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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

RBW 8/4/2005

File Folder CORRESPONDENCE, MISCELLANEOUS (01/18/1984
01/27/1984

FOIA

F05-139/01

Box Number

COOK

33RW

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	LETTER	TO PRESIDENT REAGAN RE. MISCONDUCT CHARGES 199130	1	ND	B6	573
2	LETTER	TO DAVID P. BOBZIEN RE. MISCONDUCT CHARGES <i>Released on Full 4/21/06</i>	2	1/11/1984	B6	574
3	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. KINKER TAX PROTEST	1	1/27/1984	B6	575
4	MEMO	JOHN G. ROBERTS TO FRED FIELDING RE. TAX PROTEST	1	5/4/1983	B6	576
5	LETTER	MICHAEL J. QUINN TO BETSY KINKER RE. INCOME TAX LIABILITIES	1	1/20/1983	B6	577
6	LETTER	MICHAEL J. QUINN TO BETSY KINKER RE. INCOME TAXES	1	12/3/1982	B6	578
7	LETTER	MICHAEL J. QUINN TO JOHN R. KINKER RE. INCOME TAXES	1	ND	B6	580
8	NOTICE	SEIZURE OF LAND	1	2/25/1983	B6	583

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
9	NOTICE	SEIZURE OF LAND	1	2/25/1983	B6	584
10	FORM	668-B I.R.S. LEVY	1	2/22/1983	B6	585
11	FORM	668-B I.R.S. LEVY	1	2/22/1983	B6	587
12	CERTIFICAT E	CERT. OF SERVICE JOHN KINKER AFFIANT	1	3/3/1983	B6	588

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THE WHITE HOUSE

WASHINGTON

January 25, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Alan I. Marshall

Alan I. Marshall was convicted of mail fraud and wire fraud in December of 1981. As his case progressed through the appellate process, he filed charges with Justice's Public Integrity Office against the prosecutors, FBI agents, and trial judge involved in his case. Marshall, who has exhausted his appeals and must soon report to begin serving his sentence, has been dissatisfied with the Justice investigation. His attorney has now written Justice, threatening to pursue other avenues for relief, specifically litigation and taking the matter to the press. Marshall has sent a copy of this letter to the President, with a cover letter objecting to the lack of response from Justice and the White House.

In the past Marshall has copied our office on his correspondence to Justice, and we have not responded to him, leaving the matter entirely in Justice's hands. On October 21 Marshall called you and was referred to me. My records indicate I told Marshall I could do no more than relay his concerns to the Public Integrity attorneys, without recommendation, which I did. I recommend that we adhere to the course of leaving this entirely in Justice's hands. No response.

Attachment

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JK
We haven't answered previous comes,
Huon

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Alan I Marshall

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Writes President about lack of action by him on his case re: misconduct of the Department of Justice

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CUHOLL</u>		ORIGINATOR	<u>84.10.11.17</u> WS		<u>1 1</u>
<u>CUAT 18</u>		D	<u>84.10.11.19</u> WS	S	<u>84.10.11.27</u> WS
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

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 - C - Comment/Recommendation
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 - F - Furnish Fact Sheet to be used as Enclosure
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FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: See ID 171436 cu for previous

Keep this worksheet attached to the original incoming letter.
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WITHDRAWAL SHEET

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ROBERTS, JOHN: FILES

Withdrawer

RB 8/4/2005
W

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NO Document Description

*No of
pages*

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Restrictions

1 LETTER

1

ND

B6

573

TO PRESIDENT REAGAN RE. MISCONDUCT
CHARGES
199130

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109130

u
NRF + Reagan Presidential Record

Dear President Reagan:

I have written to you previously on this matter. Enclosed please find a copy of correspondence from my attorney, [REDACTED] to David Bobzien of the U.S. Department of Justice, Office of Professional Responsibility.

b6

Over the past five months, I have been totally frustrated by the lack of action by your office and the Department of Justice on my charges. Even though all of the charges of misconduct have been substantiated and documented, the lack of response and concern is appalling. I have exhausted all of my appeals and I am awaiting execution of my sentence.

Justice department officials have warned [REDACTED] and myself against taking my story to the press because it would hinder their investigation. It now appears that this is my only recourse.

b6

Although your public image is one of accessibility and concern, I find that in reality this is not the case.

[REDACTED]

b6

Law Office
820-822 South High Street
Columbus, Ohio 43206

Bennie E. Espy
Andrew J. Love
Robert A. Carter

January 11, 1984

(614) 444-1196

David P. Bobzien, Esq.
Assistant Counsel
Office of Professional Responsibility
United States Dept. of Justice
Washington, D.C. 20530

Re: Alan I. Marshall

Dear Mr. Bobzien:

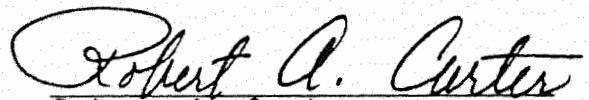
Pursuant to our telephone conversation of January 6, 1984, I am, on behalf of my client, Alan I. Marshall, advising your office that we will not be participating in your investigation into Mr. Marshall's allegations of Department of Justice misconduct any further. This would include, of course, furnishing your office with additional information or evidence in support of Mr. Marshall's allegations as we are of the opinion that you have been furnished more than enough information to substantiate these charges and for you to take action. You yourself indicated in our meeting of December 14, 1983 in Cleveland that Mr. Marshall had furnished you with 99% more information than you usually receive in complaints of this type. It should also be noted that while you have only been directly involved in this investigation since December 14, 1983, your office has had Mr. Marshall's complaint and most of the evidence in support of his complaint since August of 1983.

Accordingly, since resolution of this matter appears unlikely, prior to the time Mr. Marshall will be ordered to report for execution of his sentence, we have decided to pursue other avenues to obtain a fair and just resolution.

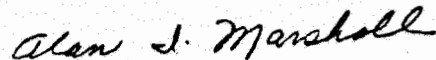
Also, in response to your question regarding whether you could, under these circumstances, continue your investigation, I can only suggest that you consider the implications of your office having knowledge and substantial supporting evidence of Justice employees misconduct in its possession, and terminating the investigation or otherwise failing to pursue this matter to an appropriate end.

In conclusion, and on behalf of Marshall, I wish to express both my appreciation to you and your office for whatever efforts have been made to investigate these charges and, my sincere regret that we were unable to resolve this matter without resort to litigation and other remedial actions.

Sincerely,



Robert A. Carter
Robert A. Carter
Attorney for Alan I. Marshall



Alan I. Marshall
Alan I. Marshall
Complainant

cc: J.T. Ezell, Esq.
Assistant Counsel
Office of Professional Responsibility
United States Dept. of Justice
Washington, D.C. 20530

RAC/mb

THE WHITE HOUSE

WASHINGTON

January 25, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Further Correspondence from
Paul M. Walters

You may recall that Mr. Walters wrote you last August, inquiring whether Article I, § 10 of the Constitution, which provides that "[n]o state shall...make any thing but gold or silver coin a tender in payment of debts," was still binding on the states. Walters needed the information to assess the validity of a judgment expressed in "paper dollars." In our reply we noted that we could not give legal advise to private parties, although we did indicate that the provision was still binding on the states. We also suggested that Walters may be interested to know that Congress, not any state, had made Federal Reserve notes legal tender, and that the above-quoted provision did not apply to Congress.

Walters has now sent you and 99 other public officials a form letter, criticizing your response and reiterating his theory that use of paper dollars as currency is unconstitutional. He asks you to respond to his theory, warning that if you do not he will go "to the public about your lack of concern toward the people whom you represent, and who voted you into office."

We gave Walters a full answer in response to his first letter, and I see no need to respond further to this latest form letter.

Attachment

FE002
John

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Paul M. Walters

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Follow-up on his letter re: constitutionality of Article 1 Section 10 of U.S. Constitution

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CVISOU</u>	<u>ORIGINATOR</u>	<u>84,01,17</u>			<u>1 1</u>
<u>CWRT 18</u>	<u>J</u>	<u>84,01,17</u>	<u>WS</u>		<u>5 84,01,27</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>

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- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
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- A - Answered
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- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: See ID 163469 cu for previous

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

August 18, 1983

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Dear Mr. Walters:

Thank you for your letter of August 7, 1983. In that letter you asked whether article 1, section 10 of the United States Constitution was still binding on the states. You indicated that you needed an answer in order to determine the validity of a judgment expressed in "paper dollars."

As an initial matter I must advise you that our office cannot provide legal advice to private parties with respect to particular personal claims or concerns. As a general matter, however, I can advise that article 1, section 10 is binding on the states, although as with any constitutional or statutory provision it must be interpreted in light of judicial precedent. With respect to your concern about the validity of a judgment expressed in "paper dollars," it is significant that Congress, as opposed to any state, has made federal currency legal tender. Courts have ruled that the "legal tender clause" of article 1, section 10 does not bar Congress from taking such action.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Paul M. Walters
1204 Crestwood Drive
Cleburne, Texas 76031

FFF:JGR:ph 8/18/83
cc: FFFielding
JGRoberts
Subject ✓
Chron. ✓

January 1, 1984

Fred F. Fielding
Counsel to the President

199429 *aw*

Dear Mr. Fielding:

The constitutionality of Article 1 Section 10 of the United States Constitution was the subject of my first letter to you and (99) ninety-nine other public servants.

The reply I received from you was either vague, irresponsible, or you merely passed the buck; hoping that would be the end of my inquiries into this matter. I'm back with a new line of questions for you; failure on your part to answer these questions will result in my going to the public about your lack of concern toward the people whom you represent, and who voted you into office. A good servant will always do what the sovereign citizen requests, as long as it is moral and lawful.

Most of the questions I'm going to ask you to answer have to deal with the Constitution of The United States. You are probably thinking "I'm not a lawyer or a judge, I don't know the law and I don't have to answer these questions;" please read this quote from the Amer. Jur. 2d #177; "The general rule is that an unconstitutional act by the legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his own peril and must take the consequences." Your refusal to answer on the grounds that you will violate a statute is not acceptable; neither is your ignorance of the Constitution/Law a valid reason, this must be rectified immediately. Please find enclosed with this letter a copy of the Declaration of Independence and the United States Constitution for your education and enjoyment.

Repeating my first question; "is Article 1 section 10 of the U.S. Constitution still binding on the States?" I'll answer this one for you, YES it is still binding on all 50 States it has never been amended or repealed!

The next questions are, "what is the meaning of the term "money" as used in Article 1, Sections 8, 9, and 10 of the U.S. Constitution? What is the MONEY OF ACCOUNT OF THE UNITED STATES? What is the LAWFUL MONEY OF THE UNITED STATES? Can you define the term "dollar"?

