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Ed Rivera's "brief" on Article III

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[David Merrill](#)

08-03-2006

<http://www.suijuris.net/forum/court/....html?posted=1>

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Dear Reader:

Note: This version is not yet complete. The text has not been thoroughly edited and the letters that appear at the end will be expanded and substantial revisions will be made to the ones you see. When this letter is completed and hundreds of pages of statute law complement it, it will be the Magic Bullet many have sought. The Magic Bullet is being provided to you in its present form solely for the purpose of making you aware that the underlying principle is sound and completion is only days away.

The Magic Bullet makes the federal trial courts disappear as Article III judicial bodies. The removal of the "least dangerous branch," as the federal judiciary has been called, shrinks the federal government to a minor annoyance that arises only when entrance to a national park is sought.

For those who do not believe in magic I, also, am preparing a Silver Bullet

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The American Bar Association
 Augustus Blackstone

that is based upon the hoopla gay marriage is getting. So far no one, excepting my clients, is aware that gay marriage presents the greatest tax issue since the income tax. Gays are not being denied marriage, for that it available to all consenting humans, they are being denied civil marriages, which are marriages with the state. The final outcome of whatever legal fights that will be fought is that come May 2004 gay couples will be getting legally hitched in Massachusetts. There is a ?kicker.? The common law gave validity to all man and wife marriages when the spouses traveled among and between the states. Civil marriages are voluntary relationships formed between married persons and the state for the purpose of providing revenue to the state.

Re: Jurisdiction of United States District Courts

The enclosed or transmitted material has been sent to you by a person that obtained it directly or indirectly from Dr. Eduardo M. Rivera, an Attorney and Counselor at Law, admitted to the practice of law before the California Supreme Court. Dr. Rivera has graciously permitted its dissemination and you may use it for educational purposes provided it is kept intact. The material is not legal advice. It is, however, the result of research of government and law that has engaged Dr. Rivera for over 45 years and is being provided to you for its educational value. Electronic transmissions may be changed and writings altered, so you are cautioned to verify any information upon which you intend to rely.

The Issue:

Dr. Rivera?s research of the United States district courts has established that only the United States district court in Hawaii has been established as an Article III court and all other United States district courts in the remaining states have no Article III judicial power, whatsoever.

The Impact:

The failure to understand that federal trial courts must be confined to causes of action that arise under federal territorial law in federal territory causes unnecessary hardship to defendants. The RIAA copyright infringement suits, for example, allege that defendants reside within and commit violations of the copyright laws within the judicial district. It is extremely unlikely that any of the young people that download music live in federal territory and very likely that these suits are frivolous.

Ignorance of citizenship and the territorial composition of the federal courts permit federal grand and petit juries to be drawn from outside the federal territory that comprise the district or division. These juries are improperly constituted and without authority. It is highly improbable that members of the grand juries that indicted media personality Martha Stewart or Enron executive, Jeffrey K. Skilling, were actual residents of the federal courts? judicial districts.

3. There are few if any federal crimes that can be committed outside federal territory. Congressional insiders know Congress can punish few acts outside federal territory, so the federal territorial trial courts have been disguised as courts of justice for those who voluntarily submit themselves to federal prosecution. Among others, lawful users of medical marijuana and those who aid and assist them often find themselves federally charged with crimes that do not exist where they were alleged to have occurred.

AN EXPLANATION

The federal government is renowned for its complexity, so it is extremely gratifying to be able to compress an understanding of that government



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and its law into a couple of sheets. Pages 42 and 43 of Title 28 U.S.C. of the federal government's own Judiciary and Judicial Procedure Code book printed by the Government Printing Office are the most important pages of law in the federal government. On those two pages, Congress explains that the territorial composition of the United States district courts is only that area subject to the exclusive legislative power of Congress. Did you think that the 50 United States were subject to Congress's lawmaking power? To answer that I offer a riddle: What country gets smaller the more land you add to it? The United States of America is thought to be a nation/state but it is a confederation of nation/states created by the Articles of Confederation and it consists of the 50 United States. If Washington, D.C. and Puerto Rico are combined with the 50 United States, you don't get a bigger and better United States of America you get the government of the United States and 50 sovereign states. Those odd two pieces of real estate won't ever combine to form a whole nation/state and that is key to understanding the United States district courts.

