

Jerry McNeil

September 17, 2014

Karen Hudes
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Karen:

Best wishes

Enclosed herewith you will find material that I hope will advance our collective understanding of how we came to be liable for federal debts. This is sequential to the Larry Arm letter provided to you earlier, and in response to your note to me of May 7, 2014.

I have provided a complete copy of a lawsuit against County Officers in Rogers County, Oklahoma. The document, now on the public record speaks for itself.

I expressly call attention to Exhibit # 3. This, I believe is a vital key to comprehension. Take notice that Jerry McNeil (the human being) was born in Texas (foreign and independent from other states and from the District of Columbia) on 10 September, 1930. The federal "Corporation Sole" (Federal/State TAXPAYER) was born on the 15th of January, 1943. The Social Security number was issued to the human being in June, 1944; A FULL EIGHTEEN MONTHS AFTER birth of the 'TAXPAYER' JERRY PRESTON MCNEIL.

I confess that I actually had some of the evidence in my hands since about 1953 when I had to produce a birth certificate to enter college after my earlier Military service. It was only *sixty years* later that I was able to assemble the other facts necessary to understand the significance of the evidence provided by the two different certificates produced under Official seal.

The entire fraud rests on only two things. All Americans were made enemies of the League of Nations by the Social Security Act of 1932, (War Power) giving effect to Woodrow Wilsons vision of *Congressional Governance*, and an imputed status as foreign enemy corporation Sole, created by the Alien Registration Act of 1940. The whole thing being made permanent by the "Declaration of Interdependence of the Governments within the United States of America in Common Council," now seen in action in the National Governor's Council. I think it likely that no one presently in elective office, probably including a long series of Presidents fully understands the situation this lawsuit exposes.

Essential to continued success of the fraud is that none of us ever discover the evidence

entered with the lawsuit in Rogers County.

I apologize for making further demands on your time. It was intended that we never tumble to the fraud, so its not an easy read.

God bless you for the encouragement I received from your own efforts on my behalf.

Regards


Jerry

The CD works like a flash
drive -

Complaint in WORD & word Perfect
+ other stuff -

Use all as you like
but redact address & phone

J.

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

SEP 09 2014

KIM HENRY COURT CLERK

DEPUTY

**Action to Quiet Title - sham legal process
OS 12 § 1141 (2014)**

IN THE TWELFTH DISTRICT COURT OF
ROGERS COUNTY OKLAHOMA

Jerry P. McNeil)
Petitioner and Real Party in)
Interest)

No. CJ-2014-381

v.)

ACTION TO QUIET TITLE
IN PLAINTIFF McNeil
TO THE EXCLUSION OF
ALL OTHERS

Scott Marsh, Assessor)
200 S. Lynn Riggs Blvd.)
Claremore, OK 74017-0000)
Cathy Pinkerton Baker, Treasurer)
P. O. Box 699)
Claremore, OK 74018)

ORIGINAL COMPLAINT

Jerry P. McNeil

ORIGINAL COMPLAINT

**ACTION TO QUIET TITLE IN REAL ESTATE IN ROGERS COUNTY
TO THE EXCLUSION OF ALL OTHERS AND
COMPLAINT FOR USE OF SHAM LEGAL PROCESS
BY NAMED DEFENDANTS
OS TITLE 12 §§ 1141 A and B**

I - INTRODUCTION:

¶ 1. Defendants Scott Marsh, Assessor, and Cathy Pinkerton Baker, Treasurer, have falsely alleged a Rogers County interest in real estate belonging to MCNEIL, JERRY P, a fictional foreign enemy corporation, as distinguished from the real party in interest, Jerry Preston McNeil, a non-corporate human being, born in Bowie County, Texas in 1930. See Exhibit No. 1.

¶ 2. Oklahoma statutes, (OS), Title 68 §3105 (1996), provides that: "*The county treasurer shall in all cases where the taxes are a lien upon real property and are unpaid on the first day of April of any year proceed as hereinafter provided, shall advertise and sell such real estate for such taxes, special assessments and costs and shall not be bound before doing so to proceed to collect by sale all personal taxes on personal property which are by this code made a lien on realty, but shall include such personal tax with that due on the realty, and shall sell the realty for all of said taxes and special assessments.*" Section 3105, in all its iterations, violates both the Constitution of the United States and the Constitution of Oklahoma, each of which forbid "Bills of Attainder." Section 3105 is a criminal forfeiture statute passed in the form of a civil law.

¶ 3. The two named defendants assert a government interest in property belonging to Plaintiff McNeil in Rogers County, Oklahoma by *sham legal process* as defined by Section 1533 of Title 23 of the Oklahoma criminal statutes.

¶ 4. The Constitution bars *State* use of war power except when actually invaded, at Article I, Section 10, Clause 3.

¶ 5. Statements 1., 2., 3., and 4., made above in this INTRODUCTION are briefed to the court *infra*, and include proofs of claim which require *mandatory* judicial notice.