Are you aware of the fact that when you accept paper money from a sovereign citizen both you and he are committing a federal crime? A crime that is in violation of the Constitution is still a federal crime. Do you encourage sovereign citizens to break the law with you by asking or demanding payment of taxes, fines, levies, licenses, etc. using irredeemable Federal Reserve Notes? Do you know that the U.S. Constitution DEMANDS that "NO STATE SHALL... MAKE ANYTHING BUT GOLD AND SILVER COIN A TENDER IN PAYMENT OF DEBTS..." Art. 1 Sec. 10? You might want to ask any judge, government lawyer, or a private attorney, "is a sovereign citizen allowed to violate the Constitution without prosecution? If we are not allowed to violate the law how is it that you along with a multitude of other public servants are allowed this privilege?

Did you know that the paper currency we pass as "money" is owned and printed by a private corporation known as the Federal Reserve? Did you know that the Federal Reserve is not a branch of our government?

I've given you enough questions to last a month, if you would like to discuss any of the aforementioned questions feel free to call me any evening I'll be happy talk with you and share the information I have. I have many letters in my files which I must encourage you to read, your letter is in my file also. I'll make all this material available to you upon request; as mentioned earlier you are only (1) one of (100) one hundred public officials surveyed. I have received answers from all levels of government including federal, state, and county.

This letter is not meant to be harsh but sometimes a little mental push or shove is required to reawaken and reeducate our public servants. The education I speak of will have to be self motivated, the reason is the government you work for will not tell you, nor do they want you to know the truth about the corrupt government we have had forced upon us. This should be quite evident to you after you start making some inquiries and comparing them to the Constitution and your own conscience. The only possible way for you to get the same answers and treatment I received is to address these questions from the viewpoint of a citizen and not from your official capacity.

When you took your position, you swore to "To uphold and defend the Constitution of the United States". Do you realize what you swore to do? To uphold means "to give support to"; defend means "to keep safe; guard from attack or harm; protect", have you been doing this? How long has it been since you read the Constitution? How is it that you swore to uphold and defend something you have not read in years, and/or don't have a clear understanding of?

I realize some of these questions are hard and the answers will not come easy, but I'm asking you to do a little research and send me an honest reply. If all you have to say is "this is not my department"; or "refer to a lawyer of your choice"; or "I'm not allowed to give you a legal opinion"; then just reply and tell me so I can alert my friends and neighbors who are registered to vote. I believe that everyone in this government needs to wake up if they are planning to remain in public office. I must remind you that outside of your official capacity in the government you are still a sovereign citizen.

Sincerely Yours

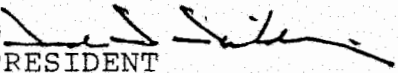
Paul M. Walter

THE WHITE HOUSE

WASHINGTON

January 26, 1984

MEMORANDUM FOR JOHN MURPHY
GENERAL COUNSEL
VETERANS ADMINISTRATION

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Stolen VA Check

I am forwarding for your handling the attached letter to the President from an individual who stole what was apparently a VA check and now desires to make restitution. While this seems on its face to be a situation where prosecutorial discretion might be appropriate, we obviously take no position on the matter and have no continuing interest in it.

FFFielding/JGRoberts/Subject/Chron
FFF:sts 1/26/84

THE WHITE HOUSE
WASHINGTON

ANNE HIGGINS
Special Assistant to the
President and Director
of Correspondence
Room 94, x7610

12-14-83

-0:
Fred Felding
Many thanks
for your help
on this —

[Signature]

RECEIVED 12 15 83

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter Regarding Money Order
Cashed Illegally

On October 27 Anne Higgins forwarded to you a copy of an August 22 letter to the President, in which the writer confessed theft of a government check from a mail box, conspiracy to cash the check, and the successful cashing of the check by a co-conspirator, with whom he split the money. The writer, whose identity is presently unknown to our office, offered to pay back the \$250 check with eight and one-half weekly payments of \$25 (sic).

The facts disclosed in the letter establish violations of 18 U.S.C. §§ 641 and 1708, quite apart from possibilities of state prosecution for basic theft. Section 641 prohibits theft of "any record, voucher, money, or thing of value of the United States" -- in this case the government check -- and sets a penalty of up to ten years imprisonment and/or a fine of up to \$10,000. Section 1708 prohibits theft from a mail box, and sets a penalty of up to five years imprisonment and/or a fine of up to \$2,000. Restitution of the funds stolen would not, of course, erase the offense, United States v. Powell, 294 F.Supp. 1353, 1355 (D.Va. 1968), aff'd, 413 F.2d 1037 (4 Cir. 1969), although an offer to make restitution would be highly pertinent to any exercise of prosecutorial discretion.

You indicated in your reply to Higgins of October 29 that you would raise the matter in the abstract with the Justice Department. I see nothing objectionable in this contemplated course of action, and in light of the small amount involved would suspect that Justice would be willing, through the appropriate U.S. Attorney, to decline prosecution in exchange for restitution. This assumes that the facts are as indicated, that our correspondent has no other record, and that his letter was not prompted by the imminent success of an investigation into the matter.

Two other points may prove troublesome and should be discussed when you raise the matter with Justice. Our correspondent has of course violated state law by his actions, and no agreement between him and federal

authorities can bind the local District Attorney. In addition, the writer will most likely have to turn in the accomplice who cashed the check, who does not appear to have joined in the confession.

In any event, I recommend raising the matter with Justice without further delay. It was not clear to me whether (1) you would do so orally, (2) you wanted me to do so orally, or (3) you wanted me to prepare a memorandum for your signature. I recommend that you or I raise the matter orally with Schmults, Jensen, or Trott, and, assuming a reaction as outlined above, send over a memorandum after obtaining (if possible) the subject's name and address. I do not think there will be a need to involve the President personally, since I suspect Justice will be only too happy on its own to get the money back and let matters rest there. They have bigger fish to fry than a one-time theft of a \$250 check -- if in fact that is all that's involved.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 / 1 /

Name of Correspondent: Anne Higgins

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Letter re: money order cashed illegally

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CWHOLL</u>	ORIGINATOR	<u> 1 / 1 / </u>			<u> 1 / 1 / </u>
	Referral Note:				
<u>CWAT18</u>		<u> 1 / 1 / </u>			<u> 1 / 1 / </u>
	Referral Note:				
		<u> 1 / 1 / </u>			<u> 1 / 1 / </u>
	Referral Note:				
		<u> 1 / 1 / </u>			<u> 1 / 1 / </u>
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		<u> 1 / 1 / </u>			<u> 1 / 1 / </u>
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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

10-27-83

TO: FRED FIELDING

FROM: ANNE HIGGINS



The attached letter is self-explanatory. I realize the gravity of the crime, but wonder if I could have someone just call the writer and suggest he make amends by sending a money order to the Treasury (that is assuming he hasn't been caught which it doesn't sound like he will be).

Your copy to me has no name + address -
If it was provided, I will discuss with the DOJ (the best possible) to decide what to do -
under no circumstances do you let your people be involved -
Let me discuss the matter in abstract with DOJ before you are my initial quarter -
Thank you for this to my attention
for your sensitivity

10/

67
August 22, 1983

9. Kelly
Mr Ronald Reagan
President of The U.S.A.
Washington D.C.

Dear Sir,

Please forgive me for this intrusion on your busy schedule but I write this letter & sense that my time is running short.

Months ago while I was unemployed I took a letter from a mail box that wasn't mine. In the manila colored package was a check of two hundred fifty dollars. The check was addressed to a retired vet of service.

I felt remorse but acted in desperation and attempted to cash the check. I could get the check cashed so I gave it to a friend and he somehow got it cashed. We split the money: I paid some overdue bills and bought groceries.

I have not had a fair nights rest ever since I did what I did.

Mr. President I'm gravely sorry for my actions,

I never have done anything like this before and never again will I think of something that stupid. I have hurt people I don't even know. I hurt... I have probably disrupted the life of the retired veteran for whom the payment was for. I'm deeply sorry for getting everyone involved!

Mr. President I have a young family; a wife, a six year old daughter and a year and half old boy. They are innocent people. What I want to say is, Sir please don't have them effected by what has happened.

May I suggest an idea of reconciliation, please? I'm willing to pay back all the money to the government and the vet. I can pay twenty five dollars a week for eight and a half weeks until payment is full.

I was wrong and now I ask for your forgiveness. I want to keep my family together and continue to gain the right way in life.

Thank you for listening and taking
time out to read my letter. I would
greatly appreciate a reply as soon
as possible.

THE WHITE HOUSE

WASHINGTON

January 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: National Knife Magazine Fundraising Drive
for Marine Beirut Relief Fund

The President has received a telegram from James V. Allday, editor and publisher of National Knife Magazine, the official monthly journal of the non-profit National Knife Collectors Association. The telegram advised that the magazine has begun a nationwide drive to raise funds for the families of the Marines who died in the Beirut bombing. Allday asks the President to endorse and support the drive, and to lend his name as a co-sponsor.

Commandant Kelley's military secretary, Colonel Joseph Alexander, advised me that Allday plans to have a well-respected knife maker create a commemorative knife, to be auctioned on June 2, probably for \$15,000-\$30,000. Copies at different quality levels would then be made and sold. All proceeds over actual cost would be donated to the Marine Beirut Relief Fund. This private fund has been established at Camp Le Jeune with the blessings of the Corps, and has been accepting donations from a wide variety of sources for the families of those killed in Lebanon.

Colonel Alexander advised Allday that the Marine Corps could not officially sanction his efforts, although they were happy to establish a liaison to accept the donations. Alexander believes Allday to be very sincere and notes that the Corps is appreciative of his interest and efforts.

Our general policy is to avoid involving the President in private fundraising efforts, not only because accepting one request would precipitate a flood of equally meritorious ones, but also because the White House cannot supervise the activities of the fundraising groups who would use the President's name. This case, however, strikes me as one in which the President might be inclined to make an exception. I would not recommend that the President agree to be listed as a co-sponsor of the drive, since that implies some degree of personal involvement in the fundraising scheme. I have no objection, however, to a note from the President to Allday, commending him in a general way for his efforts to help the families of the fallen Marines. The note should

refer not to the particulars of Allday's scheme but rather to the Marine Beirut Relief Fund.

I have drafted a memorandum for your signature to Anne Higgins, advising her that our office has no legal objection to the preparation of a Presidential letter to Allday, commending him for his efforts on behalf of the survivors of those Marines killed in Beirut. We leave to Higgins whether such a letter should be sent, although our office should review any letter before it is sent. We should await a response from Higgins before sending a reply to Allday. Our reply to Allday will advise him that the President cannot be a co-sponsor of his fundraising plan and, depending on Higgins's decision, either note that a letter from the President commending his efforts will be forthcoming or that even such a letter would not be appropriate.

Attachment

THE WHITE HOUSE

WASHINGTON

January 26, 1984

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Telegram to the President from
James V. Allday

James V. Allday, editor and publisher of National Knife Magazine, the monthly journal of the National Knife Collectors Association, has written the President requesting him to co-sponsor or endorse a fundraising drive by the magazine for the families of the Marines killed in the Beirut bombing. We have been advised that Allday plans to have a knife maker produce a valuable commemorative knife that will be auctioned off. Copies of the knife will then be produced and sold. All proceeds over actual costs will be donated to the Marine Beirut Relief Fund.