The inability to combine the 50 United States, Washington D.C. and Puerto Rico to form one nation is what explains and gives us the "territorial composition" of the districts and divisions found in Sections 81-131 of Title 28 U.S.C. In the rest of Chapter 5, Congress explains that only one district court in all of the 50 states, Hawaii, has been established as an Article III judicial court and explains why that court cannot function as a court exercising judicial power. If judicial power is to be exercised in the several states, it will have to be exercised by state courts, because the districts have none. The federal government in the several states will consist of two government powers since the federal courts have not been granted Article III, Section 2 judicial power. While one or two branches of government may be good enough to do government work, it takes all three to lawfully act upon a citizen.

The nature of the complete federal government cannot be understood unless the reader understands all that begins with the caption "CHAPTER 5?DISTRICT COURTS?" and ends with the paragraph below: "HISTORICAL AND REVISION NOTES." If you were not sent pages 42 and 43 of Title 28 U.S.C. or if you have trouble reading or printing out these pages, you can also access Title 28 U.S.C. by going to http://uscode.house.gov/title_28.htm. The impatient reader is invited to go there and read first §91 and then examine every other district court to find one ordained and established under Article III.

The federal trial courts are universally but erroneously thought to include all the territory in the counties that comprise districts and divisions of the United States district courts. This perception of the federal trial courts is the result of the quick read encouraged by those who favor a strong, large and powerful federal government. Congress, on pages 42 and 43, must state in its curiously cryptic way that the territorial composition of the district courts is only the federal territory subject to the exclusive legislative power of Congress because that is true. The statute law that establishes the federal district courts in the several states must confirm that the territorial composition of the district consists only of federal territory or Title 28 U.S.C. could not have been enacted into positive law.

By now, you should have those two pages in front of you, so that you can take a heavy pencil or marker and write the date: January 1, 1945 on each page and circle or highlight Alaska, Hawaii, District of Columbia and Puerto Rico. Now, you must determine for yourself, what is common to all the place names from Section 81 to 131 that are listed on these two pages. All the facts, including the date January 1, 1945, presented in

legislation are important and must be accounted for. You must now write below this paragraph what you think is the "territorial composition" of the districts and divisions of the United States district courts that make up the rest of Chapter 5. Remember that your inability to account for all the parts of the whole will make your determination of "territorial composition" faulty. If you wrote that the entire state or all of the county territory constitutes the district, go back and start over.

A wise Greek once said that the best law is discovered, as a gift from God. Statute law, to put it simply, is Godless. Statute law is completely and totally made up by legislators. This and the Constitution is the origin of all the titles of the United States Code. Nothing in these codes is for all time that is why January 1, 1945 is used as a reference to determine those federal areas in the several states subject to the exclusive Legislation of Congress.

Alaska and Hawaii are, today, states of the Union, but were territories on January 1, 1945. Washington D. C. is neither a territory nor a state, but is the product of "Cession of particular States, and the Acceptance of Congress" is the seat of government. Although it is treated like a state it is the "District" subject to the exclusive Legislation of Congress, pursuant to Article I, Section 8, Clause 17. Puerto Rico is today and was on January 1, 1945 a possession of the United States and definitely not a state of the Union. The correct answer to the question: What is the "territorial composition" of the districts and divisions by counties as of January 1, 1945, is pursuant to Article I, Section 8, Clause 17, "all Places purchased by the consent of the Legislature of the State in which the Same shall be."

If the reader is having difficulty understanding the significance of "territorial composition," there is a good reason for that. The federal government doesn't want it understood. The federal government will even lie in print to cover-up the "territorial composition" of the United States district courts. Several editions of the United States Government Manual available on the web falsely state that the United States district court for Puerto Rico is an Article III court. The court for Hawaii was so established and ordained in 1959, so the "Historical and Revision Notes" §119?Puerto Rico can be compared to §91?Hawaii to resolve the issue. The only territory that is common to both the several states, territory and possessions of the United States is federal territory within each. Those Notes show that the district court judges for Hawaii are to be selected pursuant to §§ 133 and 134 of Title 28 U.S.C., which is territorial law.

