

TITLE 28 > PART IV > CHAPTER 85 > Section 1349.

SECTION 1349 – corporation organized under federal law as party

The district courts shall not have jurisdiction of any civil action by or against any corporation upon the ground that it was incorporated by or under an Act of congress, unless the United States is the owner of more than one-half of its capital stock.

NOTE:

The DIVERSIFIED METALS CASE [EXHIBIT 32] shows that the United States proclaimed before the United States District Court – District of Idaho – that the Internal Revenue Service was not an agency of the federal government but did state that the federal government would be a 'proper party' to the action.

28 USC Section 1349 shows you why the federal government was a 'proper party' to the action. The IRS is a corporation in which the federal government owns at least 51% of the IRS capital stock.

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