The President should not be listed as a co-sponsor of this fundraising effort. We have no legal objection, however, to a letter from the President to Allday, commending in a general way his efforts on behalf of the families of the fallen Marines. The letter should avoid reference to Allday's particular fundraising scheme, although it may refer to the Marine Beirut Relief Fund. We leave to your judgment whether such a letter should be sent, but our office should review any proposed letter before it is sent. When you advise us of your decision, we will prepare a response from this office to Allday, noting that the President cannot be listed as a co-sponsor and advising Allday of your office's decision on a commendatory letter.

FFF:JGR:aea 1/26/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 26, 1984

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Telegram to the President from
James V. Allday

James V. Allday, editor and publisher of National Knife Magazine, the monthly journal of the National Knife Collectors Association, has written the President requesting him to co-sponsor or endorse a fundraising drive by the magazine for the families of the Marines killed in the Beirut bombing. We have been advised that Allday plans to have a knife maker produce a valuable commemorative knife that will be auctioned off. Copies of the knife will then be produced and sold. All proceeds over actual costs will be donated to the Marine Beirut Relief Fund.

The President should not be listed as a co-sponsor of this fundraising effort. We have no legal objection, however, to a letter from the President to Allday, commending in a general way his efforts on behalf of the families of the fallen Marines. The letter should avoid reference to Allday's particular fundraising scheme, although it may refer to the Marine Beirut Relief Fund. We leave to your judgment whether such a letter should be sent, but our office should review any proposed letter before it is sent. When you advise us of your decision, we will prepare a response from this office to Allday, noting that the President cannot be listed as a co-sponsor and advising Allday of your office's decision on a commendatory letter.

FFF:JGR:aea 1/26/84
cc: FFFielding/JGRoberts/Subj/Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

PRO1472

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

JR

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: James V. Allday

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Asks President to lend his name as "co-sponsor" for the National Knife Collectors Association's fund raising drive for the families of those who died in the Beirut massacre

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>WHOLL</u>	ORIGINATOR	<u>8410116</u>		<u>1 1</u>
<u>WAT 18</u>	<u>D</u>	<u>8410116</u>		<u>S 84101126</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

5
Fred Felding
4-023426S006 01/06/84

ICS IFMBNGZ CSP

6158999456 TDBN CHATTANOOGA TN 291 01-06 0112P EST

84 JAN 6

P 1:43

FMS PRESIDENT RONALD REAGAN RPT DLY MGM

WHITEHOUSE DC 20500

198878 *cu*

THE NATL KNIFE MAGAZINE OFFICIAL MONTHLY JOURNAL OF THE NATL KNIFE COLLECTORS ASSN HAS BEGONE A NATIONWIDE DRIVE TO RAISE FUNDS FOR THE BEREAVED FAMILIES OF THOSE BRAVE MEN WHO DIED IN WHAT HAS BECOME KNOWN AS THE BEIRUT MASSACRE. THIS PROJECT HAS THE FULL APPROVAL OF GENERAL PAUL X KELLEY COMMANDANT OF THE U.S. MARINE CORPS. APPROVAL AND THE BLESSINGS OF THE CORPS WERE GIVEN TO THE NKCA WITHIN THE CONSTRAINTS OF THE LAW BE WHICH THEY ARE BOUND. WE HAVE FURTHER ACQUIRED THE VOLUNTEER SERVICES OF ACTOR AND OSCAR NOMINEE ROBERT

STACK AND MICHAEL WAYNE SON OF THE LATE JOHN WAYNE AND THEREFORE THE FULL FORCE OF WAYNE ENTERPRISES. WE EXPECT TO ADD MORE NAMES TO THE LIST OF CELEBRITIES AS WE RECEIVE THEIR CONFIRMATIONS.

NKCA IS A NON-PROFIT ORGANIZATION WITH MEMBERS IN ALL 50 STATES AND EUROPE SOUTH AFRICA PAKISTAN FRILANKHA CANADA JAPAN AND INDIA.

THIS WILL BE A YEAR LONG EFFORT AND IS OUR WAY MEAGER AS IT MAY BE OF SAYING "SEMPER-FI". ALL PROCEEDS ABOVE OUR ACTUAL COSTS WILL BE TURNED OVER TO THE U.S. MARINE CORPS BEREAVED FAMILIES RELIEF FUND.

YOU MAY CONFIRM THE AUTHENTICITY OF OUR EFFORTS BY CONTACTING OFFICER P X KELLEY OR HIS MILITARY SECRETARY COL JOE ALEXANDER.

WE THEREFORE ASK THAT YOU ENDORSE AND SUPPORT OUR PROGRAM TO HELP US AND THE NATION EXPRESS OUR DEEP FEELINGS NOT ONLY FOR THE BRAVE MEN WHO SERVE WHEREVER ASKED BUT ALSO FOR THOSE BRAVE LOVED ONES WHO MUST REMAIN BEHIND FOR THEY SERVE WHO ALSO SIT AND WAIT.

WE WILL ANNOUNCE THE BEGINNING OF THE DRIVE ON MONDAY JANUARY 9. WE
WOULD ASK THAT YOU GIVE YOUR DEEPEST CONSIDERATION TO ENDORSING OUR
PROGRAM AND ALLOW US TO USE YOUR NAME AS A CO-SPONSOR.

JAMES V ALLDAY EDITOR AND PUBLISHER NATIONAL KNIFE MAGAZINE

"SEMPER-FI"

PO BOX 21070

CHATTANOOGA TN 37421

1313 EST

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

ROBERTS, JOHN: FILES

Withdrawer

RB 8/4/2005
W

File Folder

CORRESPONDENCE, MISCELLANEOUS (01/18/1984
01/27/1984

FOIA

F05-139/01
COOK

Box Number

33RW

DOC Document Type

NO Document Description

*No of
pages*

Doc Date

Restrictions

3 MEMO

1 1/27/1984 B6

575

JOHN G. ROBERTS TO FRED F. FIELDING RE.
KINKER TAX PROTEST

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

January 27, 1984

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U. S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: John and Betsy Kinker
Tax Protest

We received the attached tax protest/litigation materials addressed to the President, and submit them to you for whatever action you deem appropriate. We have not responded in any fashion.

Many thanks.

FFF:JGR:aea 1/27/84
cc: FFFielding/JGRoberts/Obj/Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1984

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JV

J2002

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

John

Name of Correspondent: John R. Kinker

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Frederick Wiseman and Linda Wiseman, John W. Beede and Eleanor R. Beede vs. John R. Kinker and Betsy Kinker
 Docket No. 84-2-00018-0

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>CVH02</u>	ORIGINATOR <u>DD 84/01/26</u>	<u>1 1</u>
<u>CVET18</u>	Referral Note: <u>A 84/01/26</u>	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
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 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: See ID 135320

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*Restric-
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4 MEMO

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**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 1

John Adams

Name of Correspondent: John R & Betsy Kinkler

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Administrative Law Demands Under First Amendment and their 1977, 1978, 1979 Income Taxes.

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CW401and</u>		ORIGINATOR	<u>3/10/25</u>		<u>1 1</u>
		Referral Note:			
<u>CW4118</u>		<u>D</u>	<u>3/10/25</u>	<u>S</u>	<u>3/10/25</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			

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ADMINISTRATIVE LAW DEMAND
UNDER THE FIRST AMENDMENT

135320 cu

22

From: JOHN R. & BETSY KINKER
18320 N.E. 25th Street
Redmond, WA 98052

Date: 3 March 1983
Re: US v. ¹ JOHN R. & BETSY KINKER
Ref: Attached letter² from IRS improper response
Sub: USA et al. (e.g., IRS) WANTS Jurisdiction
Obj: Administrative Level Protective Orders as Remedy and Relief
Cert. Mail No. P298 342 815

To: The USA, President of the USA,
and Secretary of the Treasury, USA et al. ³
In The: Department of the Treasury
Before: The Secretary of the Treasury, the Chief
Administrative Judge thereof
c/o: Secretary of the Treasury, USA

Dear Mr. President and Secretary of the Treasury:

COMPLAINT AND OBJECTION

1. I hereby COMPLAIN of and OBJECT to your forwarding my communications to you--to the IRS et al. (a mere private corporation--wanting any kind of governmental authority⁵), thus avoiding your mandated (at law) DUTY to respond and prove jurisdiction (see 5 USC, § 101 - 559) therefore involving yourself in a conspiracy to prevent my free and unlimited access to your administrative agency, and ultimately the courts (California Motor Transport v. Trucking Unittd., 404 US 508 [1972]; Goldberg v. Kelly, 397 US 254).

IMPROPER PREMISE

2. You and your agents are proceeding against my PERSON, and thereto related SUBJECT MATTER⁶--on an improper premise (e.g., [a] your interpretation of 26 USC/CFR and cases⁷ provides that my demand for FORMAL Administrative Hearings on PROOF of your supposed JURISDICTION in no way affects the "requirement" [sic] that I file forms with the IRS or you et al. is WRONG as a matter of LAW [e.g., see Cal. v. Sims, 32 Cal. 468 (1982)], and [b] 26 USC, § 6001, 6011 etc., provide the IRS or you with "authority" to request information is wholly WRONG as a matter of LAW, for such a code and provisions applies only to [i] stateless citizens⁸ [e.g., foreigners/aliens and corporations], and [ii] trustees therefore [e.g., "corporate officers", etc.]. and do NOT apply to me as a NATURAL BORN CITIZEN of the STATE OF WASHINGTON. I am NOT a stateless citizen "subject to the jurisdiction" of the USA (see language of the 14th Amdt.), thus you et al. have NO jurisdiction over my PERSON nor SUBJECT MATTER thereto related (supra). If you think you have such supposed jurisdiction, I simply DEMAND that you prove it on the "exclusive record for review" (5 USC, § 556[e]), absent "official notice" (5 USC, § 556[e])--within the period specified by law as indicated in my Parent Demand, forwarded to you via Certified Mail No. P08 9466949 - 9466950 as amended.

AGENCY MUST PROVE JURISDICTION

3. It is well settled that all Administrative Agencies must PROVE their supposed JURISDICTION--not excluding the US Treasury et al. ([you/IRS], and if the IRS is an "agency" or like entity of government, it must do so, and if it is not such an agency, it has no cause, and, thus, can NOT intervene, and certainly in any circumstance--substitute its judgment, rationale or record for yours). Let's see how the courts look at it:

"...the essential independence of the exercise of judicial power of the US in the enforcement of CONSTITUTIONAL rights--requires that the Federal Court should determine--an issue (of agency⁹ JURISDICTION) upon its own record, and the facts (jurisdictional facts) elicited for it."

