on June 20,1948 during an adjournment.

In simple terms, the Enrolled Bill Rule was not lawfully passed and is therefore invalid also. Which means it lacks any authority to authorize the signing of bills during adjournments.

CERTAIN TOP GOVERNMENT OFFICIALS DISCOVERED THE TRUTH ABOUT TITLE 18 IN 2009 AND THEY CHOSE TO CONCEAL THEIR DISCOVERY FROM CASTEEL AND THE PUBLIC

Late 2010, a friend of CASTEELS who recently retired from the Bureau of Prisons, gave him what he claimed was a "secret memo" that was written by the Director of the Bureau of Prisons Harley Lappin, that Lappin sent to all his Wardens on July 27,2009, after he and the #2 person in the Department of Justice, Steven Bradburry, conducted a thorough investigation into the passing of the H.R.3190 Bill, which reads,in pertinent part:

> "There is no record of a quorum being present during the May 12, 1947 vote on the H.R.3190 Bill in the House (See 93 Cong.Rec.5049), and the record is not clear as to whether there was any Senate vote on the H.R.3190 Bill during any session of the 80th Congress..."

See: Exhibit-E (verified Lappin memo)

Jeff James was the head of the National Archives in 2009 and he can verify the above request for the records.

As evidenced by the memo, the Directors Legal Counsel (U.S. Attorney General Eric Holder) agreed with the inmates and expressed the view to Lappin that Title 18 matter could negatively impact the best interest of public safety (the release of thousands of federal inmates). Holder also suggested to Lappin that the Bureau should deny any future administrative remedy complaints filed by inmates on the subject and instruct them to take up the matter with the Courts or Congress, which can easily be construed as a cover-up.

The Lappin memorandum proves that Harley Lappin, Eric Holder and the Warden at that time, Helen Marburry discovered in 2009 that when House Resolution 3190 was passed it was passed in violation of Article 1;5,Clause 1 of the Constitution (the quorum clause). Therefore they knew at that time that Public Law 80-772 and sections 3231,4082 and 4083 of Title 18 are not acts of Congress. Yet they conspired to conceal their discoveries from CASTEEL and the public so that the Bureau of Prisons could continue to hold CASTEEL and others against their will and collect hundreds of millions of dollars every year for doing so, which constitutes fraud and the state and federal crime of Kidnap: "To seize and take away a person by force or by fraud", See: Blacks Law Dictionary.

Its important to note that shortly after Lappin issued his memo he was fired. He then becamse head of Corrections Corporation of America, earning upwards of 1.2 million dollars a year while continuing to imprison thousands of citizens in violation of Title 18 U.S.C. Section 4001.

Its also important to note that while Helen Marburry concealed the truth about Title 18 from CASTEEL and others at U.S.P. Terra Haute in Indiana, the Warden at F.C.I. Yazoo City Mississippi handed out copies of the Lappin memo to every inmate there the day he received and verified it.

ATTEMPTS MADE TO GAIN CASTEELS RELEASE

In April of 2011, un-named persons took it upon themselves to contact Iowa Senator Chuck Grassley and informed him about Title 18. He was given a copy of the Lappin memo and eleven pages titled Title 18 United States Code that un-named persons and a professor of law puttogether that proves not one but six reasons why sections 3231,4082,4083 of Title 18 are not acts of Congress. And asked Senator Grassley to deliver copies of the memo and eleven pages to President Barack Obama and request that he investigate Title 18.

See: Exhibit-F Eleven pages titled TITLE 18,UNITED STATES CODE.

In May of 2011, a letter received from Senator Grassley stating, "Per your request, I have forwarded your information to President Obama and have asked that he respond directly to you".

See: Exhibit-G Grassley letter

See: Exbibit-H Second Grassley letter

To this day, CASTEEL has never received any type of response from president Obama or Attorney General Holder, which supports a case that they chose to join in the conspiracy to conceal and cover-up what many believe could be the biggest fraud ever perpetrated against citizens, by the government officials, in the history of the United States.

