

# VOIR DIRE OF FEDERAL JUDGE

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1 **1. Purpose**

2 This litigation tool is used by a person litigating a tax issue in federal court. It should be used at the beginning of the trial  
3 against the judge. These questions are best employed AFTER the jury is selected and when the jury is in the room and  
4 listening. This will serve to alert them of the ethical and legal responsibilities of the judge.

5 **2. Your Rights as a Litigant**

6 You have the following rights as a litigant:

7 1. An impartial decision maker.

8 *" . . .it certainly violates the Fourteenth Amendment . . . to subject [a person's] liberty or [475 U.S. 822]  
9 property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in  
10 reaching a conclusion against him in his case."  
11 [Tumey v. Ohio, 273 U.S. 510 (1927)]*

12 *"Bias or favoritism is utterly irreconcilable with and necessarily perverts the judicial function. The rule of law  
13 which provides the framework for our system of justice is thwarted by a judge marching to an unauthorized  
14 drummer [the IRS in this case, if he is a "taxpayer"]."  
15 [Summerlin v. Stewart, 267 F.3d 926 (9th Cir. 10/12/2001)]*

16 *"A judge should disqualify himself . . . where he has a personal bias or prejudice concerning a party"  
17 [ABA Code of Judicial Conduct, Canon 3C(1)(a) (1980)]*

18 2. The jury has a right to rule on BOTH the facts and the law, and especially if the judge is biased:

19 ***"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take  
20 on themselves to judge the law as well as the fact. They never exercise this power but when they suspect  
21 partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English  
22 liberty."**  
23 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

24 3. A right to trial by jury under the Seventh Amendment:

25 *Federal Rules of Civil Procedure*  
26 *[VI. TRIALS > Rule 38.](#)*  
27 *[Rule 38. Jury Trial of Right](#)*

28 (a) *Right Preserved.*

29 *The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of  
30 the United States shall be preserved to the parties inviolate.*

31 (b) *Demand.*

32 *Any party may demand a trial by jury of any issue triable of right by a jury by (1) serving upon the other parties  
33 a demand therefor in writing at any time after the commencement of the action and not later than 10 days after  
34 the service of the last pleading directed to the issue, and (2) filing the demand as required by [Rule 5\(d\)](#). Such  
35 demand may be indorsed upon a pleading of the party.*

36 (c) *Same: Specification of Issues.*

37 *In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be  
38 deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for  
39 only some of the issues, any other party within 10 days after service of the demand or such lesser time as the  
40 court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.*

41 (d) *Waiver.*

1           The failure of a party to serve and file a demand as required by this rule constitutes a waiver by the party of  
2 trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of  
3 the parties.

4           (e) Admiralty and Maritime Claims.

5           These rules shall not be construed to create a right to trial by jury of the issues in an admiralty or maritime  
6 claim within the meaning of [Rule 9\(h\)](#).

7           [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule38.htm>]

8   4. A right to inspect the jury lists:

9           In its brief and oral argument before this Court, the United States has agreed that petitioner was erroneously  
10 denied access to the lists and urges us to remand the case. We also agree with petitioner. [2](#) Section 1867 (f) of  
11 the Act, in relevant part, provides:

12           *"The contents of records or papers used by the jury commission or clerk in connection with the jury [420 U.S.  
13 28, 30] selection process shall not be disclosed, except . . . as may be necessary in the preparation or  
14 presentation of a motion [challenging compliance with selection procedures] under . . . this section . . . . The  
15 parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable  
16 times during the preparation and pendency of such a motion. . . ." (Emphasis supplied.)*

17           This provision makes clear that a litigant [3](#) has essentially an unqualified right to inspect jury lists. [4](#) It grants  
18 access in order to aid parties in the "preparation" of motions challenging jury-selection procedures. Indeed,  
19 without inspection, a party almost invariably would be unable to determine whether he has a potentially  
20 meritorious jury challenge. Thus, an unqualified right to inspection is required not only by the plain text of the  
21 statute, but also by the statute's overall purpose of insuring "grand and petit juries selected at random from a  
22 fair cross section of the community." 28 U.S.C. 1861.

23           Since petitioner was denied an opportunity to inspect the jury lists, we vacate the judgment of the Court of  
24 Appeals and remand the case to that court with instructions to remand to the District Court so that petitioner  
25 may attempt to support his challenge to the jury-selection procedures. We express no views on the merits of that  
26 challenge.

27           It is so ordered.  
28 [Test v. United States, 420 U.S. 28, (1975)]

29   5. A right to question the jury, who is the judge if you don't have a jury trial.