Northern Pipeline Construction Co. v. Marathon Pipeline Co., 102 S.Ct. 2858 (1982), approving of, citing Crowell v. Benson, 285 US 22, 51-65 (1932), emphasis added

4. The agency, as a matter of well settled law, must FIRST determine jurisdiction (US v. Mar-kin, 532 F2d 541), and as I am required to make an administrative record (Bartsch v. Wa., 344 F2d 201), I

- 1 The true plaintiff in this contest is the USA et al.. I am the VICTIM, the aggrieved person suffering a legal wrong, violation of my substantive and constitutional rights, prejudiced by your and your agents' acts and omissions.
- 2 As Exhibit G on the Administrative Record
- 3 See Certificate of Service, infra
- 4
- 5 The IRS is a mere private, NON-governmental commercial corporation (fact finding, auditing, collection corporation) created by mere administrative FIAT (5 USC, § 903, Govt. Reorg. Plan No. 26, 1950, GRP No. 1, 1952). If agency, then must PROVE Jurisdiction to exist. If NOT agency, then jurisdiction could NOT exist under any circumstance (Checkmate).
- 6 my substantive interests, endeavors, property, money, Rights, Immunities, Liberties, FAMILY, etc.
- 7 cases enunciating determinations on equity or fact as may otherwise tend to run against my position--do as a matter of law, NOT constitute res adjudicata nor stare decisis nor other bar nor estoppel, and, therefore, are NOT applicable as supporting the IRS's (USA's et al.) position. Cases which enunciate general principles of law--however, act as estoppel and res adjudicata, stare decisis as operates against government in this matter--and in my favor.
- 8 persons NOT a natural born citizen of any of the several states (e.g., foreigners/aliens, and corporations)
- 9 the IRS in substance is agent for the Federal Reserve Corp. (a private, non-governmental corporation [Lewis v. US, 680 US 1238, 1241 (1982)])--with adverse interests to the USA, and thus on another count and facts can NOT be said to be an agent of the USA (IRS deposits collections to its own [NOT USA's] account in Federal Reserve Banks as collector for the Federal Reserve Corp., NOT USA).

have done so (see Administrative "exclusive record for review" [supra] now in your hands)--but to which you have prejudicially¹ and unlawfully (5 USC, § 555[e]) failed/refused to respond and therein PROVE your supposed, but MYTHICAL (IMPOSSIBLE to prove) jurisdiction does as a matter of LAW exist.

COURTS ESTOPPED

5. Courts, as a matter of "estoppel" are foreclosed from hearing any issue which was or should have been (Cromwell v. COS, 94 US 351; Wa. v. Kirkland, 84 Wa.2d 25, 523 P2d 1181) heard/"finally" determined--as a matter of law (Cal. v. Sims, supra), whether the issue is civil or criminal in nature (see US v. Vail, 252 F.Supp. 823, etc.). Supporting principles are, that the US Courts can NOT substitute their (a) general jurisdiction in place of the Agency's special "expertise" jurisdiction, nor its record, evidence, nor rationale, nor findings, nor conclusions², nor judgment--for that of the agency--nor may the court allow imaginative government counsel to even argue in court--for the same is, as are all of the above, devious and PROHIBITED devices known as "Post Hoc Rationalization".

PROOF OF JURISDICTION REQUIRED

6. The general rule is stated by the courts: Jurisdiction can be challenged at any time (Stuck v. Cal., 211 P2d 389, 94 CA2d 751; Brady v. Richardson, 18 Ind. 1); and once challenged, the forum (judicial or administrative) can NOT proceed on the merits (³Melo v. US, 505 F2d 1026; Joyce v. US, 474 F2d 215), and the Plaintiff (see n. 1, pg. 1)--the USA et al. in this case--has the BURDEN of proof that the supposed jurisdiction exists (Rosemound v. Lambert, 469 F2d 416), by production of jurisdictional facts on the "exclusive record for review" (supra) per Baer v. USAA, 503 F2d 393 --no matter how the issue is raised (McNutt v. GMAC, 298 US 178; ⁴Birmingham Post v. Brown, 217 F2d 127, 130). Failure to give a proper Administrative FORMAL hearing upon demand, where, as in this contest I have properly raised the issue of WANT of Jurisdiction before you, and submitted it for decision on proofs--merits without exception--administrative and judicial level summary judgment, and dismissal of the supposed administrative (government's) cause (Cal. v. Sims, supra)--state substantive law (no matter what the form) governing the federal administrative and judicial environments (FRCiv.P. 81[e], FRev. 302, 28 USC, § 1652; 28 USC, § 2072, par. 2, Erie RR v. Tompkins, USSCt. 1938, etc., ad infinitum).

RULE MAKING v. "CASE BY CASE ADJUDICATION"

7. You are required--as a matter of law--to use the "rule making power" at 5 USC, § 553--in matters where substantive personal rights are affected? and are PROHIBITED--as a matter of law--from proceeding administratively or judicially to "enforce" your supposed jurisdiction under 5 USC, § 554, absent such "Rule Making" (where "public notice" and Hearings are required--prior to testing in the courts, US v. Vail supra; Armindariz v. Hershey, 295 F.Supp. 1351, app. disp. 413 F2d 1006 [1969])--particularly where I have raised the issue of WANT of Jurisdiction, squarely and clearly at the administrative level (Puget Sound Pilots, in re., 63 Wa.2d 711, Cal. v. Sims, supra).

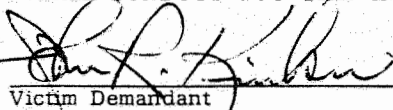
YOUR ACTS ACTIONABLE

8. Please NOTE that your acts are actionable civilly, on contract, and criminally, and involve FRAUD, CONSPIRACY, EXTORTION, and other torts and crimes (e.g., see Bivins v. 6 US Agents, USSCt. 1971 and progeny; Jayson, HANDLING FEDERAL TORT CLAIMS, M. Bender, 1983; Avery, POLICE MISCONDUCT, Clark Boardman, 1983; Dorsen/Bender..., POLITICAL & CIVIL RIGHTS IN THE USA, Little Brown, etc.).

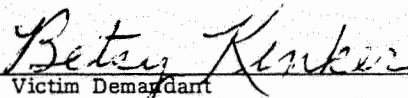
CRIMINAL LIABILITIES

9. Where any acts result to damage to my person, property, etc., you are liable (supra)--but more importantly, where your acts/neglect, non, mis, malfeasance, etc., shall result in death (see North Dakota blowup--where you had no jurisdiction over Mr. Kahl--in the first instance--you and all your subordinates/hirelings, et al. (e.g., IRS/Marshals, etc., agents) are subject to a penalty of DEATH (18 USC, § 241, 242, etc.)

PLEASE CONDUCT YOURSELF ACCORDINGLY--and so order your subordinates and hirelings/agents, et al..


Victim Demandant

MAR 03 1983
Date


Victim Demandant

MAR 03 1983
Date

- 1 (a) prejudice against you via estoppel etc., and (b) prejudicial to my substantive rights (Cal. Motor Trnspt. v. Trucking Unltd., supra).
- 2 only I am entitled to judicial review on matters of errors of law (conclusions), for the agency is NOT a "person aggrieved or suffering a legal wrong" (Wa. v. Wa., 88 Wa2d 368, 561 P2d 195 [1977]). I am entitled to judicial review on law or mixed question of law/fact.
- 3 with rare exception (not involved in this contest) where a hearing/proofs on mere adjudicatory (supposed government cause of action) facts will shed light on or prove out existence of the challenged jurisdiction (e.g., see Nestor v. Hershey, 425 F2d 504), particularly in light of the "record" (supra) which I have developed, which is now in your hands on submission, as in Cal. v. Sims, supra.
- 4 see Gilbert v. David, 235 US 561, etc., ad infinitum
- 5 see NOTICE of Seizure and threatened sale of my property in WANT of Jurisdiction enclosed as part of Exhibit G hereto and I herewith demand that you order your agents/hirelings to cease and desist in said action pending proof of your (USA et al.) jurisdiction on the Administrative Record (supra) see Instruments filed via US Certified Mail No. P297 048 850, P297 053 450 etc. to which you have NOT responded.

Cert. Mail No. P298 342 815

18320 N.E. 25th Street
Redmond, WA 98052
22 February 1983

Exhibit "G" Page 1

MICHAEL J. QUINN
District Director, IRS
915 Second Avenue
Seattle, WA 98174

Certified Mail No. P298 342 814

Re: Correspondence concerning supposed income tax liabilities for 1977, 78, 79.

Dear Mr. Quinn:

I have received and reviewed your letter of 20 January 1983, which is a non-response to my continued Demands for Proof of your Jurisdiction over my PERSON and thereto related SUBJECT MATTER (my substantive interests, endeavors, property, money, Rights, Immunities, Liberties, FAMILY, etc.).

My purpose in communicating with you was to inform you of the Secretary of the Treasury's failure/refusal to plead and prove on the Administrative Record, as required by law (5 USC, § 101, 551 - 559, etc.), that his supposed (but MYTHICAL) jurisdiction over my PERSON and thereto related SUBJECT MATTER (supra) exists--where, when jurisdiction is challenged (as I have done), he can NOT proceed (Melo v. US, 505 F2d 1026; Joyce v. US, 474 F2d 215), the burden of proof shifting to the USA (Sec. Treasury, USA et al.) (Rosemound v. Lambert, 469 F2d 416), but must produce on the record (Baer v. USAA, 503 F2d 393) all JURISDICTIONAL FACTS related (Lantana v. Hopper, 102 F2d 118; NY v. US, 337 F.Supp. 150; 344 F.Supp. 929), particularly where one objects to "official and judicial notice" (5 USC, § 556[e], Fed. Rules Ev. 201 etc.; see Jayson, MOORE'S FED. PRACTICE, M. Bender, Vol. 1, 1A part 2, etc.) as I have done, which jurisdictional facts must counter my jurisdictional facts of IMMUNITY to and RIGHT to be free from Federal/State DIRECT taxation and regulation as contained in my Administrative Law Demands, and to appeal to you to correct such errors at your Administrative level thereby protecting yourself from liability and criminal and civil actions.

The Secretary's failure/refusal to so prove his jurisdiction (power/authority) over me, by law, means that he has NO jurisdiction over me (see 5 USC, § 101, 701 - 706, etc.) and since any power/authority you may claim comes as a mere delegation of the Sec. of Treasury's power/authority (26 USC, § 7801, 7803, etc.), you also have NO jurisdiction over me.

Without having proved, on the "exclusive record for review" (see 5 USC, § 556[e]), that I am the Object of 26 USC (IR Code), the Code (supra, not excluding § 6321 and 6331 etc.) can NOT be said to apply to me as NO tax liability can be said to exist.