II - GLOSSARY OF TERMS:

¶ 6. All issues raised or implied in part I - INTRODUCTION, are incorporated herein as if fully reiterated, as foundational to this QUIET TITLE ACTION, and to Petitioner McNeil's private damage claims associated with it.

¶ 7. As used anywhere in this action, certain terms of legal art will be construed to have colorable meanings: *The United States*, as stated by the United States' Supreme Court,¹ may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations; or it may designate the territory over which the sovereignty of the United States extends; or it may be the collective name for the states which are united by and under the Constitution.

¶ 8. In all matters *not* encompassed by the enumerated powers listed in the Constitution of the United States, Oklahoma is "*foreign and independent*" from any of the meanings of territory of the "*United States*" as defined in ¶ 7., *supra*. As was clearly set out by the Supreme Court: "*For all national purposes embraced by the federal Constitution, the states and the citizens thereof are one, united under the same sovereign authority and governed by the same laws. In all other respects, the states, are necessarily foreign and independent of each other.*" Syllabus, *Buckner v. Finley & Van Lear*, 27 U.S. 586 (1829), Emphasis added. Provided at Exhibit No. 4.

¹. See *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945).

¶ 9. The “general welfare” clause at Article I, Section 8, Clause 1, is the sole authority cited to in support of the Social Security Act of 1935, 49 Stat. 620 - 648. It is *exclusively* a war power. Federal grants to States or to persons *are not* within the enumerated powers. Americans born in any of the several States, and receiving or capable of receiving grants to private individuals in any of the various forms of assistance provided under federal statutes, are thus made *aliens and enemies* to the United States. The nine digit number issued under the Social Security Act identifies those American State citizens as *alien corporations* and enemies of the United States. See the Alien Registration Act of 1940, United States Statutes at Large, Chapter 438, Title III, H.R. 9139, June 28, 1940; 54 Stat. 673 – 676. See also the *two* different certified copies of a human birth certificate attached to the proof of cheats and swindles at Exhibit No. 3. As revealed infra, the imputation of a corporate status in human beings is the *singular* means of extending a taxing power to include those humans.

¶ 10. The terms used in the Constitution, “*capitation or other direct taxes*,” are defined in law as a “Poll tax; an imposition which is yearly laid upon each person according to his estate or ability.” *Bouvier’s Law Dictionary*, 6th Ed., 1856.

¶ 11. The term “*person*” is defined in the United States Code Annotated (2010) at Title 1, section 1., **Words denoting number, gender, and so forth** as: “*the words ‘person’ and ‘whoever’ include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.*” The equivalent State term occurs in Oklahoma Statutes (OS), Title 12, section **729.2 Definitions** as: “*Person*” means an individual, a corporation, government or subdivision or agency, business, estate, trust, joint venture, partnership, association, limited liability company, two or more persons having a joint or common interest, or any other legal or commercial entity.” Oklahoma Court Rules and Procedure, 2014.

¶ 12. Judicial notice of this GLOSSARY OF TERMS, and of the judicially determined cases provided as exhibits and taken from Official Supreme Court Reports, is mandatory under express terms of The Federal Rules of Evidence, Rule 902 (4), certified copies.

III - STATEMENT OF JURISDICTION

¶ 13. All issues raised or implied in part I - INTRODUCTION, and in part II - GLOSSARY OF TERMS are incorporated herein as if fully reiterated.

¶ 14. The ROGERS COUNTY court has jurisdiction of QUIET TITLE ACTIONS under express terms of Title 12 Oklahoma Statutes (OS) §1141 A. All courts have followed the ruling handed down by the Supreme Court of the United States in re: *Elliot v. Lessee of Piersol*:

“Where a court has jurisdiction, it has a right to decide any question which occurs in the cause, and whether its decision be correct or otherwise, its judgments, until reversed, are regarded as binding in every other court.” 26 U.S. 328, 340 (1828). Underline emphasis added. Provided at Exhibit No. 5.

IV - CAUSES OF ACTION:

¶ 15. All issues raised or implied in part I - INTRODUCTION, and in part II - GLOSSARY OF TERMS, and in part III - STATEMENT OF JURISDICTION are incorporated herein as if fully reiterated.

¶ 16. FIRST CAUSE OF ACTION: Oklahoma statutes (OS), Title 68 §3105, is a Bill of Attainder. It violates both the State and National constitutions, and is therefore void. “Bills of Attainder” are criminal forfeitures enacted in violation of Article I, Section 9, clause 3, and the Sixth article of the Bill of Rights in the National Constitution, as well as a violation of the Oklahoma Bill of Rights, Oklahoma Constitution, Article II, Section 15 - Bills of Attainder, Ex Post Facto Laws, Obligation of Contracts, Forfeiture of Estate.

¶ 17. FIRST PROOF OF CLAIM: Oklahoma Statutes (OS), Title 68 §3105, is a criminal Bill of Attainder and ex post facto law as was previously determined by the Supreme Court of the United States in the Syllabus, *Cummings v. State of Missouri*, 71 U. S. 277 (1866):

"3. A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution bills of attainder include bills of pains and penalties." Emphasis added.