30           Federal Rules of Civil Procedure  
31 [Rule 47. Selection of Jurors](#)

32           (a) Examination of Jurors

33           The court may permit the parties or their attorneys to conduct the examination of prospective jurors or may  
34 itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to  
35 supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective  
36 jurors such additional questions of the parties or their attorneys as it deems proper.

37           [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule47.htm>]

38   Other rights not enumerated here may be found in the following source:

Enumeration of Inalienable Rights, Form #06.004 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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39   **3. Voir Dire Questions for the Judge**

40   This section provides a series of admissions designed to define the truth based on answers to the questions. This has the  
41 affect of silencing detractors of the arguments in this memorandum of law using the truths revealed here.

42   1. Admit that you as a federal judge must abide by the following provision of the Code of Conduct for U.S. Judges:

1 [Code of Conduct for U.S. Judges, Canon 3: A Judge Should Perform the Duties of Office Impartially and](#)  
2 [Diligently](#)

3 Code of Conduct for U.S. Judges

4 Canon 3: A Judge Should Perform the Duties of the Office Impartially and Diligently

5 C. Disqualification.

6 (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might  
7 reasonably be questioned, including but not limited to instances in which:

8 (a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed  
9 evidentiary facts concerning the proceeding;

10 (b) the judge served as lawyer in the matter in controversy, or a lawyer with whom the judge previously  
11 practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer  
12 has been a material witness;

13 (c) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing  
14 in the judge's household, has a financial interest in the subject matter in controversy or in a party to the  
15 proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;

16 (d) the judge or the judge's spouse, or a person related to either within the third degree of relationship, or the  
17 spouse of such a person:

18 (i) is a party to the proceeding, or an officer, director, or trustee of a party;

19 (ii) is acting as a lawyer in the proceeding;

20 (iii) is known by the judge to have an interest that could be substantially affected by the outcome of the  
21 proceeding; or

22 (iv) is to the judge's knowledge likely to be a material witness in the proceeding.

23 (e) the judge has served in governmental employment and in such capacity participated as counsel, advisor, or  
24 material witness concerning the proceeding or has expressed an opinion concerning the merits of the particular  
25 case in controversy.

26 (2) A judge should keep informed about the judge's personal and fiduciary financial interests, and make a  
27 reasonable effort to keep informed about the personal financial interests of the judge's spouse and minor  
28 children residing in the judge's household.

29 [Source: <http://www.uscourts.gov/guide/vol2/ch1.html#3>]

30 2. Admit that this proceeding concerns the issue of payment of "federal income taxes".

31 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

32 CLARIFICATION: \_\_\_\_\_  
33

34 3. Admit that domicile and the income tax obligations that flow from it are political matters:

35 **"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in**  
36 **transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the**  
37 **Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates**  
38 **universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The**  
39 **latter obviously includes a duty to pay taxes, and their nature and**  
40 **measure is largely a political matter.** Of course, the situs of property may tax it regardless  
41 of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by  
42 the state in which the realty is located."  
43 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

1 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

2  
3 CLARIFICATION: \_\_\_\_\_

- 4 4. Admit that the Separation of Powers Doctrine prevents this Court from involving itself in strictly political matters or  
5 “political questions”:

6 *"But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme*  
7 *Court] can never with propriety be called on officially to be the umpire in questions merely political. The*  
8 *adjustment of these questions belongs to the people and their political representatives, either in the State or*  
9 *general government. These questions relate to matters not to be settled on strict legal principles. They are*  
10 *adjusted rather by inclination, or prejudice or compromise, often.*

11 [ . . . ]