In May of 2011 retired Air Force Master Sergent Huge Mc Manus sent an email to Vice President Joe Biden and askdoj@doj.com expressing his concern about Title 18 and his step son Daniel Browns illegal confinement.

See: Exhibit-I Huges email

As expected Mr Mc Manus did not receive any type of response from Joe Biden or askdoj@doj.com which supports a case that 'now' President Joe Biden also chose to join in the conspiracy to conceal and cover-up the Title 18 fraud.

In May of 2017 one of CASTEELS supporters sent a copy of the Lappin memo and 118 pages of certified records that CASTEEL and a professor of law obtained from the National Archives to retired state court Judge Walter E. Swetlick and asked him for his opinion about the Title 18 matter.

After conducting his own investigation, with records that he personally received, Judge Swetlick sent a affidavit that pretty much says it all.

See: Exhibit-J Judge Swetlicks affidavit

Early 2019, Congressman Mike Gallagher of Wisconsin and Public Defender Krista Halla-Valdez contacted the library of Congress and the National Archives and requested records which would prove that H.R.3190 was properly passed.

Shortly after requesting the information the Library of Congress and the National Archives informed Mr. Gallagher and Ms. Halla-Valdez that no such records exist.

Director of the Library of Congress Carla Hayden can verify the above request for the records and that there are no records whatsoever showing that H.R.3190 was properly passed.

FEDERAL DISTRICT COURT JUDGES HAVE AN INTEREST IN TITLE 18 THEREFORE THEY CANNOT BE ALLOWED TO MAKE ANY DETERMINATIONS REGARDING TITLE 18s VALIDITY OR THIS COMPLAINT.

Title 18 U.S.C. Sections 3231, 4082 and 4083 are the statutes that Federal Judges and U.S. Attorneys claim authority to order arrest, detain, prosecute, sentence and hand those convicted over to the Bureau of Prisons. Without these three sections they would not be allowed to preside over criminal cases. Only civil matters. And that would be fair to assume that no Federal Judge or Prosecutor would ever admit that Title 18 is invalid, even if they found it to be true. In fact, if someone was to challange Title 18s validity in a Federal District Court the Judge would be required to recuse his or herself due to the obvious conflict of interest, leaving the question of Title 18s validity to a jury.

With that being said, CASTEEL is not challenging Title 18s validity in this complaint. He simply posits that because H.R.3190 was not properly passed, in accordance with Article 1;5, Clause 1 the Constitution that sections 3231, 4082 and 4083 of Title 18 are not acts of Congress. Therefore, according to title 18 Section 4001, Judge Robert W.Pratt did not have the authority to sentence CASTEEL to serve time in federal prison. Prosecutors Matthew G.Whitaker and AUSA Clifford Wendel did not have the authority to detain, try and convict CASTEEL and then turn him over to the Bureau of Prisons. Judge Robert W. Pratt only had the authority to order CASTEEL to do community service work or pay a fine, or both. See: title 18 U.S.C./4001.

FEDERAL DISTRICT COURT JUDGES FRAUDULENT ATTEMPTS AT CIRCUMVENTING THE TITLE 18 MATTER

Early 2018, un-named person filed a Writ of Habeas Corpus in the federal District Court in Topeka, Kansas,naming Warden Nicole English as the defendant. He informed Warden English about her lack of authority to imprison him. And he presented her the foregoing facts and records to prove it. He also informed her that if she disagreed with his claim that she must contact the Library of Congress or the National Archives and obtain certified records which would prove that H.R.3190 was properly passed, or she must order his release. See: Case No. 519-cv-03023-JWL,Docket 1.