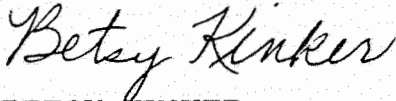
Your failure/refusal to supply me with the rationale and proofs (points and authorities) to support your conclusions (see Letters of 3 Dec. 1982 and 20 Jan. 1983) means that, contrary to your letter of 20 Jan. 1983, you have NEVER discussed any issue, nor for that matter, have I ever been afforded a hearing on the question of jurisdiction before you, nor Mr. S.J. Nelson, nor anyone else in any department, division, office, board, bureau, agency, independent establishment or instrumentality of the IRS, and thus you, along with the Commissioner of Internal Revenue and the Secretary of the Treasury, USA, et al. are engaging in a concerted effort to deprive me of my free and unlimited access to the Administrative Agencies (5 USC, § 101) and the courts (Cal. Motor Transpt. v. Trucking Unltd., 404 US 508; Goldberg v. Kelly, 397 US 262) and is prejudicial to your et al. (USA/Sec. Treasury et al. etc.) position as regards civil or criminal prosecution of me and or mine (Cal. v. Sims, 32 Cal. 3d 468, 186 Cal. Rptr. 77 [1982]).

MICHAEL J. QUINN, 22 February 1983, Page 2 of 2

The fact that you have received NOTICE of WANT of Jurisdiction and have also failed/refused to so plead and prove your jurisdiction exists has resulted in the violation of my Rights, Immunities and Liberties (FRAUD, EXTORTION, CONSPIRACY) and I hold you liable criminally and civilly, damages as stated previously applying (see letter of 29 Dec. 1982; actual and constructive NOTICE dated 10 Nov. 1982 via Cert. Mail No. P297 053 457 and 26 Oct. 1982 via Cert. Mail No. P297 053 452, etc.)

As far as further correspondence with you is concerned, that is up to you. While I have contempt for your actions, I know you are merely acting out of FEAR, being subordinate to others who are also acting out of FEAR. I therefore extend the love in my heart to you as a human being (spiritual forgiveness) as I know that the only true LAW (Spiritual Law) will always act to overcome the overbearing without any action on my part. Where there is a knowing of the true law there can be NO fear. I have NO fear.

Very truly yours,



BETSY KINKER

cc: SECRETARY OF THE TREASURY, USA
15th Street and Pennsylvania Avenue NW
Washington, D.C. 20220

SEVERT J. NELSON
Revenue Officer, IRS
710 Second Avenue, Rm 544
Seattle, WA 98111

Certified Mail No. P298 342 815

Certified Mail No. P298 342 816

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5 LETTER

1 1/20/1983 B6

577

MICHAEL J. QUINN TO BETSY KINKER RE.
INCOME TAX LIABILITIES

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

18320 N.E. 25th Street
Redmond, WA 98052
29 December 1982

Exhibit "G", Page 4

MICHAEL J. QUINN
District Director, IRS
915 Second Avenue
Seattle, WA 98174

Re: WANT of Jurisdiction, PROOF of Jurisdiction.

Dear Mr. Quinn:

This will acknowledge receipt of your letter dated 3 Dec 1982, concerning my correspondence of November 10, 1982, to the Secretary of the Treasury regarding the lawlessness of the IRS as a participant in the levy and seizure of my real/personal property (commissions), said levy and seizure having been executed in WANT of Jurisdiction.

You state that "...the IRS is required to administer these (Tax) laws (enacted by Congress) and to see that they are observed by all who are subject to them." My Administrative Law Demands, all of which are adopted as a part hereof by reference and incorporation--as if set forth fully and at length hereinat, PROVE that I am NOT one who is subject to them. You have provided NO jurisdictional facts which prove otherwise, nor can you. Therefore, your continued recital (lex flatulata) that you have jurisdiction by inferring that I have responsibilities and obligations as regards Federal tax matters absent PROOF "on the administrative record" of jurisdiction over my PERSON and SUBJECT MATTER thereto related, is arbitrary, capricious, inequitable, prejudicial, unconscionable and abusive and is actionable.

I, therefore, DEMAND that you provide me with the rationale upon which you have based your conclusions and also PROOF that your supposed/pretended Jurisdiction over me exists. Failure to do so will be considered by me an admission of participation in conspiratorial, extortionist and defrauding efforts of the USA et al. otherwise described in the US CRIMINAL Code (18 USC), your acts also being violative of State law and Statutes, and Tortious and I hereby give NOTICE of Liability for such acts.

I have enclosed a copy of an Administrative Law Demand sent to the Secretary of the Treasury this day by myself and Mr. Kinker, as NOTICE also of your WANT of Jurisdiction and LIABILITY.

Very truly yours,

Betsy Kinker

Enclosure

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6 LETTER

1 12/3/1982 B6

578

MICHAEL J. QUINN TO BETSY KINKER RE.
INCOME TAXES

Freedom of Information Act - [5 U.S.C. 552(b)]

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7 LETTER

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580

MICHAEL J. QUINN TO JOHN R. KINKER RE.
INCOME TAXES

Freedom of Information Act - [5 U.S.C. 552(b)]

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

From: JOHN R. KINKER
18320 N.E. 25th Street
Redmond, WA 98052

Date: 30 November 1982

Re: Your letter of 23 Nov 1982

To: MICHAEL J. QUINN
District Director, IRS
915 Second Avenue
Seattle, WA 98174

Sub: WANT of Jurisdiction.

Cert. Mail No. P297 048 638

Dear Mr. Quinn:

1. I am in receipt of your undated letter (mailed 23 Nov 1982) concerning my correspondence of 26 Oct 1982 sent to the Secretary of the Treasury regarding the lawlessness of the IRS as a participant in the levy and seizure of my real/personal property, said levy and seizure having been executed in WANT of Jurisdiction.

2. You have recognized the main issue in my Petition for Redress of Grievance (Administrative Law Demand)¹ filed with the Secretary of the Treasury² by stating that the IRS is required "...to see that they (US Revenue Laws enacted by Congress) are observed by all who are subject to them.", thereby impliedly admitting that some are NOT subject to said revenue laws. Your first duty, therefore, must be to determine if one is the object of the statute (whether you have jurisdiction) by producing jurisdictional facts which show that one's IMMUNITIES to said taxation have been displaced, said IMMUNITIES having been indicated clearly in US v. Texas, Wilson v. US, Murdock v. Pa., etc..

3. I am NOT a proper Object of nor Subject to nor Bound by any "employment" or "income" (gains/profit³) tax, nor its effects, regulations, liabilities, and sanctions--as a matter of WANT of jurisdiction. Nor do my acts create jurisdiction over my (a) PERSON, and (b) SUBJECT MATTER related thereto. Congress, in enacting 26 USC (IR Code) has supplied only $\frac{1}{2}$ of the total necessary statement on IRS jurisdiction. The MISSING half is the statutory statement (with required "rational basis" in "jurisdictional fact") showing that my personal common law substantive (Constitutional) IMMUNITY to Federal and State Direct taxation and attendant revenue obligations, liabilities and sanctions have been DISPLACED by competent authority (US Supreme Court Cases). Of course, this is an IMPOSSIBILITY as the US Supreme Court has never ruled that my IMMUNITIES as a natural born individual (I am NOT corporate nor civilly created) have been displaced.

4. I did NOT solicit your response, nor is your response binding on the "institution" of the USA et al. (Secretary of the Treasury) to any position, law, equity, fact, etc. (e.g. see US v. La Salle Bank, USSCt. 1978). However, since you have responded, I demand that you now provide me with the rationale for your otherwise arbitrary, capricious, inequitable, prejudicial, unconscionable, and abusive statements and assumption of jurisdiction as the Secretary of the Treasury is required to do under Title 5 US Code, § 101 - 559.

5. Your failure to provide me with said rationale and PROOF of Jurisdiction will be considered by me an admission of participating in conspiratorial, extortionist and defrauding efforts of the USA et al. otherwise described in the US CRIMINAL Code (18 USC), your acts also being violative of State Law and Statutes, and Tortious and I hereby give NOTICE of Liability for such acts.

Very truly yours,

JOHN R. KINKER

¹ which Demand is adopted as a part hereof by reference and incorporation--as if set forth fully and at length hereinat.

² via US Prepaid Certified Mail No. P08 9466950, P08 5123980, P08 5123975 etc.

³ e.g. see Oliver v. Halstead, 86 SE2d 858, 196 Va. 992; Lauderdale Cemetary v. Matthews, 47 A2d 277 (Pa.); Conner v. US, 303 F.Supp. 1187; 1, Golden/Soehnlén, ARE YOU REQUIRED?, ACCC.

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8 NOTICE

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SEIZURE OF LAND

Freedom of Information Act - [5 U.S.C. 552(b)]

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9 NOTICE

1 2/25/1983 B6

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10 FORM

1 2/22/1983 B6

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668-B I.R.S. LEVY

Freedom of Information Act - [5 U.S.C. 552(b)]

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668-B I.R.S. LEVY

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12 CERTIFICATE

1 3/3/1983 B6

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CERT. OF SERVICE JOHN KINKER AFFIANT

Freedom of Information Act - [5 U.S.C. 552(b)]

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

From: JOHN R. & BETSY KINKER
Address: 18320 N.E. 25th Street
Redmond, WA 98052

This is an ADMINISTRATIVE DEMAND
SWORN & SUBSCRIBED, VERIFIED (see Jurat, p. 5 infra)

Date: 3 March 1983

Wronged Victim Petitioner Demandant,

To: UNITED STATES OF AMERICA,
SECRETARY OF THE TREASURY, USA et al.,
Wrongdoers, Respondents.
c/o Secretary of the Treasury, USA
15th St. & Pennsylvania Avenue NW
Washington, D.C. 20220

Unless otherwise ordered, the DOCKET No. shall be
the US PS Cert. Mail No. under which the Original
was forwarded to the Secretary of the Treasury.

Re: DEMAND for you to PROVE the existence of JURISDICTION
at the Administrative ("primary", etc.) Level.
INTERNATIONAL LAW and the LAW MERCHANT govern this case.
This is a Title 5 US Code § 101 - 559 Attack, in preparation
for "JUDICIAL REVIEW" under 5 USC § 701 - 706, FRAP Rule
1 & 15 et seq. (e.g. 15[b]), law express and implied in 26
USC (IR Code) 7481 et seq. (see 28 USC § 2341 etc.); and
Stark v. Wickard, 321 US 288 etc., see 5 USC § 101 et seq.
Also as precursor to Judicial Level MANDATORY INJUNCTION or
MANDAMUS.