12 *Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament*  
13 *of judges would be that, in such an event, all political privileges and rights would, in a dispute among the*  
14 *people, depend on our decision finally. We would possess the power to decide against, as well as for, them,*  
15 *and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much*  
16 *perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing*  
17 *their representatives to make laws and unmake them, and without our interference as to their principles or*  
18 *policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as*  
19 *empowered by the State or the Union, commence their functions and may decide on the rights which conflicting*  
20 *parties can legally set up under them, rather than about their formation itself. Our power begins after theirs*  
21 *[the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after*  
22 *them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is*  
23 *the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise,*  
24 *or control neither. The disputed rights beneath constitutions already made are to be governed by precedents,*  
25 *by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts, moral*  
26 *duties, and fixed rules; they are per se questions of law, and are well suited to the education and habits of the*  
27 *bench. But the other disputed points in making constitutions, depending often, as before shown, on policy,*  
28 *inclination, popular resolves and popular will and arising not in respect to private rights, not what is meum and*  
29 *tuum, but in relation to politics, they belong to politics, and they are settled by political tribunals, and are too*  
30 *dear to a people bred in the school of Sydney and Russel for them ever to intrust their final decision, when*  
31 *disputed, to a class of men who are so far removed from them as the judiciary, a class also who might decide*  
32 *them erroneously, as well as right, and if in the former way, the consequences might not be averted*  
33 *except by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new*  
34 *elections or instructions in a single month; and if the people, in the distribution of powers under the*  
35 *constitution, should ever think of making judges supreme arbiters in political controversies when not selected*  
36 *by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments*  
37 *as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own*  
38 *invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the republic,*  
39 *in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than*  
40 *the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs,*  
41 *the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching,*  
42 *or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if*  
43 *the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the*  
44 *legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate*  
45 *both the laws and Constitution, than on the people themselves in their primary capacity as makers and*  
46 *amenders* of *constitutions."*  
47 [Luther v. Borden, 48 U.S. 1 (1849)]

- 48 5. Admit that you pay what is commonly referred to as “federal income taxes” collected under the authority of the  
49 Internal Revenue Code Subtitle A.

50 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

51  
52 CLARIFICATION: \_\_\_\_\_

- 53 6. Admit that the Constitution prohibits the salary of federal judges from being reduced while he is in office.

54 *United States Constitution*  
55 *Article III, Section 1.*

1                    *The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as*  
2                    *the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts,*  
3                    *shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a*  
4                    *Compensation, which shall not be diminished during their Continuance in Office.*

5                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

6  
7                    CLARIFICATION: \_\_\_\_\_

8                    7. Admit that one of the reasons for the above provision of the Constitution is complained of in the Declaration of  
9                    Independence:

10                    *“He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary*  
11                    *powers.*

12                    **He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and**  
13                    **payment of their salaries.**

14                    *He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out*  
15                    *their substance.”*  
16                    *[Declaration of Independence]*

17                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

18  
19                    CLARIFICATION: \_\_\_\_\_

20                    8. Admit that Alexander Hamilton stated the reason for the above provision of the Constitution in Article III, Section 1  
21                    was as follows:

22                    *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER*  
23                    *OVER HIS WILL.”*  
24                    *[Alexander Hamilton, Federalist paper No. 79]*

25                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

26  
27                    CLARIFICATION: \_\_\_\_\_

28                    9. Admit that if the IRS does not like the way you rule on this case, they can effectively reduce your salary, by  
29                    performing a “special assessment” upon you and making you the target of “selective enforcement”.

30                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

31  
32                    CLARIFICATION: \_\_\_\_\_

33                    10. Admit that no man can serve two masters: The American People and an arbitrary power, the IRS and the Secretary of  
34                    the Treasury:

35                    **“No servant can serve two masters; for either he will hate the one and love the other, or else he will be loyal to**  
36                    **the one and despise the other. You cannot serve God and mammon.”**  
37                    **[Jesus [God] speaking in the Bible, Luke 16:13]**

38                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

39  
40                    CLARIFICATION: \_\_\_\_\_

41                    11. Admit that your salary is derived from federal income taxes collected from me personally for those years that I paid  
42                    them.

43                    YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

1 CLARIFICATION: \_\_\_\_\_

2 12. Admit that if the monies I paid to the IRS were paid illegally or under duress or absent the authority of law, then these  
3 monies amount to a gift and a bribe of the public officials who will spend them in violation of 18 U.S.C. §201.

4 TITLE 18 > PART I > CHAPTER 11 > § 201

5 § 201. Bribery of public officials and witnesses

6 (a) For the purpose of this section—

7 (1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before  
8 or after such official has qualified, or an officer or employee or person acting for or on behalf of the United  
9 States, or any department, agency or branch of Government thereof, including the District of Columbia, in any  
10 official function, under or by authority of any such department, agency, or branch of Government, or a juror;

11 (2) the term “person who has been selected to be a public official” means any person who has been nominated  
12 or appointed to be a public official, or has been officially informed that such person will be so nominated or  
13 appointed; and

14 (3) the term “official act” means any decision or action on any question, matter, cause, suit, proceeding or  
15 controversy, which may at any time be pending, or which may by law be brought before any public official, in  
16 such official’s official capacity, or in such official’s place of trust or profit.