"8. The prohibition of the Constitution was intended to secure the rights of the citizen against deprivation for past conduct by legislative enactment, under any form however disguised." Emphasis added.

"9. An ex post facto law is one which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed; or changes the rules of evidence by which less or different testimony is sufficient to convict than was then required."

"11. Although the prohibition of the Constitution to pass an ex post facto law is aimed at criminal cases, it cannot be evaded by giving a civil form to that which is in substance criminal." Emphasis in original. See Supreme Court original report syllabus provided at Exhibit No. 2.

¶ 18. Oklahoma Statutes (OS), Title 68 §3105, violates the constitutional bar against Bills of Attainder in Section 9, clause 3, of the Constitution of the United States since ratification on May 29, 1790. Acting to perform its assigned duty to say what the law is, the Supreme Court of the United States say:

"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed." See Syllabus, *Norton v. Shelby County*, 118 U.S. 425 (1886). Provided at Exhibit No. 6.

¶ 19. Defendants Marsh and Baker impose Oklahoma's void Bill of Attainder statute as an unapportioned direct tax on unincorporated private human beings, by means of sham legal process issued against American State citizens, now transmogrified into alien corporations and enemies of the United States, and identified as such by his/her Social Security number listing them as foreign

corporate enemies under the Alien Registration Act of 1940. See the Proof of Cheats document provided at Exhibit No. 3. See also, for example, copies of the Real Estate Property tax assessment, assessed by defendant Marsh, and billed by defendant Baker under process issued in the name of MCNEIL, JERRY P, a fictional alien corporate enemy of the United States created under authority of the Alien Registration Act on January 15, 1943. This new corporate identity was entered on the rolls of the Texas Department of Vital Statistics by fraudulent manipulation of the certificate of live birth of the human being, Jerry Preston McNeil, born on September 10, 1930 and recorded the following day. In particular, the Court will take note of the reverse side of the threat issued on the Rogers County tax statement, citing to Oklahoma's void criminal Bill of Attainder issued in civil form, and specifically called out for notice by Plaintiff McNeil by defendant Baker. The tax statement is provided at Exhibit No. 1.

¶ 20. SECOND CAUSE OF ACTION: Under color of State law², defendants Marsh and Baker together utilize tricks and frauds to impute the status and character of *personhood* upon a human being. Addressing State process to a fraudulently created corporation alien to the United States, defendants attempt to impose the badges and incidents of slavery upon McNeil in open contempt of the thirteenth Article of amendment, ratified on December 6, 1865. Defendants Marsh and Baker, by means of these lawless acts enslave and hold Jerry P. McNeil, the unincorporated human owner of real property, in abominable peonage by debt bondage "*through law or threat of legal process.*" Defendants Marsh and Baker do so in order to impose and collect constitutionally barred direct taxes. They do so also in open and notorious contempt of the thirteenth Article of

². Acts made possible only because the actors are clothed with the authority of State law. See syllabus, par. 2(d), *Monroe v. Pape*, 365 U.S. 167 (1961).

amendment, and of Federal Statutes found at Title 18, U.S.C.A. (2010), sections 241, and 1584.

¶ 21. SECOND PROOF OF CLAIM: As set out by the Supreme Court of the United States in the *Kozminsky* case³, in 1988 it held:

“For purposes of criminal prosecution under § 241 or § 1584, the term "involuntary servitude" necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in fear of such physical restraint or injury or legal coercion.” Pp. 487 U. S. 939-953.” Emphasis added.

¶ 22. *“The words "involuntary servitude" have a larger meaning than slavery, and the thirteenth Amendment prohibited all control by coercion of the personal service of one man for the benefit of another.”* Page 219 U. S. 219.⁴ *“The federal anti-peonage acts are necessarily violated by any state legislation which seeks to compel service or labor by making it a crime to fail or refuse to perform it.”* Page 219 U. S. 220. Oklahoma statutes (OS), Title 68 §3105, make criminal failure to pay debts imputed to a human being, who is also listed as an alien enemy corporation under the Alien Registration Act of 1940, and thus falls squarely within reach of the anti-peonage acts. See Exhibit No. 1.

¶ 23. Statutory language must be tested by a “court of the United States”⁵ to assay Congressional intention and to determine constitutionally permissible meanings. In *CHURCH OF SCIENTOLOGY OF CALIFORNIA*, A non-profit corporation, Plaintiff- Appellant, v. *UNITED STATES DEPARTMENT OF JUSTICE*, William B. Saxbe, Attorney General of the United States;

³. *United States v. Kozminski*, 487 U. S. 931 (1988).

⁴. *Bailey v. Alabama*, 219 U.S. 219 (1911).

⁵. Defined at Title 28 U.S.C.A. (2010) §451.