Knowing that neither Warden English nor the U.S. Attorney representing her could obtain such records, and any records that they would obtain would simply verify his claim, District Court Judge John W.Lungstrum did not allow Warden English nor her attorney to respond to his claim. Instead, he cited District Court cases (opinions by other district court judges who also have an interest in Title 18) falsely claiming that H.R.3190 was properly passed. Then he went on to write, "...The Court in risquet also found that, even if the 1948 amendment to /3231 were somehow defective, this court would retain jurisdiction over this case because the predecessor to /3231, which defendant does not challenge, provided for such jurisdiction as well...". Then he went on to write, "....The court in Cardenas-Celestino...went on to find that even if the defendant allegations were true, that would merely mean the poredecessor statute to 18 U.S.C./3231 was still in effect, and this predecessor statute unmistakenly grants the same type of jurisdiction upon federal district courts."

See: Exhibit-K Judge Lungstrums Order

The above statements by Judge Lungstrum and others are false. As provided on page 11 of Exhibit-F, Congressional Records show that the former jurisdictional provision for "crimes" was not found in Title 18 itself, but instead in former Title 28 U.S.C. Section 41(2), which was positively repealed by the enactment of the new and current Title 28 U.S.C., by Public Law 80-772, Act of June 25, 1948, Chapter 646, ;39,Stat.991. Therefore unlike what Judge Lungstrum and others wants everyone to believe, there is no "predecessor statute" for "crimes" under the old Title 18 U.S.C..Which means his claim that Warden English lacked authority to imprison him had merit. It was Judge Lungstrums nine page Order that was erroneous.

Even though Judge Lungstrum accepted his Writ filed under 28 U.S.C./2241 when he appealed his decision the Tenth Circuit Court of Appeals circumvented the matter by responding, "We need not address the merits of Appellants arguement because his sole remedy was under 28 U.S.C./2255.

This response by the Tenth Circuit also lacks merit as, claims of actual innocence or governments lack of jurisdiction being raised eighteen years after a defendant has been sentenced can only be raised under 28 U.S.C./2241. See: Boumediene v Bush 533 US 744 (2008).

AID AND JURISDICTION EXCEPTIONAL CIRCUMSTANCES AND ADEQUATE RELIEF.

Since both inferior courts (Eighth Circuit Court or Appeals and US District Court) lacks jurisdiction and denied hearing this issue on the merits and facts.This Writ Extraordinary Writ is the proper avenue to have the US Supreme Court hold the jurisdiction and hear the issues in hand.

The exceptional circumstances is clear,Title 18,Sections 3231,4082,and 4083,House Resolution 3190 since 1947 to date is very possible to be null and void,this [IS] exceptional circumstances.

Both the inferior courts (pages 24 & 25) declined to heard this complaint and for lack of jurisdiction.Rule 20.1

REASONS FOR GRANTING THE PETITION

CASTEEL feels the lower courts was erroneous for failing to hear the issues on the merits regarding the legality of Title 18,Section 3231,4082,4083,House Resolution 3190 (HR3190),and Public Law 80-772 jurisdiction to detain and prosecute CASTEEL and others throughtout the Federal system,when the record is clear,Public Law 80-772 and any subsections does not exist,it was never ratified by Congress and never entered as a legal statute,no record of a quorum on May 12,1947 and the certificate of enrollment required to be "affixed" thereto,was missing.

These blatant errors in Title 18,if prosecuted would be fraud and obstruction of justice and violates a persons Due Process Clause of the fifth amendment and the US Constitution,for CASTEEL and others.

This should be rectified immediately.

A Full investigation by the United States Supreme Court should be sought due to the severity and seriousness of the issues raised.A layman can see the length of years that has passed-since 1947,the amount of defendants it affected,there families,there Life.

No one is above the law,and to cut corners and ignore established procedures and rules is a blatant disrespect and should be corrected-Now.

EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXCERCISE OF THE COURTS DISCRETIONARY POWERS,AND THAT A ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY

OTHER COURTS.(Rule 20.1)

RELIEF SOUGHT: The United States of America/Government did not-and does not have jurisdiction under Title 18 to datain and prosecute CASTEEL in his present criminal case #108-cr-53,the record should be corrected and the case vacated. The United States District Court (Page 25,Appendix B) and the Eighth Circuit Court of Appeals (Page 24,Appendix A) both had this Title 18 issue filed in their courts and both denied it making the US Supreme Court having the jurisdiction to hear said case.

CONCLUSION

Title 18 U.S.C. Sections 3231, 4082 and 4083 are the statutes that federal Judges and US Attorneys claim authority to order arrests, detain, prosecute, sentence and hand those convicted over to the Bureau of Prisons. Without these three sections they would not be allowed to preside over criminal cases.

House Resolution 3190 (H.R.3190), which created Section 3231 if Title 18 U.S.C., which the federal District Court claimed jurisdiction to detain and sentence CASTEEL to serve time in federal prison, and 4082 which the U.S. Attorneys Office claimed jurisdiction to hand CASTEEL over to the Bureau of Prisons, and 4083 which the Bureau of Prisons claimed authority to imprison CASTEEL for over twelve years, was passed without a quorum in violation of Article 1;5 Clause1 of the Constitution. (the quorum clause).

Some government officials have claimed that it does not matter that H.R.3190 was passed without a quorum, during an adjournment, because the Enrolled Bill Rule authorizes the signing of enrolled bills during adjournments. But their claim lacks merit.

In short, the Enrolled Bill Rule was not lawfully passed and is therefore invalid also. Which means it lacks any authority to authorize the signinng of bills during adjournments.

With this being known and taken as true, the government lacks jurisdiction to arrest, detain, prosecute, sentence and hand over to Bureau of Prisons CASTEEL in any which way, shape, nor form. CASTEELS criminal case should be vacated and released.Therefore,under any theory,the United States cannot assert jurisdiction over crimes and offenses as no grant of jurisdiction exists at present under any statute.

As seen in Exhibit-F pages 1-10, esp;page 10, Which shows in six ways the act was illegal and it only takes one way to null and void it, under conclusion, states,
The text of H.R.3190 passed by the Senate on May 12,1947 is not the text passed by the Senate on June 18,1948. A bicameral violation is thus clearly established and the statute was "not..vallidy enacted". Clinton,supra,524 US at 448.

Of course the text signed by the President was not the text passed by the House additionally violating Article I;7,Clause 2, for which seperate reason the statute was "not...validy enacted."Id.

Certifying the bill as truly enrolled (ironically the bill rejected by the Senate) in the ascertained absence of a quorum additionally rendered the resulting statute null and void.

Likewise, signing the amended H.R.3190 by the Chairman of the House (irrespective of the fact that it never passed the House) in the ascertained absence of a quorum additionally rendered the resulting statute null and void.

Signing the same Bill by the President of the Senate additionally rendered the statute null and void.

Presentment to the President in the ascertained absence of quorums equally, but additionally, rendered the statute null and void.

Bottom line is, the Government-then, did not have Jurisdiction to arrest, detain, prosecute, sentence nor incarcerate CASTEEL, nor-do they now.

CASTEEL will not allow this 70 year cover-up to continue, we must follow the rules, so the Government and the Courts must follow the rules also. Nobody is above the law. (Quoting President Donald J. Trump).
U.S. Supreme Court should Grant the Petition for an Extraordinary Writ due to the national importance for CASTEEL and "others" thats been arrested, detained, prosecuted, sentenced by the United States of America/Government under Title 18USC/, Section 3231,4082 and 4083, House Resolution 3190 (HR3190), Publice law 80-772 which is a non-existant statute, should be rectified immediately, because this is Fraud and Obstruction of Justice.

Respectfully submitted,

Tiran R. Casteel

Tiran R Casteel
BOP #06958-030 Pro-Se

Date: 7/29/24