Based on no evidence at all, and a big fat lie about the United States district court in Puerto Rico, the entire American legal community is convinced that the federal trial courts in the several states exercise Article III judicial power everywhere within those states. I say, the government has gone too far. I have examined the statute law that created every United States district court and I found only one instance where Congress appeared to ordain and establish an Article III United States district court in any state. In 1959 the Congress created an Article III United States district court for Hawaii but made no provision for Article III judges by specifically precluding the President from appointing them. The Code specifically provides for territorial judges for the Hawaiian Article III court. Title 28 U.S.C.?Judiciary and Judicial Procedure has been enacted into positive law so the Code shows the same kinds of courts as are found in the statutes. Chapter 5 of Title 28 U.S.C.?District Courts consists of Sections 81 through 144. The names of all 50 states of the Union will found from Sections 81 to 131 and in addition in Section 88 will be found the District of Columbia and in Section 119 Puerto Rico.

The nature of the astounding revelations in this letter requires this unique format where facts are presented in support of the proposition that no United States district court in any state of the Union can exercise Article III judicial power, so these facts can be easily challenged. This kind of presentation invites facts that prove the contrary. I will give an example of a fact: Title 28 U.S.C. is territorial law. This fact will be supported by material found in the notes to §91.

Those in federal litigation or who are contemplating that exercise should be aware that legal justice is available only from courts that have judicial power. Any litigant in any United States district court in any state of the Union is warned that these courts have no Article III, Section 2 judicial power, whatsoever. The United States district courts of the several states are not judicial courts and the judges that sit in those courts are not Article III judges. Judges of these courts are appointed for life terms but they obtain judicial powers only when appointed to judicial courts with Article III power. The court is the equivalent of an office. An office has power because the officer that occupies that office has duties to exercise in that office. District courts and district court judges of the United States have been mistaken for Article III courts and judges since the Judiciary Act of 1789. The mistaken belief that a court has jurisdiction is sufficient to confer it when everyone is equally mistaken, but that jurisdiction remains what it is and not what it is mistaken to be.

Names are labels and like book covers do a notoriously bad job of identifying contents. Just as a book cannot be accurately judged by its cover, a federal trial court is not accurately described by the name of the state where it is located. The names of the federal trial courts in the several states are labels that are fully explained in the first sentence of the "Historical and Revision Notes" that are part of the law: "Sections 81-131 of this chapter show the territorial composition of districts and divisions by counties as of January 1, 1945." Since the conclusion of the Civil War, the States of the Union are the federal territory within the state and the state officers who have taken an oath to uphold the United States Constitution. Since President's Day, the Mayor of San Francisco has extended the equal protection clause of the Fourteenth Amendment to its logical conclusion by permitting same-sex couples to pay a tax in order to obtain an application, license and certificate of marriage just like anyone else. States cannot regulate marriage but like the federal government can tax it by license. The State of California like other opponents of gay marriage is learning that the courts cannot enjoin the collection of a tax, especially one that is voluntary. The right to marry is a human right and human rights are to be secured by government not abridged. Government involvement in marriage is limited to imposing a tax on those who submit to an application process and payment for a license and obtaining a certificate of registration.

The subject matter of Chapter 5 of Title 28 U.S.C. is the territorial composition of districts and divisions by counties as of January 1, 1945 of the courts named in Sections 81-131 which can only be the areas subject to the exclusive jurisdiction of the United States' federal territory. These areas consist of places like the National Parks, military bases, federal buildings and federal courthouses. Crimes that occur on or in these federal places are federal crimes and the federal courts for the district is the proper forum for trials of those crimes. Article III judicial power is not needed for those courts and those courts are certainly without such power.

There is no room for legalistic interpretations of Chapter 5. On January 1,

1945, the judicial districts of United States district courts had only one thing in common?those judicial districts consisted of federal territory and some admiralty jurisdiction for some coastal courts. Those common characteristic have not changed since then and even if they had the January 1, 1945 date was to be used to reckon the federal territories existing on a given date. The January 1, 1945 date is critical to understanding the United States district courts territorial jurisdiction as consisting of federal territory as of a time in a span of time. The first day of 1945 forces the mind to focus on that which can change within geographical boundaries?federal territory, which can be increased by purchase and consent of the Legislature of the State.

The only legislation, since the first judiciary act on September 24, 1789, to create an Article III United States district court is found in §91 of Title 28 U.S.C. That section documents the change of a territorial court to an Article III court without actually giving the court Article III judicial power. Nothing can be done to change the nature of these courts in the several states without the direct intervention of Congress by legislation. A judge without judicial power can do nothing to change the jurisdiction of the court where he presides. Any litigant or defendant in any federal court proceeding who attempts to have the United States district court consider the issues raised in this letter should be aware that the American Law Institute?s Restatement of Judgments holds that such a litigant is bound by the court?s ruling. A federal judge sitting in a trial court in any United States district court is without judicial power. While such an official can be a life-tenured bureaucrat, such an official cannot be expected to rule other than administratively.