Drug Enforcement Administration, Defendants-Appellees; No. 76-2506, the United States Court of Appeals, Ninth Circuit, Nov. 8, 1979, Rehearing Denied Jan. 30, 1980, made such a language test. At issue was Congressional intent in passing the federal "Freedom of Information Act," also known as FOIA, when considered in respect to the "Plain meaning rule." The meaning of the legal term of art "person" was necessarily in issue. At ¶ 37 of its ruling in the matter, referring back to the definitions provided supra at ¶ 11, the United States Court of Appeals for the Ninth Circuit say:

"In both statements, it is clear that the congressional intent was to broaden the scope of the proposed exemption to include sources of confidential information other than informers. The use of the word "person" in those contexts appears to be similar to the use of any collective noun. The word "person" in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings. See e. g. 1 U.S.C. § 1." Emphasis in original.

¶ 24. The definition found at 1 U.S.C. § 1, which was judicially determined to apply only to entities "*other than human beings*" is indistinguishable from the definition found in Oklahoma statutes cited to in ¶ 11., supra, and without reasonable question it too necessarily **only includes in its scope a variety of entities other than human beings.** Emphasis added.

¶ 25. PERSONHOOD; THE REQUIREMENT FOR STATE JURISDICTION: It has long been judicially settled that: "*The sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission*⁶, . ." All corporate persons fall within this class of legal "*persons subject to*" State sovereignty. Corporations, trusts, or other relationships created by or introduced into a State by its consent, are plainly *subject to* its taxing and police powers. Five years after the McCullough decision, in *Osborn v. Bank of the United States*, 22 U.S. 738 (1824), the Supreme Court of the United States reviewed and approved it. The high court then added: "The act

⁶. *McCulloch v. Maryland*, 17 U.S. 316, 429 (1819).

of incorporation, then, confers jurisdiction on the circuit courts of the United States, if Congress can confer it.” Osborne, page 818. Emphasis added. Congress has the enumerated power contained at Article I, Section 8, clause 3, to regulate foreign commerce. See Exhibit No. 7.

¶26. Relevant to the essential corporate and foreign status of an entity called “person,” the high court in *Osborn*, also say: (Emphasis added)

“Making a person makes a case; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case. If this be true, why not make every citizen a corporation sole, and thus bring them all into the courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the Constitution implied in this doctrine, but a positive power to violate it.” Emphasis added.

¶27. The illustration and proof is complete. Defendants Marsh and Baker, both clothed with the power of a State, had to create some illusion of taxing jurisdiction and authority. They did so by issuing their sham legal process to an alien enemy corporation foreign to the United States and named “MCNEIL, JERRY P.” This non-human corporate entity was created on January 15, 1943, in Bowie County, Texas, prior to the fourteenth birthday of the non-corporate human being named Jerry Preston McNeil, and done so in secret as directed by the terms of the Alien Registration Act of 1940. See Proof of Cheats attached and real estate tax statement issued by defendants Marsh and Baker. Exhibits Nos. 3, and 1.

¶28. The Social Security number associated with the human being Jerry Preston McNeil, was issued on June 13, 1944, and a full eighteen months after January 15, 1943, which was the date of the fraudulent creation of the alien enemy corporation identified as JERRY PRESTON MCNEIL. See the original SSA Form 5, obtained from the agency/TREASURY DEPARTMENT/IRS provided

at Exhibit No. 3. The clear separation of the dates on which the two events occurred proves conclusively that the two things, the *alien foreign enemy corporation* whose name is expressed in capital letters – is now and was always completely separate from, and independent of although clearly related to, the assignment of a number to the human recipient. The connection, made secret by federal statute, *was intended* to put the human associated with that number, into a state of peonage to secure payments by the human to satisfy the “*debts*” assigned by governments to the alien foreign enemy corporation having the exact same name as the human, but expressed IN ALL CAPITAL LETTERS! This was and is a pure fraud, carried out intentionally in order to create some semblance of a State power over the human whose Christian name formed an *idem sonans*, an identical *sounding name* to that of the alien enemy corporation/debtor/tax payer. And to do so; “*by placing him or her in fear of such physical restraint or injury or legal coercion.*” See ¶ 21., supra.

¶ 29. Pressing the point still further, at common law, which remains in effect in aid of Oklahoma statutes⁷, corporate status is always presumed: “*The corporate existence of the defendant can be denied only by a plea in abatement. A plea of general issue alone admits the corporate existence of either a plaintiff or defendant. The plea of nul tiel corporation which as regards the plaintiff is a plea in bar, and as regards the defendant is a plea in abatement.*”⁸ Emphasis added. So; *status* as a corporate “person” has always been a jurisdictional requirement for the exercise of any State power of taxation. A plea of nul tiel corporation (no such corporation) bars any action by a plaintiff State seeking to directly tax human beings, also called natural persons. The motives behind the sham legal processes employed by defendants Marsh and Baker are now clear. *But for*

⁷. Title 12 O.S. § 2 Force of common law.