17 (b) Whoever—

18 (1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person  
19 who has been selected to be a public official, or offers or promises any public official or any person who has  
20 been selected to be a public official to give anything of value to any other person or entity, with intent—

21 (A) to influence any official act; or

22 (B) to influence such public official or person who has been selected to be a public official to commit or aid in  
23 committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the  
24 United States; or

25 (C) to induce such public official or such person who has been selected to be a public official to do or omit to  
26 do any act in violation of the lawful duty of such official or person;

27 (2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands,  
28 seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or  
29 entity, in return for:

30 (A) being influenced in the performance of any official act;

31 (B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity  
32 for the commission of any fraud, on the United States; or

33 (C) being induced to do or omit to do any act in violation of the official duty of such official or person;

34 (3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or  
35 promises such person to give anything of value to any other person or entity, with intent to influence the  
36 testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other  
37 proceeding, before any court, any committee of either House or both Houses of Congress, or any agency,  
38 commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with  
39 intent to influence such person to absent himself therefrom;

40 (4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of  
41 value personally or for any other person or entity in return for being influenced in testimony under oath or  
42 affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absencing himself  
43 therefrom;

44 shall be fined under this title or not more than three times the monetary equivalent of the thing of value,  
45 whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from  
46 holding any office of honor, trust, or profit under the United States.

1 (c) Whoever—  
2 (1) otherwise than as provided by law for the proper discharge of official duty—  
3 (A) directly or indirectly gives, offers, or promises anything of value to any public official, former public  
4 official, or person selected to be a public official, for or because of any official act performed or to be  
5 performed by such public official, former public official, or person selected to be a public official; or  
6 (B) being a public official, former public official, or person selected to be a public official, otherwise than as  
7 provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives,  
8 accepts, or agrees to receive or accept anything of value personally for or because of any official act performed  
9 or to be performed by such official or person;  
10 (2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the  
11 testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or  
12 other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency,  
13 commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or  
14 because of such person's absence therefrom;  
15 (3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value  
16 personally for or because of the testimony under oath or affirmation given or to be given by such person as a  
17 witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence  
18 therefrom;  
19 shall be fined under this title or imprisoned for not more than two years, or both.  
20 (d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed  
21 to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose  
22 behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and  
23 the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert  
24 witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.  
25 (e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in  
26 sections [1503](#), [1504](#), and [1505](#) of this title.

27  
28 YOUR ANSWER: \_\_\_Admit \_\_\_Deny  
29  
30 CLARIFICATION:\_\_\_\_\_

31 13. Admit that those who collect financial benefits from the federal government are adversely influenced to vote in favor  
32 of politicians who would continue the flow of those benefits in violation of [18 U.S.C. §597](#).

33 [TITLE 18](#) > [PART I](#) > [CHAPTER 29](#) > § 597  
34 [§ 597. Expenditures to influence voting](#)  
35 Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote  
36 for or against any candidate; and  
37 Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of  
38 his vote—  
39 Shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful,  
40 shall be fined under this title or imprisoned not more than two years, or both.

41 YOUR ANSWER: \_\_\_Admit \_\_\_Deny  
42  
43 CLARIFICATION:\_\_\_\_\_

44 14. Admit that in this instance, since there is no jury, you re acting as the only jurist and “voter” and that all of my  
45 Constitutional rights are in your hands.



1 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

2  
3 CLARIFICATION: \_\_\_\_\_

4 15. Admit that you are an “arbitrary power” unless absolutely everything you say and do is a product of law that you  
5 MUST prove I am subject to before you can apply it to me.

6 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

7  
8 CLARIFICATION: \_\_\_\_\_

9 16. Admit that one of the important goals of the Constitution is to remove the American people from the rule of arbitrary  
10 powers:

11 *“When we consider the nature and the theory of our institutions of government, the principles on which they*  
12 *are supposed to rest, and review the history of their development, we are constrained to conclude that they do*  
13 *not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,*  
14 *of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers*  
15 *are delegated to the agencies of government, sovereignty itself remains with the*  
16 *people, by whom and for whom all government exists and*  
17 *acts. And the law is the definition and limitation of power.* It is,  
18 indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of  
19 final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying  
20 except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means  
21 of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual  
22 possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious  
23 progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so  
24 that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth ‘may be a  
25 government of laws and not of men.’ For the very idea that one man may be compelled to hold his life, or the  
26 means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be  
27 intolerable in any country where freedom prevails, as being the essence of slavery itself.”  
28 [*Yick Wo v. Hopkins, 118 U.S. 356 (1886)*]