Administrative Docket No. _____

Dear Mr. Secretary:

INTRODUCTION

1. Please NOTE that this is a statutory and FIRST AMENDMENT attack against YOUR Jurisdiction or claimed or asserted or supposed jurisdiction as affects my RIGHTS, IMMUNITIES, PERSON, Interests and Endeavors (SUBJECT MATTER) at the "primary" (administrative/discretionary) levels under Title 5 US Code (incl. US Administrative Procedures [PLEADING] Act), Sections 101 - 559 in preparation for Judicial Review under 5 USC § 701 - 706. You are now REQUIRED as a matter of mandate of LAW--to plead and PROVE on the Administrative RECORD that the herein expressly and impliedly OBJECTED--to supposed jurisdiction exists--by production of jurisdictional facts which counter my jurisdictional facts of IMMUNITY to and RIGHT to be free from Federal and State DIRECT taxation and regulation as in Wilson v. US, US v. Texas, etc. (infra). The BURDEN OF PROOF is on you (5 USC § 556(d), 559 s. 2, 558(b), 557 et seq., especially 557 (c)(3)(A) & (B) as herein applied at infra, 554(b)(2), 553(b)(2) et seq., 551, 101, 555(e), etc.) "burden of going forward" applying to you as well as SUBSTANTIVE proof of jurisdiction, "going forward" NOTWITHSTANDING. Although the "income" (sic) tax as applied to corporations is INDIRECT and constitutional on the FRANCHISE of state created privilege of corporate existence/contract enforcement/limited liabilities not known at common law--merely MEASURED by the "income"--and is NOT a tax on that "income"--that same tax law and related regulation, as applied by you et al. to me becomes DIRECT and thus INVALID (Pollock v. FLT, infra).

THIS IS AN ADMINISTRATIVE DEMAND FOR ADMINISTRATIVE LEVEL REMEDY AND RELIEF (5 USC § 705) from past, present, future "legal wrongs" contemplated by 5 USC § 702 and 5 USC § 706. Please CONDUCT YOURSELF ACCORDINGLY and avoid evasion, misfeasance, malfeasance, nonfeasance, fraud, conspiracy, impersonation of a federal officer, theft, conversion, and other crimes and torts (e.g. see 26 USC 7214 & infra). The Accompanying or soon to follow material (e.g. DEMAND For ADMINISTRATIVE SUMMARY JUDGMENT, etc.) by reference is adopted as a part hereof as if set forth fully and at length hereinat (Administrative Summary Judgment should be granted as a matter of policy [K.C. Davis, ADMINISTRATIVE LAW, 6 ed., 1977, West's]).

GRAVAMEN

MY RIGHT TO DEMAND ADMINISTRATIVE REMEDY

2. This Instrument is submitted Primarily under the FIRST AMENDMENT (US Constitution) "Petition For Redress Of Grievances", and common law, supplemented by Title 5 US Code (supra/infra), § 101 - 559, 701 - 706, as applied in the past, applies now and shall in the future; and the SUBSTANTIVE common law wherein and whereby the Secretary of the Treasury, et al. (e.g. Commissioner of IR, et al., etc.), are by Congressional intent (LAW) the OBJECT of, SUBJECT to and BOUND by 5 USC § 101 - 706 (5 USC § 101, 559 s. 2, etc.).

SECRETARY'S DELEGATE NOT ACCEPTABLE

3. The LAW requires (mandates) that the Secretary of the Treasury PERSONALLY respond hereto (for NOT even a delegate can ultimately commit the "institution" of YOUR agency and the USA to any position on law, fact, jurisdiction, equity, procedure, adjudicatory fact, etc. [e.g. apply US v. La Salle Bank, USSCt. 1978]), materially, substantively, in writing and timely (5 USC § 557, 556[d], requirement for your material, substantive response 5 USC § 554(b)[3], 555[e]), with reasons and rationale for your acts as affect me/my Rights/IMMUNITIES etc.; especially where I, as I hereby do, DENY, CHALLENGE your Jurisdiction and DEMAND on the Record PROOF of your Jurisdiction, and Revelation ON THE RECORD of all devices/law, equity, procedure, usages, etc. and facts, etc.--which run against my position--which you have or are or shall "officially" or "judicially" NOTICE, (to which I OBJECT; 5 USC § 556(e), Fed. Rules Evidence 201; 402, 403; 901).

CHALLENGE TO JURISDICTION

4. I DENY, challenge and put you to the PROOF on the record of your supposed, claimed or asserted JURISDICTION over my PERSON, property, interests, endeavors (SUBJECT MATTER) at the "primary"/expertise (administrative) levels. You have NO jurisdiction over same--and, therefore, have NO jurisdiction nor subject matter nor cause of action to bring before any court, neither on "enforcement" (civil or criminal in nature)--nor in defense of your position, upon my direct or collateral attack via "JUDICIAL REVIEW"--mongrelized statutes (e.g. 18 USC § 3231) NOTWITHSTANDING (see legislative history thereof). Your supposed/claimed/asserted jurisdiction, no matter how you claim it to be substantiated by law, statute, rule, regulation, common law, etc.--applies only to CORPORATIONS and those on the dole or other device upon which (1) records must be kept, (2) information provided, (3) taxes collected from others, (4) returns filed--irrespective of whether a tax is actually due, and (5) other duty to perform/omit to perform--as corporate/quasi corporate entities--one of which I AM NOT, and I am NOT a "taxpayer" for purposes of DIRECT/INDIRECT federal or State statutory revenue/regulation purposes--residing in Title 26 USC (IR Code) nor related rules/regulations (e.g. 26 CFR, etc.) as you either do or shall claim or otherwise assert against me jurisdictionally or adjudicatively at the Administrative or judicial or other levels.

MY ACTS DO NOT CREATE JURISDICTION

5. My acts, that is to say "estoppel", do NOT create substantive JURISDICTION, but only an appearance of jurisdiction--a matter of mere form (SUBSTANCE governing over form). Any past act, providing of information keeping of records, filing of a return, paying/collecting of a tax (sic) which may give mere appearance of your jurisdiction.

tion is herewith DENIED as having occurred under MISTAKE of JURISDICTIONAL Fact, Mistake of fact, fraud, duress, misrepresentation, coercion, incapacity, and other validating and invalidating causes (see IRS Legal Ref. Guide, Fiduciary Manual 8(21)4, p. 58 (10)0-200, Sec. 11 and this State's analog to the ALI Uniform Commercial Code, Sec. 1-103 and prior law [NIL 196])--upon which I demand summary judgment in my favor on the briefs or informal and FORMAL Hearings (5 USC 556 et seq., etc.) on PROOFS thereof--as with all other herein expressed and implied issues--should you deny me REMEDY and RELIEF as herein DEMANDED--or continue to attempt to EXTORT performance, money or property from me or mine, or FAIL to: restore the status quo ante (e.g. remove all liens, return all property/money, cease to interfere with my relationship with my "employer" [e.g. interfere with my W-4 substantive content/my intent, etc.], or after my demise--affect my estate in the negative; cease any and all civil or criminal 26 USC related prosecutions; recall/nullify all "90 day letters" affecting me/mine, release me in the nature of administrative habeas corpus if I am incarcerated under 26 USC related litigation, etc.). Any case/authority upon which you depend to establish a mere appearance of jurisdiction by estoppel, such as in Morse v. US, USSCt. 1974, where Morse, on ADJUDICATORY issues only (jurisdiction was NOT squarely challenged/ruled upon) was deemed to be a "taxpayer" for US Revenue purposes--upon filing her first "return" in 1944-45 do NOT apply as DISTINGUISHED (not material, insubstantive; jurisdictional facts differing, jurisdiction NOT squarely challenged, improperly prosecuting, not squarely ruled upon, etc.). Where "citizenship" is assignable as a taxable asset/franchise (as in US v. Rexach, F2d; Cook v. Tate, USSCt.)--such authorities are immaterial and otherwise MOOT as applied to me. Any such authority, case, theory, fact etc. upon which you may rely to establish jurisdiction or mere appearance of jurisdiction (as res judicata/stare decisis, etc.) is at best MOOT as inapplicable due to irrelevance, immateriality, insubstantive in nature, not affecting my person nor my property--and due to my OBJECTION to "official"/"judicial" NOTICE (5 USC 556[e], supra, par. 3; see Bialac v. Harsh, 1972 F2d, 1973 USSCt.).

NO ADEQUATE REMEDY AT LAW

6. Any and all administrative and judicial rules, regulations, statutes, procedures, forms and forums which have been or may be resorted to--as you seek to "enforce" any duties, liabilities or sanctions against me arising out of US Revenue laws or State laws--DO NOT CONSTITUTE, nor do same offer nor otherwise Provide any form of ADEQUATE Remedy At LAW in this matter, nor clear nor speedy Remedy at law--for *inter alia*, I am IMMUNE, not just "exempt", to DIRECT federal and state Taxation and related Regulation--which Tax is NOT APPORTIONED (a capitation/head/poll/census Tax; US Const., I:2:3/I:9:4; Pollock v. FLT, 157, 158 US, USSCt. and otherwise [US v. Texas, 252 F. Supp. 234, 384 US 155; Wilson v. US, 221 US 361; etc.]), whereas all said and complained-of forums and procedure run to, turn upon, and otherwise address NOT one (me) who is IMMUNE, but a person who is OBJECT of/SUBJECT to/BOUND by your jurisdiction when properly applied (corporations/dole takers, etc.), and only that person can obtain protection under said laws (e.g. substantive, procedural, law making due process) in those complained-of and objected-to forums/forms. THEREFORE, NO JUSTICE CAN I OBTAIN therein or therewith. Thus, you are estopped from further actions against me of any sort--and must return me and mine to the status quo ante, immediately and without accruing or resultant prejudice to me or mine, damages etc., accruing against you per law expressed and implied in the class of authorities represented by Bivins v. 6 Unknown US FBN Agents, 403 US 388 (1971) and its progeny (see 67 Calif. Law Rev. #6 [1979]); and US Ct. Claims actions, FRAP Rule 1 and 15 and 15(b); and Fed. Tort Claims Act, 28 USC 2671 et seq.. Therefore and otherwise, you are bound and mandated to grant and ORDER the remedies and relief as affects me et al. and mine.

NO TRIAL DE NOVO

7. In this case, as in all administrative issues (5 USC 101) related (e.g. civil/criminal/US Tax Ct., etc.), the "trial" occurs NOT in a court, but upon receipt of a letter/phone call/personal demand for performance by you et al.--directed to me--and the "trial" ends when either YOU or I file in any "court" for (a) "enforcement" or (b) "judicial review" respectively; whereupon that "court" can only REVIEW the ADMINISTRATIVE Record (administratively developed record upon the administrative adjudication [trial] of the matters/issues, 5 USC 554 etc.)--which "court" can (1) NOT fabricate a record (prevents, as a matter of law, a "trial de novo"); and (2) NOT allow POST HOC RATIONALIZATION by government's/private counsel; and (3) NOT fabricate a "rationale" in place of your own; and most importantly--(4) NOT substitute its JUDGMENT for that of the Administrative agency (YOU by name et al., by virtue of delegation, 5 USC 302), which additionally prevents a "trial de novo" either by a judge or jury in any court with you as PLAINTIFF/PETITIONOR representing same, your unlawful/FRAUDULENT practices NOTWITHSTANDING. You are entitled ONLY to "review" of the Administrative RECORD, and that ONLY in the US Ct. of Appeals under FRAP Rules 1 & 15(b) on "enforcement"--and certainly NOT before any other "fact finder" than your own forum (NOT before a grand jury, NOT before a district court, NOT before a "jury"--in any form of "trial de novo"--for to do so is to substitute the judgment of facts by same--for that of your own fact finding--which is unlawful, your past fraudulent practices to the contrary NOTWITHSTANDING.