⁸. Horn Book Series, *Shipman on Common-Law Pleading*, West Publishing Co. 1923, page 392.

the aid of their sham legal processes imputing a corporate status and an unpaid debt to a human being, there can be no State power to tax real estate or other property owned by a human being who has no *identity status* created by any State.⁹

¶ 30. DIRECT TAXES ON NON-CORPORATE HUMAN BEINGS ARE CONSTITUTIONALLY BARRED UNDER ALL CIRCUMSTANCES: The sixteenth amendment authorized only a tax on “*incomes derived from*” tariffs.¹⁰

“(a) The Amendment authorizes only a particular character of direct tax without apportionment, and therefore if a tax is levied under its assumed authority which does not partake of the characteristics exacted by the Amendment, it is outside of the Amendment, and is void as a direct tax in the general constitutional sense because not apportioned. (b) As the Amendment authorizes a tax only upon incomes “from whatever source derived,” the exclusion from taxation of some income of designated persons and classes is not authorized, and hence the constitutionality of the law must be tested by the general provisions of the Constitution as to taxation, and thus again the tax is void for want of apportionment. (c) As the right to tax “incomes from whatever source derived” for which the Amendment provides must be considered as exacting intrinsic uniformity, therefore no tax comes under the authority of the Amendment not conforming to such standard, and hence all the provisions of the assailed statute must once more be tested solely under the general and preexisting provisions of the Constitution, causing the statute again to be void in the absence of apportionment.” Opinion, *Brushaber*, page 11. Provided at Exhibit No. 8.

Oklahoma’s ad valorem tax on real estate is void under this clear instruction for want of apportionment. See Exhibit No. 6.

¶ 31. [T]“*he authority conferred upon Congress by § 8 of Article I “to lay and collect taxes, duties, imposts and excises” is exhaustive and embraces every conceivable power of taxation has never been questioned, or, if it has, has been so often*

⁹. “[T]he power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress.” *McCullough v. Maryland*, page 17 U. S. 409. “All subjects over which the sovereign power of a State extends are objects of taxation, but those over which it does not extend are, upon the soundest principles, exempt from taxation. Id. Page 17 U.S. 429. “The sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission. . .” *Id.*, page 17 U.S. 429.

¹⁰. Syllabus, page 1, *Brushaber v. Union Pacific R. Co.*, 240 U.S. 1 (1916).

authoritatively declared as to render it necessary only to state the doctrine.”
Opinion, *Brushaber*, page 12. Provided at Exhibit No. 8.

Section 8 of Article I is exclusively a war power of the United States, and a power barred to states except when actually invaded by Article I, Section 10, clause 3.

¶ 32. THE NATIONAL WAR POWER AND RAMIFICATIONS OF ITS USE IN THE SEVERAL STATES: Background: Oklahoma is a signatory party to the “Declaration of Interdependence of the Governments within the United States of America in Common Council,” hereinafter “Compact Agreement,” which originated at Washington, District of Columbia, on January 22, 1937 by delegates to the Third General Assembly of the Council of State Governments. See pages 142 & 143 of *The Book of the States*, Volume 2, Book 2. Each of the several states not present at the 1937 signing, has since formally accepted it. The Compact Agreement is an act by the State which waives its immunity from lawsuits under the Eleventh Amendment by implication, *Petty v. Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275 (1959), *West Virginia ex rel. Dyer v. Sims*, 341 U. S. 22 (1951), and cases there cited.

¶ 33. Next, H. R. 7260, “The Social Security Act” hereinafter (SSA), of August 14, 1935, 49 Stat. 620 - 648, “Grants to States,” cites only to the Constitution, Article I, Section 8, clause 1, and to none other, for its Constitutional authority. By operation of the *international* laws of war, the SSA invoked the belligerent rights delegated as war powers of the United States and extended the same into the “*several States*.” See Elliot’s Debates, vol ii, 327, 328, and William Whiting, *infra*. This clause contains the power described supra, to lay and collect direct taxes and enabled President Lincoln’s prosecution of the American Civil War of 1860 - 1865 in defense of the Union, under Acts of Congress. The language selected for the enacting clause of the Social Security Act reveals that

among its listed purposes was “enabling the several States” – to do things, without which such enabling legislation, the several State governments could not otherwise do. Included in this newly established State authority was “*the power of imposing taxes to an unlimited amount, and the right to appropriate the money “to the common defence and public Welfare.”*” See *War Powers Under the Constitution, Military Arrests Reconstruction, and Military Government*, William Whiting, Solicitor of the War Department during the Civil War, Lee and Shepard Publishers, 1871, Library of Congress control No. 09023595. *War Powers* is also available for digital download at books.google.com. The entire volume is incorporated herein by reference, as if reproduced here in its entirety.

¶ 34. **War – Judicially construed by the Supreme Court;** “*War is simply the exercise of force by bodies politic, or bodies assuming to be bodies politic, for purpose of coercion. - - - For war is not upon the theory of punishing individuals for offenses, (except for violation of the rules of war), it ignores jurisdiction, penalties, and crimes, and is only a system of coercion of the power you are acting against.*” Parenthetic remark in original. See *Prize Cases*, 67 U. S. 635, p. 652 (1862). “*The rules governing war, consist more in fact than law,*” *Brown v. United States*, 12 U. S. 110, pages 123, 124 (1814). “*The mere existence of war creates a presumption that all parties affected thereby have notice of it,*” *Prize Cases*, syllabus #10.