29 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

30  
31 CLARIFICATION: \_\_\_\_\_

32 17. Admit that you as a federal judge have a fiduciary duty towards the litigants who appear before you:

33 *“Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483*  
34 *U.S. 372] in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir.1985) -- includes the deliberate*  
35 *concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward*  
36 *the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately*  
37 *conceals material information from them, he is guilty of fraud. When a judge is busily soliciting loans from*  
38 *counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material*  
39 *information in violation of his fiduciary obligations.”*  
40 [[McNally v. United States, 483 U.S. 350 \(1987\)](#)]

41 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

42  
43 CLARIFICATION: \_\_\_\_\_

44 18. Admit that both you and the opposing counsel have been challenged to prove why you think I satisfy the statutory  
45 definition of “person” found in [26 U.S.C. §6671](#)(b) and/or [26 U.S.C. §7343](#) and you have refused to address this issue.

46 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
47 [§ 6671. Rules for application of assessable penalties](#)

48 (b) Person defined

1 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member  
2 or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in  
3 respect of which the violation occurs.

4 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

5  
6 CLARIFICATION:\_\_\_\_\_

- 7 19. Admit that silence on the above issue harms my Constitutional rights to life, liberty and property and violates the  
8 fiduciary duty you have to me as a litigant appearing before you.

9 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

10  
11 CLARIFICATION:\_\_\_\_\_

- 12 20. Admit that when a statutory definition is provided, it supersedes the common definition and supersedes all things that  
13 are not mentioned:

14 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***  
15 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles,*  
16 *170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons***  
17 ***or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***  
18 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
19 *of a certain provision, other exceptions or effects are excluded."*  
20 *[Black's Law Dictionary, Sixth Edition, page 581]*

21 *"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colbutti v.*  
22 *Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed*  
23 *in other legislation, has no pejorative connotation.[19] As judges, it is our duty to [481 U.S. 485] construe*  
24 *legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who*  
25 *has not even read it."*  
26 *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

27 ***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that***  
28 ***term's ordinary meaning.** Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory*  
29 *definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n.*  
30 *10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated");*  
31 *Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S.*  
32 *87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction §*  
33 *47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at*  
34 *998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include*  
35 *the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the*  
36 *contrary."*  
37 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

- 38 21. Admit that all "presumptions" violate due process under the [Constitution](#) when employed against a person protected by  
39 the Bill of Rights, if the result of the presumption injures constitutionally protected rights.

40 *"(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be*  
41 *defeated where its application would impair a party's constitutionally-protected liberty or property interests. In*  
42 *such cases, conclusive presumptions have been held to violate a party's due process and equal protection*  
43 *rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235; Cleveland Bd. of Ed. v. LaFleur*  
44 *(1974) 414 US 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are*  
45 *unfit violates process]"*  
46 *[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]*

47 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

48  
49 CLARIFICATION:\_\_\_\_\_

- 50 22. Admit that one of the important purposes of the Federal Rules of Evidence is to completely remove from legal process  
51 all prejudicial presumption that might injure a person who is protected by the Bill of Rights.

1 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

2  
3 CLARIFICATION: \_\_\_\_\_

4 23. Admit that if you ruled in favor of me in this proceeding relating to income tax issues, and if others in the federal  
5 judiciary on a large scale imitated you in doing so and imitated me in raising the same issues, that federal revenues  
6 from income taxes would inevitably go down.

7 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

8  
9 CLARIFICATION: \_\_\_\_\_

10 24. Admit that if federal revenues went down significantly, then the result could eventually mean the a drastic downsizing  
11 of the federal government, the possible elimination of your job, and/or the reduction of your payroll and/or retirement  
12 benefits.

13 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

14  
15 CLARIFICATION: \_\_\_\_\_

16 25. Admit that because of the foregoing facts, you have a personal financial interest in this proceeding in violation of 18  
17 U.S.C. §208:

18 [TITLE 18](#) > [PART 1](#) > [CHAPTER 11](#) > § 208  
19 [§ 208. Acts affecting a personal financial interest](#)

20 *(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch*  
21 *of the United States Government, or of any independent agency of the United States, a Federal Reserve bank*  
22 *director, officer, or employee, or an officer or employee of the District of Columbia, including a special*  
23 *Government employee, participates personally and substantially as a Government officer or employee, through*  
24 *decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a*  
25 *judicial or other proceeding, application, request for a ruling or other determination, contract, claim,*  
26 *controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse,*  
27 *minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or*  
28 *employee, or any person or organization with whom he is negotiating or has any arrangement concerning*  
29 *prospective employment, has a financial interest—*

30 *Shall be subject to the penalties set forth in section 216 of this title.*

31 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

32  
33 CLARIFICATION: \_\_\_\_\_

34 26. Admit that if you were paid exclusively from taxes on imports from commerce only with foreign countries as the [U.S.](#)  
35 [Constitution](#) originally required under [Article 1, Section 8, Clause 3](#), that this conflict of personal financial interest  
36 would be eliminated because you would no longer either be paid from income taxes nor would you have to pay them.