NO ESCAPE FROM PROOF OF JURISDICTION

8. You as a matter of device akin to "election of remedy" (see "election of remedy" under "workmen's comp." [sic] laws, etc.) have taken it upon yourself as a matter of CONGRESSIONAL INTENT (Law: 5 USC 101 -706)--to prosecute the interests of the USA in revenue matters, in and by an ADMINISTRATIVE environment/forum--and therefore have chosen to "adjudicate" all issues in that forum--subject to all its INFIRMITIES (its liberality/equities/etc. NOTWITHSTANDING, SUBSTANTIVE [common, etc.] law governing over mere appearance/form/equity in this case). You/Congress have chosen to prosecute your/USA's interests NOT in a court--where you must first, prima facie, on your complaint/petition against me--PLEAD and PROVE jurisdiction, by recitation of jurisdictional facts--subject to my rebuttal. You/Congress have chosen to prosecute in an administrative forum where jurisdiction is never pleaded or proved, but merely ASSUMED "sub silentio"--nevertheless subject to my rebuttal--placing the BURDEN OF PROOF upon you/Congress et al.. That procedural convenience (escape from proof of jurisdiction--by mere sub silentio ASSUMPTION in the nature of FRAUD/CONSPIRACY, etc.) which you have enjoyed and with which you have plundered and murdered--is NOW AT AN END--your duping of federal judges in the past notwithstanding. Your FRAUD is thus E X P O S E D--and rendered the nullity which it was from the beginning--by the conspirators who first foisted it upon Congress--then upon the American sheeple in hard times--and upon me, through craft and device--with totally unlawful effect and results as applied to me in this case/contest.

PRIVACY ACT

9. The privacy act¹ in substance (supra) requires, *inter alia*, that the Sec. Treasury et al., supra--clearly define the "authority" under which he requests/demands/enforces his supposed need/want for (a) my performance, (b) my money, (c) my property, (d) person and (e) affection of my substantive rights, immunities,

liberties, etc., which statute and the underlying common law (substantive common law as opposed to mere common law procedure) have been violated to the prejudice of (a) the USA and Sec. Treasury's and CIR's supposed rights (which do NOT exist in my case in the first instance) and (b) my Person--which estopps the further enforcement or consideration of your (et al., supra) supposed administrative and other causes which in substance lie against me--due to your agents' acts.

FEDERAL PAPER-WORK REDUCTION ACT

10. A second witness to the statutory requirement for PROOF of JURISDICTION ("authority", supra, par. 9) resides in the Federal Paper-Work Reduction Act² and is controlling, *inter alia*, on the same grounds set forth expressly and impliedly in paragraph 9, supra.

FEDERAL FAIR DEBT COLLECTION PRACTICES ACT

11. The Federal Fair Debt Collection Practices Act³ (15 USC § 1601) requires certain practices and omissions in practices, including PROOF of debt (Federal Taxes being "DEBTS" per class of authorities represented in Lane County v. Ore., 7 Wall. 71), a required "practice" (supra) and improper use of courts and court procedure, and other "unfair" (ILLEGAL/UNLAWFUL) debt collection practices--which I hereby complain of--which unlawful acts by IRS agents(CIR et al., supra), 15 USC § 1692a(6)(C) NOTWITHSTANDING,⁴ are VIOLATIONS of governing law.

SUBSTANTIVE HARM/DAMAGES

12. You and your agents' et al. acts have caused, or are causing, or are about to cause immediate irreparable and irrecompensable (see "NO ADEQUATE REMEDY AT LAW", supra) HARM, damages and other prejudice (e.g. unlawful confiscation of my property, damage to my family etc.) to me and mine, and our property, interests, endeavors, substantive/inalienable Rights and Immunities, Life, Liberty--for which there is NO clear, nor speedy nor ADEQUATE Remedy at Law.

ADOPTION OF ADMINISTRATIVE RECORD

13. I hereby by reference (under liberal Administrative rules of evidence, see also FRCiv.P 10(c), USTCR 31(c), FREv. etc.) ADOPT the entire Administrative Record which directly or indirectly applies to me and which otherwise applies to this contest--and the issues raised herein--no matter who be the proponent or profferor--as if the same is set forth fully and at length hereinat--in full operation and effect--and particularly any Administrative Law Brief or Objection or like petition or DEMAND submitted by anyone at any time--as is my right as in Buckeye v. US, 438 F2d 948 (1971); and DEMAND that where I am attacked civilly or criminally or issued a "90 day letter", or you have attached/liened/seized my property or property in which I have substantive interest, or otherwise you seek to enforce obligations/sanctions against me/mine--or where directly or collaterally or otherwise I shall attack you in this or any administrative or judicial FORUM--you shall so respect said adoption as Exhibit K hereto, and otherwise deliver up a clear and concise INDEX of the said and pertinent administrative record (a) to me and (b) to any such forum for REVIEW, and otherwise deliver up the said entire record for "judicial review" on my attack/defense against your acts as complained of herein.

WITHHOLDING

14. I OBJECT to and DENY your and my employer's (if any) right/power/JURISDICTION to require me and my employer to participate in any and every kind of "withholding" for (1) income (sic) tax; (2) social security (sic) tax and (3-Describe):Workman's Compensation; Unemployment Compensation, etc. without my written permission. To require same, or to so withhold--absent PROOF, on the Administrative/Private Record of JURISDICTION as herein demanded constitutes CRIMES including, but not limited to, FRAUD⁵, EXTORTION, THEFT, CONSPIRACY, etc., and CIVIL WRONGS (e.g. CONVERSION, TROVER, FRAUD, CONSPIRACY, and other TORTS, etc.) and where done under color of state law, violations of CIVIL RIGHTS Act (42 USC 1983, 85, 86; see 1981, 82, 1994 etc.) and where under color of federal law, see Bivins v. US, supra and 67 Calif. LR 6 (1979) and common law. This constitutes actual/constructive NOTICE to all recipients of this instrument/copies thereof as to their DUTIES, Obligations, LIABILITIES, and SANCTIONS, against whom I shall prosecute to the ends of JUSTICE, Right, Order and LAW (mere "good faith" assertions of jurisdiction having been ABOLISHED [Owens v. City of Independence, 445 US 622, 63 LEd2 673 (1980)]; see PROOF OF JURISDICTION principle summarized in dissenting explanatory opinion: Maine v. Thiboutot, 448 US 1, 100 Sct. 2502 [1980] and related cases). Where CRIMINAL sanctions apply, I shall file a CRIMINAL Complaint with the US Attorney, FBI, State Atty.Gen., County Atty., Dist. Atty., City Atty., JP or TOWNSHIP Judge or state, federal or local GRAND JURY. I have never knowingly nor intentionally entered into any "employee/employer" combination/relationship where same might have or has diminished my common law rights or immunities. All such relationships which may be assigned to me were intended by me to be totally contractual, absent quasi contract wherein revenue/tax/regulatory liabilities/sanctions might attach--and such if it has occurred--is the result only of MISTAKE as herein indicated.

2039 SUMMONS INFORCEMENT

15. Congress has NO right to investigate me as an individual (Const....USA, Jayson/Small, USGPO, p. 86 et seq., Auth. Pub. Law 91-589, 84 Stat. 1585, 2 USC 168, citing, *inter alia*: US v. Rumely, 345 US ; Gojack v. US, 384 US, etc.), this contest NOT being within the exceptions. Where Congress has NO such power (I am the true SUBSTANTIVE object of a 2039 summons, no matter to whom it is primarily directed; SUBSTANCE governing over mere form/appearance; supra)--Congress can NOT delegate (see 5 USC 302 "delegation" in comb. with 5 USC 101), such a power which it does NOT have--to any agency including you. Therefore, your "summons" (sic) is issued for an improper purpose and is a FRAUD on the face--as in want of jurisdiction, is arbitrary, capricious and unlawful.

(NOTE To Third Parties)

16. Any person, corporation, or other entity receiving a "2039 'pocket' summons" from the IRS (Inc.) etc., concerning me directly or indirectly (proprietary/possessory issues NOTWITHSTANDING), absent PROVED jurisdiction, if complied with under any circumstance--is giving information over to tort feasers, defrauders, extortionists, thieves, conspirators, and pretenders to governmental authority⁶ and thus become joint tort feasers/accomplices in crime, liable civilly and criminally. The proper remedy at law for such third persons (victims of IRS lawless-

ness/fraud) is to DENY and PROPERLY CHALLENGE JURISDICTION of the Secretary of Treasury/IRS et al. (see me on proper denial/challenge--for your financial survival depends on you doing it right--with my interests properly prosecuted)--and to REFUSE to comply both at the Administrative and JUDICIAL levels (Court Orders NOT-WITHSTANDING) until the US Supreme Court decides the issue. Otherwise that person/corporation remains LIABLE to me as a matter of law (see Certificate of Service [Mailing]; infra).

US TAX COURT

17. If a "statutory deficiency notice" ("90 day letter") has been issued to me, I DEMAND that it be rescinded immediately and the status quo ante be RESTORED immediately. This constitutes NOTICE to the Secretary of the Treasury et al. that the same was knowingly issued in WANT of Jurisdiction, and NOT by mere "erroneous exercise of jurisdiction"--and NOTICE to the US Tax Court that I shall NOT be filing a "petition" for "redetermination" for since the IRS (Inc.) et al. does NOT have jurisdiction over the subject matter--neither does the USTC, and any act in the nature of sustaining the IRS's/CIR's position is UNLAWFUL, Arbitrary and Capricious as in WANT of Jurisdiction--for the USA/Sec. Treasury/CIR/IRS has no jurisdiction and no subject matter to transfer to the US Tax Ct., and is an Actionable Tort or Crime--as the circumstances shall dictate--as it may affect me or mine or us; or I'll NOT be APPEARING if I have filed a USTC "Petition" (sic).

US DISTRICT COURT

18. Where any indictment, information, etc., shall exist as affects me on any issue related to US Revenue Law, this is NOTICE to the Court system of the US that It has NO jurisdiction in the matter, and that any and all acts which I must execute to protect myself from such alien jurisdictions I shall take; and so with the GRAND JURY involved if any. The Congress and Secretary of Treasury et al. have failed to substantially comply with "rule making" procedures (5 USC 553) as regards my common law, Constitutional Right to be free from and Immunity to Direct Taxation, and therefore, failure to provide information or file a return can NOT be the basis of a criminal prosecution (US v. Vail, 252 F.Supp. 823 [1966], infra).

DENIAL OF VOLUNTARY USE OF FEDERAL DEBT/CREDIT AND NEGOTIABLE INSTRUMENTS/FRANCHISES Etc.