¶ 35. The Supreme Court of the United States, in *Jecker v. Montgomery*, 55 U. S. 110 (1855), say: “*In a state of war, the nations who are engaged in it, and all their citizens or subjects, are enemies to each other. Hence, all intercourse or communication between them is unlawful.*”

¶ 36. “*This power (the war powers delegated to The United States) exercises jurisdiction and control de facto, and claims it de jure over the territory. It compels obedience, and exacts*

allegiance from all inhabitants of the territory, without respect to their wishes. It compels each inhabitant to pay taxes and imposts upon his property, to aid in the war, and makes his property liable to contribution or confiscation.” See *Prize Cases*, at p. 655. “A declaration of war is not necessary to give full belligerent power.” *War Powers*, page 38. “Property of the enemy is subject to unlimited confiscation or taxation as a belligerent right in time of peace or in time of war.” *War powers*, p. 18, 19. “There is no limit to the kinds or character of property which may be appropriated by the government of the United States under the general welfare clause (under discussion) and the Confiscation Acts.” *War Powers*, pg. 18. Provided at Exhibit No. 9.

¶ 37. When the Congress exercises its belligerent rights under the war powers contained in the Constitution, and does so within America, none but Military governments can exist. See Halleck, *On International Law*, 781, *Cross v. Harrison*, 57 U.S. 164, 184 (1853), *American Insurance Company v. Canter*, 26 U.S. 511, 512 (1828). “By operation of International law, an actual state of war may exist without any formal declaration of it by either party, and this is true of both a civil and a foreign war.” See *The Prize Cases*, 67 U. S. 635, p. 636 (1862). Subsequent to the SSA and the Compact Agreement, as during the Civil War, “all persons residing within the several states, are treated as enemies of the United States, though not foreigners.” *Id.*, page 636. When accepted by the several States, the Compact Agreement of 1937 activated the belligerent rights of the United States against the people therein, and destroyed all local governments leaving only *defacto* civil (Admiralty) and Military governments and courts in place. “This government *de facto* will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land.” *Cross v. Harrison*, at page 185. See Exhibit No. 10.

¶ 38. While there is no limit to the kinds or character of things which can be seized by the government of the United States under the general welfare clause which is here under discussion, there is indeed a limit imposed by the constitution, even on its war powers:

“The war power of the United States, like its other powers and like the police power of the states, is subject to applicable constitutional limitations (Ex parte Milligan, 4 Wall. 2, 71 U. S. 121-127; Monongahela Navigation Co. v. United States, 148 U. S. 312, 148 U. S. 336; United States v. Joint Traffic Assn., 171 U. S. 505, 171 U. S. 571; McCray v. United States, 195 U. S. 27, 195 U. S. 61; United States v. Cress, 243 U. S. 316, 243 U. S. 326); but the Fifth Amendment imposes in this respect no greater limitation upon the national power than does the Fourteenth Amendment upon state power (In Re Kemmler, 136 U. S. 436, 136 U. S. 448; Carroll v. Greenwich Ins. Co., 199 U. S. 401, 199 U. S. 410).” Hamilton v. Kentucky Distilleries & Warehouse Co., 251 U.S. 146 (1919). Emphasis added. Exhibit No. 11.

¶ 39. Clearly then, a government seizure of private property under the war power authority does nothing to transfer title to seized property, which remains in the previous owner. Quoting now, Mr. Justice Clifford, delivering the opinion of the Supreme Court:

“Private property, the Constitution provides, shall not be taken for public use without just compensation, and it is clear that there are few safeguards ordained in the fundamental law against oppression and the exercise of arbitrary power of more ancient origin or of greater value to the citizen, as the provision for compensation, except in certain extreme cases, is a condition precedent annexed to the right of the government to deprive the owner of his property without his consent. Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed into the public service or may be seized and appropriated to the public use, or may even be destroyed without the consent of the owner.” Emphasis added. *United States v. Russell*, 80 U.S. 623, 627 (1871).

“Such a justification may be shown, and when shown, the rule is well settled that the officer taking private property for such a purpose, if the emergency is fully proved, is not a trespasser, and that the government is bound to make full compensation to the owner.” Emphasis added. *Id.*, at 80 U.S. 628.

“Private rights, under such extreme and imperious circumstances, must give way for the time to the public good, but the government must make full restitution for the sacrifice.” Page 80 U. S. 630. Beyond doubt, such an obligation raises an implied

promise on the part of the United States to reimburse the owner for the use of the steamboats and for his own services and expenses, and for the services of the crews during the period the steamboats were employed in transporting government freight pursuant to those orders. Emphasis added.