37 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

38  
39 CLARIFICATION: \_\_\_\_\_

40 27. Admit that there is no way to eliminate or reduce the personal financial conflict of interest in this case without one of  
41 the following options:

42 13.1. You being paid from revenues connected only with foreign commerce, instead of from the general revenues  
43 produced by the IRS.

44 13.2. You surrendering your entitlement to federal retirement benefits or at least that portion which derives from  
45 Internal Revenue Taxes....OR

1 13.3. Employing an impartial jury of nontaxpayers, none of whom are collecting government benefits derived from  
2 income taxes, to rule on both the facts and the law, so that you can recuse yourself from ruling on the major  
3 issues.  
4 13.4 Recusing yourself and substituting a judge who is a “nontaxpayer”.

5 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

6  
7 CLARIFICATION:\_\_\_\_\_

8 28. Admit that without taking the steps in the preceding question to eliminate stated conflicts of interest, that for you to  
9 hear this proceeding amounts to a pecuniary conflict of interest in violation of [18 U.S.C. §208\(a\)](#).

10 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

11  
12 CLARIFICATION:\_\_\_\_\_

13 29. Admit that it is within your power to provide one of the four remedies cited for the obvious conflict of interest revealed  
14 above, that you refuse to pursue one of the remedies indicated above, and that this refusal will deprive me of the most  
15 basic element of due process, which is an impartial decision maker. Pursuant to Fed.Rule.Civ.Proc. 44.1, foreign law  
16 from my domicile indicated below is hereby judicially noticed:

17 *“The king establishes the land by justice, but he who receives bribes overthrows it.”*  
18 *[Prov. 29:4, Bible, NKJV]*

19 *“And **you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.**”*  
20 *[Exodus 23:8, Bible, NKJV]*

21 *“He who is greedy for gain troubles his own house,*  
22 ***But he who hates bribes will live.”***  
23 *[Prov. 15:27, Bible, NKJV]*

24 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

25  
26 CLARIFICATION:\_\_\_\_\_

27 30. Admit that when a financial conflict of interest exists, that you have a moral and legal duty to recuse yourself from this  
28 proceeding and recommend ways to your supervisors to rectify any conflicts of interest that might exist.

29 [TITLE 28 > PART 1 > CHAPTER 21 > § 455](#)  
30 [§ 455. Disqualification of justice, judge, or magistrate judge](#)

31 (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in  
32 which his impartiality might reasonably be questioned.

33 (b) He shall also disqualify himself in the following circumstances:

34 (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed  
35 evidentiary facts concerning the proceeding;

36 (2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he  
37 previously practiced law served during such association as a lawyer concerning the matter, or the judge or  
38 such lawyer has been a material witness concerning it;

39 (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser  
40 or material witness concerning the proceeding or expressed an opinion concerning the merits of the  
41 particular case in controversy;

42 (4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household,  
43 has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other  
44 interest that could be substantially affected by the outcome of the proceeding;

1 (5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of  
2 such a person:

3 (i) Is a party to the proceeding, or an officer, director, or trustee of a party;

4 (ii) Is acting as a lawyer in the proceeding;

5 (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the  
6 proceeding;

7 (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

8 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

9  
10 CLARIFICATION: \_\_\_\_\_

11 31. Pursuant to the provisions of [5 U.S.C. §557\(d\)](#), please now fully disclose for the record the dates and particulars of any  
12 ex parte contacts you have had with anyone relating to this case.

13 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

14  
15 CLARIFICATION: \_\_\_\_\_

16  
17 **Affirmation:**

18 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
19 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
20 answers are completely consistent with each other and with my understanding of both the Constitution of the United States,  
21 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not  
22 necessarily lower federal courts.

23 Name (print): \_\_\_\_\_

24 Signature: \_\_\_\_\_

25 Date: \_\_\_\_\_

26 Witness name (print): \_\_\_\_\_

27 Witness Signature: \_\_\_\_\_

28 Witness Date: \_\_\_\_\_

29