19. I hold NO and am NOT party to any type of franchise upon which a Tax or duty to perform or omit to perform under US Revenue Laws can be said to be based, and have never entered into such voluntarily or knowingly; and I OBJECT to, and DENY voluntary use of federal debt/credit and evidences thereof under the law merchant, not excluding Federal Reserve Accounting Unit Devices (F.R.A.U.D.s) otherwise known, *inter alia*, as Federal Reserve (sic) NOTES: "It would be inequitable (unlawful) to hold a person liable on a contract (FRAUDS, supra, are CONTRACTS under the law merchant) to which he is NOT a VOLUNTARY party...the law merchant is harsh--but still it merely enforces MUTUAL agreements." (Swanson v. Fuline, 248 F.Supp. 364; 31 ALR 246 et seq., etc.) which FRAUDS are the sole CAUSE of substantive INFLATION--as robs me of my property, and which are otherwise unlawful as affects me and mine.

SUPPLEMENTAL POINTS AND AUTHORITIES

20. Where jurisdictional facts are raised, the Courts can NOT summarily support acts of agency (NY v. US, 377 F.Supp. 150, 344 F.Supp. 929 [1972]), particularly where "confiscation of property" is alleged (Conroy v. US, 200 F.Supp. 10, affd. 382 US 371 [1961]); as findings of fact which run to JURISDICTION, found by agency are NOT conclusive on courts (Cox v. US, 157 F2d 787, affd. 332 US 442, 333 US 830 [1946]; Utah Mining v. US, 339 F2d 606, affd./rev.in part o.g. 384 US 394 [1964]); for an agency may NOT "bootstrap" itself into an area in which it has NO jurisdiction (US v. Seatrain, 411 US 726 [1973]); nor where the initial interpretation of law was erroneous or beyond its authority in the first place (RR v. US, 267 F.Supp. 619 [1967]; US v. Fritz, 89 F.Supp. 772 [1950])--even though administrative body has power to determine whether it has jurisdiction over a person or subject matter (Mc Devitt v. Gunn, 182 F.Supp. 335) either sua sponte (e.g. assertion of jurisdiction) or upon written challenge as in this case (5 USC § 101 - 559)--PRIOR to any further administrative or judicial acts planned or in process against me can occur or be sustained, for statutory or constitutional rights and immunities can NOT be taken away by mere administrative fiat (Armindariz v. Hershey, 295 F.Supp. 1351, appeal dismissed. 413 F2d 1006 [1969]); for "judicial inertia" (procedure absent substance) can NOT be sustained (US v. Brown, 85 SCt. 980, 380 US 278, 13 LEd 839). Where administrators violate regulations and rules of an agency, it constitutes violation of the statute itself (Jeffries v. Olesen, 121 F.Supp. 463 [1954])--even where this practice of extortion and terror by the IRS et al. has occurred, for long adherence to an improper rule or practice does NOT give US agency a vested right to continue such adherence/practice (Flotill v. US, 358 F2d 224, rev.o.g. 389 US 179 [1966]), for it is a denial of due process if an agency fails/refuses to obey its own governing rules and statutes (US v. Capar, 372 F.Supp. 609 [1974]) and where the Treasury Department has not followed "rule making" procedures (e.g., 5 USC § 553...), and clearly dealt with my common law immunity to and right to be free from Direct Taxation/Regulation, affording "due process of law making" (NOTICE and OPPORTUNITY to be heard), failure to file a return can NOT be the basis for a criminal prosecution (US v. Vail, 252 F.Supp. 823 [1966]) and, of course, the Secretary of Treasury et al.--has not complied with 5 USC § 553 with respect to my personal immunity to said Direct Taxation and associated regulation (e.g., duties, obligations, liabilities, sanctions imposed by the Sec. Treasury et al.). Agency action, which is taken to promote the public good (revenue, etc. in this case), must be founded upon proper substantive law and procedural (e.g., 5 USC § 553, supra) basis--rather than on mere good intention, personal insight, prejudice or predication (Duke v. US, 382 F.Supp. 362, affd. in part 539 F2d 220 [1977]) remembering that good faith assertions of jurisdiction have been ABOLISHED in 1980 (Owens v. City of Independence, 445 US 622, 100 SCt. 1398, an administrative law case), and where administrative acts/rules involving penalty/forfeiture that law/rule must be strictly construed (250 F.Supp. 759, rev.o.g. US v. SRR, 380 F2d 49 [1966]) and against the IRS/Secretary of Treasury (Spreckles v. McClain, 192 US 397; Miller v. Gearin, 258 F2d 225). You, by mere procedure (WANT of substance), have fleeced the people for the last time.

CONCLUSION

21. Wherefore, in conclusion, and based upon the Sundry provisions of Title 5 and Substantive Law, I DEMAND that you immediately grant and Order the following Administrative Remedy and Relief until the merits

CERTIFICATE OF SERVICE

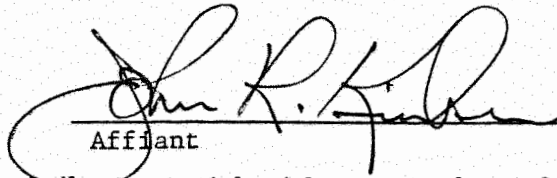
I, JOHN R. KINKER, Certify that I have this 3rd day of March, 1983, served the ORIGINAL and copies of this Instrument to the Addressees as herein indicated, and in addition to those who merit copies as Actual/Constructive NOTICE of the express/implied substantive issues herein addressed--as respects their DUTIES to me, DUTIES to perform against the government and agents thereof, and their LIABILITIES upon such failure to observe said duties and LAW and SANCTIONS which shall be imposed against them--by US Prepaid Certified Mail:

- | | | CM NUMBER |
|----------|--|--------------|
| ORIGINAL | [X] UNITED STATES OF AMERICA & SECRETARY OF THE TREASURY, USA et al.
c/o Secretary of the Treasury, 15th St. & Pennsylvania Ave. NW, Wa., D.C. 20220 | P298 342 815 |
| Copies: | [X] US Attorney General, 10th & Constitution Ave. NW, Wa., D.C. 20530 | P273710 909 |
| | [X] Commissioner Of Internal Revenue, Washington, D.C. 20224 | P273710 907 |
| | [] US Attorney, Name: _____, Add: _____
(only in case of pending/probable CRIMINAL prosecution) Certified Mail No. _____ | |
| | [] IRS Counsel, Name: _____, Add: _____
(only in case of (1) 2039 Summons or (2) "90 day letter" Baloney) Certified Mail NO. _____ | |
| | [X] IRS, Inc., agents causing the problem as extortionists, defrauders, conspirators, thieves, bandits, etc.
(see herein) Names: <u>S. J. Nelson, Michael Young*</u> P298 342 818
Address: <u>P.O. Box 12649, M/S 213, Seattle, WA 98111</u> Certified Mail No. *P298 342 823 | |
| | [] EMPLOYER, Name: _____, Add: _____
(only in case of withholding, 2039 Summons, Levy Baloney, etc.) Certified Mail No. _____ | |
| | [] US TAX COURT, 400 2nd St. NW, Wa., D.C. 20217, c/o Chief Judge (NOTE: This Instrument is NOT intended to be a USTC "Petition", and is intended only as NOTICE to USTC and Judges thereof of Absence of Jurisdiction Issues)(only in case of "90 day letter" etc.) Certified Mail No. _____ | |
| | [] HONORABLE GRAND JURY, c/o Grand Jury Foreman only, Name: _____
Address: _____ only in case of actual/probable GJ investigation; as NOTICE of Absence of Jurisdiction Issue and LIABILITIES for operating absent jurisdiction due to resultant damages to me/mine. Certified Mail No. _____ | |
| | [] US Marshall, One Tysons Corner Center, McLean, VA 22101 Certified Mail No. _____ | |
| | [] County Sheriff, Add: _____ Certified Mail No. _____ | |
| | [] Chief of Police, Add: _____ Certified Mail No. _____
(As Caveat not to proceed/assist IRS under color of law [see 42 USC 1983, etc.]) | |
| | [] 2039 Summons Recipient; Name: _____, Add: _____
(see proper proper estoppel procedure, 26 USC 7601-7610 and Author's Material on Sub.) Recipient should challenge IRS Jurisdiction. Recipient is WARNED NOT TO COMPLY (see <u>Craig v. Boren</u> , where recipient best prosecute my rights to be free from imposition of alien Jurisdictions*) CMN _____ | |
| | [] US Post Master General, 475 L'Enfant Plaza SW, Wa., D.C. 20260 Certified Mail No. _____
(as NOTICE that Sec. Treas./CIR et al. are using the mails for purposes of FRAUD, etc.) | |
| | [] FBI - Ninth St & Pennsylvania Ave. SW, Washington, D.C. 20535 Certified Mail No. _____ | |
| | [] FBI (local) Address: _____
(As NOTICE that Sec. Treas./CIR et al. outside of Jurisdiction, therefore IMPERSONATING a Federal Officer, FRAUD, CONSPIRACY, EXTORTION, RACKETEERING for Fed. Res. Corp. Gansters, Theft, Interstate Crimes, etc.) Certified Mail No. _____ | |
| | [] ADMINISTRATIVE OFFICE OF UNITED STATES COURTS (see 28 USC § 601 et seq.),
Washington, D.C. 20544 Certified Mail No. _____ | |
| | [] FEDERAL JUDICIAL CENTER BOARD (see 28 USC § 620 et seq.)
Dolly Madison House, 1520 H St. NW, Wa., D.C. 20005 Certified Mail No. _____ | |
| | [] Senate Finance Comm. Chmn., 227 Dirksen Vldg. Wa., D.C. 20510 Certified Mail No. _____ | |
| | [] House Ways & Means Comm. Chmn., 1102 Longworth Bldg., Wa., D.C. 20515 C Mail No. _____ | |
| | [] Joint Committee on Taxation, 1015 Longworth Bldg., Wa., D.C. 20515 Certified Mail No. _____ | |
| | [X] Others: PRESIDENT, USA, 1600 Penn. Ave. NW, Wash., D.C. 20500 P273 710 906 | |

* NOTE: Where substantive interests of B are affected by prosecution/attack against A; A can/should (in this case) prosecute the rights of B (E.g., Craig v. Boren, 429 US 190 [1976]; Carey v. PSI, 431 US 678 [1977]; Eisenstadt v. Baird, 405 US 438 [1972]; Doe v. Bolton, 410 US 179 [1973], PPCM v. Danforth, 428 US 52 [1976]etc.). You had better do a good job of protecting me.

3/3/83

Date



Affiant

* As I have previously filed similar material with you and as this Administrative Cross Complaint and related material raises NO new substantive issues or questions, your failure to materially, substantively and timely respond in the past is fatal to your cause and can NOT be perfected by a response addressed to the substance herein and Summary or Default Judgment must be granted.