¶ 40. In spite of the frauds worked upon "persons" by the Social Security Act and the Alien Registration Act as described supra, "[T]he exercise of the war powers is (except in respect to property destroyed by military operations) subject to the Fifth Amendment." Parentheses in original. See *United States v. Russell*, 80 U. S. 627 (1871). This quote, standing alone, defeats all pretense of a government power to impose any "unapportioned" direct tax on human beings. But for the fraudulent imputation of a corporate status in every human being, as recorded on the tax statements provided by the defendants and expressing the human name in a corporate form, a presumed power to directly impose government taxes upon people is simply unimaginable. The *Russell* original report is provided at Exhibit No. 12.

¶ 41. Continuing in the same vein and coordinated with the SSA, live births certified and recorded in the several states are collected by the national government under force of the Alien Registration Act of 1940,¹¹ and uniquely numbered so as to identify the human being listed as alien enemy corporations in the several states. Exhibit No. 3. No separate identification card was required since the Social Security card provided that function, while concealing from the registrant his status as an enemy and preventing that citizen from working for others in the nation of his birth as criminal punishment if not so numbered. A constitutionally barred but ubiquitous State use of

¹¹. The federal Act provides for a single registration of aliens 14 years of age and over; detailed information specified by the Act, plus "such additional matters as may be prescribed by the Commissioner, with the approval of the Attorney General"; fingerprinting of all registrants, and secrecy of the federal files, which can be "made available only to such persons or agencies as may be designated by the Commissioner, with the approval of the Attorney General." No requirement that aliens carry a registration card to be exhibited to police or (Page 312 U. S. 61) others is embodied in the law, and only the willful failure to register is made a criminal offense;" *Hines v. Davidowitz*, 312 U.S. 52 (1941).

the *corporatized form* (capitalized) of the names of enemies of the United States is a corruption of the Christian names of *human beings*. The numbers which first appeared on nationally issued Social Security Cards, bearing a corporate name with a likeness to a human name, provides the mechanism for the unconstitutional State military agencies to fraudulently enforce the executive war power of the United States, thereby enabling (See ¶ 33, supra) the national government's exercise of powers of both a general and a State government in the several states, with a focused emphasis on direct taxation and control of its enemies by threat of law or legal process.

¶ 42. Offer of proof by ancient writing; Federal Rules of Evidence, Rule 1001(2013); War overrides municipal laws and all domestic institutions which impede or interfere with its complete sway, Whiting, War Powers, pp. 146, 156. “[M]ilitary tribunals (here, Oklahoma’s statutory corporate courts) *exercise no part of the judicial power but only a part of the military power of the Executive.*” Id., p. 277-278. Provided at Exhibit No. 9.

¶ 43. THIRD CAUSE OF ACTION: Because the de jure Oklahoma government ceased to exist at the time it signed the Compact Agreement, began to accept federal monetary grants, and permanently expanded the territory of the United States, it also forfeited State sovereignty by agreement.¹² This change necessitated the conversion of its name from Oklahoma, to THE STATE OF OKLAHOMA. The *former* was the name of a State. The *later* is the name of a corporation acting as a *defacto* government, but still also limited by the 5th amendment to the Constitution. See *Cross v. Harrison*, supra, at ¶ 37., and Exhibit No. 10. With its loss of its sovereignty also went all *State* capacities to tax anything. Complainant McNeil demands return of all taxes paid over to

¹². *DeLima v. Bidwell*, 182 U. S. 1, 30 (1901)

meet the demands of governments under the war power, and the implied contract raised when demanded by governments, plus six percent (6 %) interest, estimated at the rate of three thousand dollars (\$3,000.00) per year since January 15, 1943, or for seventy one years. This demand results in the fixed and certain amount of two hundred twenty-five thousand seven hundred eighty dollars (\$225,780.00). McNeil further demands payment of double that amount in compensation and damages for holding him in debt bondage for payment of *government* debts, amounting to an additional four hundred fifty-one thousand five-hundred sixty dollars (\$451,560.00). The two sums combined total six-hundred seventy-seven thousand three hundred forty dollars (\$677,340.00). The total fixed sum to be paid over to complainant McNeil in satisfaction of all claims, will be not less than \$677,340.00 plus the costs of this action.

¶ 44. THIRD PROOF OF CLAIM: There are consequences, both seen and unseen, to the willful acts of State officials in signing the Compact Agreement, supra at ¶ 32. Among the *seen* consequences is the permanent expansion of federal jurisdiction into the several states under the benign name of “Cooperative Federalism.” Also *seen* is the surrender of its State sovereignty to the alphabet soup list of federal agencies: The Department of Education, the Environmental Protection Agency, Social Security Administration, and the National School Lunch Act of 1946, for a minimal listing of examples. Belligerent rights and “territory” of the United States *can be* extended into the several states under its war powers. Permanent acquisition of territory in the several states is a function of treaties or compacts, not its war powers. See footnote 12. Provided at Exhibit No. 13.

¶ 45. The several de jure *governments* in each State completely ceased to exist where the belligerent rights of the United States are allowed to be introduced therein by means of acceptance

of monetary grants to the State or to human beings under the war powers contained in Article I. See pars., 36, 37, supra. It is also judicially settled that no State government can impose taxes directly as a de facto military proxy of the United States:

“If the law or treaty making power enacts that *the territory over which the military arm of the government has extended shall come under the permanent absolute sovereign jurisdiction of the United States, a new and different status arises. The former sovereign* (in this instant case Oklahoma) *then loses all right of reverter, and the territorial limits of the United States are in so far enlarged.*” Emphasis added. *DeLima v. Bidwell*, 182 U.S. 1, 79 (1900). Provided at Exhibit No. 13.

¶ 46. The conversion of the several states into defacto military governments following the enactments of the Social Security Act, and the Alien Registration Act of 1940, was interrupted by World War II. Following Congressional hearings conducted in 1941, progress toward that end was resumed by enactment of the Administrative Procedures Act of June 11, 1946, hereinafter the “APA.” The APA introduced a “fourth branch of government” for the first time in America. Its purpose was to rule permanently by agency over the entire nation of captive enemy corporations, domiciled in newly expanded territory over which “the military arm of the government has extended,” so as to enable taxation and control of those foreign enemy corporations registered under the Alien Registration Act of 1940, and numbered under the SSA previously. See the quotation from *DeLima v. Bidwell*, supra, at par. 45., and Exhibit No. 13.

¶ 47. The Attorney General’s Manual on the Administrative Procedures Act, issued by Attorney General Tom Clark in 1947, Library of Congress Catalog Card Number 72-97700, is definitive as to questions regarding its intended effect. Excepted from the APA were “(3) military or naval authority exercised in the field in time of war or in occupied territory, or (4).” See AG’s Manual, page 10, provided at Exhibit No. 14.

¶ 48. Stating the now painfully obvious; things equal to the same things are equal to each other. When Oklahoma officials signed the Compact Agreement of 1937, supra, at par. 32, and accepted federal grant money to be used in compliance with federal war power dictates, Oklahoma permanently enlarged the territorial limits of the United States, and by operation of international law *became* its defacto “*military or naval authority exercised in the field in occupied territory.*” The “exception” in the APA simply recognizes this new status of Oklahoma, operating in conjunction with federal agencies while concealing the change *in governments* from public view. The sovereign powers of taxation reside in the United States, not in its military or naval authorities. Neither the United States nor its military in the field, have a power to take the private property of American *human beings* without just compensation, either during a time of war or in peacetime; not that is, while and if they remain *American governments*. See pars., 38, 39, 40, and 45, supra.

V - CONCLUSION

¶ 49. The International laws of War contained in the Constitution are dangerous both to citizens and to the States. The Supreme Court of the United States say:

*“This is no new theory, but was clearly and ably expressed by John Quincy Adams in the House of Representatives in 1836. He said:” “There are, then, in the authority of Congress and in the Executive, two classes of powers altogether different in their nature and often incompatible with each other - war power and peace power. The peace power is limited by regulations and restricted by provisions in the Constitution itself. The war power is only limited by the usage of nations. This power is tremendous. It is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty and of life.” See *De Lima v. Bidwell*, 182 U. S. 1, p. 30 (1901). Provided at Exhibit No. 13.*

¶ 50. As proof of Oklahoma’s role in the use of legal coercion to place and hold Complainant McNeil in bondage for payment of government debts, he relies on the two differing versions of the certified true copies of his birth certificate to perfect his claim. These same exhibits

also prove McNeil's allegation of fraud committed by the defendants' through sham legal process issued under color of State law. Full faith and credit was given to Oklahoma's status as a de facto military arm of the United States in preparing these claims for damages and costs, and they are hereby presented to *that* United States military for payment accordingly.

¶ 51. The Declaration of Independence sets the stage for all de jure governments:

"We hold these truths to be self evident, that all Men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, . . ." See Declaration of Independence.

¶ 52. Following the Compact Agreement of 1937, and Oklahoma's surrender of its sovereignty, no "property" exists today in America except for that held by corporations sole. See ¶ 26., supra. American foreign enemy corporations each came into being upon its registry at the birth of a human within the United States, and its association with a federal number. All of this done as a means to avoid the Constitutional bar against the taking of private property. No private property, ergo, no violation of the Constitution! Just compensation for Oklahoma's role in assisting with the United States' theft of McNeil's status as a private human being having *unalienable* rights to property, is inestimable, and therefore not a part of this demand.

Respectfully submitted.



VERIFICATION

I, Jerry Preston McNeil, a non-corporate human being, of age and competent to give testimony, do hereby declare and affirm under penalty of perjury, that the forgoing statements are true and correct. Given under my hand, this 8th day of Sept, 2014.

NOTARY SPACE:

{ STATE OF OKLAHOMA
{ COUNTY OF TULSA



Subscribed and sworn to before me on this 8th day of September, 2014


Signature of Notary Public