THESE ARE THE FACTS

No United States district court in any state may lawfully exercise Article III court power. The lawful jurisdiction of the federal district court or courts is limited to those places where Congress has exclusive jurisdiction. It is also clear that federal judges and federal courts have been used in the past by the federal government to control those persons opposed to the usurpation of power by the national government. The federal courts known as United States District Courts are federal and territorial in that these courts implement administrative law on territory exclusively under the jurisdiction of the United States.

United States district courts are being used by Congress primarily to prevent the rendition of law and equity in national courts by masquerading as Article III courts. These courts are incapable of achieving justice because they are not Article III courts. Generally speaking, we have a federal government that consists of a Congress of the United States, a President of the United States and district courts of the United States because there is one in Hawaii and one is Washington D. C.

The true nature of the government of the United States of America is libertarian. Very few of the ?Posterity of the People? that ordained and established the Constitution are aware that the loose confederation of state governments that became the United States of America is a true libertarian government.

The purpose of the Constitution was to establish and limit government to the purposes for which it was established. Unfortunately, the Congress has used very effectively the mechanisms in the Constitution to limit the third branch of the national government to the people?s detriment. Congress has intentionally failed or refused to provide Article III courts in the several states.

The present intent of the federal government is to subject citizens of the several states to its administration. Most if not all people who find themselves in a federal court are not aware that court has no Article III judicial power.

Americans do not want to be in federal courts that cannot dispense justice. For more than 200 years Americans have been subjected to administrative law in courts they believed were dispensing the judicial power of the United States.

Disguised administrative courts are being used to subvert freedom. The federal district courts are administrative, legislative, non-judicial courts that are an extension of any administrative harassment caused by persons claiming to represent the national government.

Individuals appointed to United States district courts are permitted to believe that they are Article III judges because they are appointed for life. These individuals are actually urged by the other two branches of federal government to act like Article III judges.

Article III judicial power imposes self-restraint on judges. Only judges appointed to Article III courts may exercise the judicial power of the United States found in Article III, Section 2. Judicial power imposes restraints on the judges that have it and that serves as some protection from judicial abuse. All justices appointed to the Supreme Court of the United States are genuine Article III judges.

The judges of other than judicial courts, of course, have no constitutional judicial power so they tend to be extremely rigid in the way they administer their ?judicial business.? These judges are or can be called territorial, legislative or administrative. The rigidity of the non-judicial court is the result of the tight rein that the Congress maintains over the personnel and business of non-Article III courts to solely achieve congressional purposes.

The Constitution is a limitation on Congress. The Constitution grants to Congress power to create courts by exercising three different powers. At various times in the history of this country Congress has created courts using these various powers under Article I, Article III and Article IV of the Constitution:

The Congress shall have power?To constitute Tribunals inferior to the supreme Court;

The judicial power of the United States, shall be vested in one supreme court, and such inferior Courts as the Congress may from time to time ordain and establish.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

Article III courts would also be limited to a territorial jurisdiction. Based on examination of the statute law that created the various territorial United States district courts throughout the several states, Article III courts would also be of limited federal territorial jurisdiction.

Lawyers and judges must be aware of the true nature of the courts they practice and preside in. Everyone must be made aware that the United States district courts established in California and in 48 other states by

United States Statute are not Article III courts.

There should be no confusion as to the difference between Article III courts and those courts that are not Article III courts. Article III district courts are not territorially different from the tribunals inferior to the Supreme Court that Congress may constitute pursuant to Article I. Federal courts do not extend their judicial districts beyond federal territory. Article III courts are "territorial courts" that may exercise the judicial power of the United States? Article I and IV courts have no such power.

Congress has established Article III district courts in Hawaii and the District of Columbia. The 2 district courts of the United States that were ultimately pronounced ordained and established by Congress pursuant to Article III of the Constitution are the only ones that can exercise the judicial power of the national government.

Lifetime tenure during good behavior is criteria for a judge not criteria for an Article III court. Lifetime tenure fuels the universal presumption in the legal academic community that the federal districts courts are Article III courts and the judges that sit on those courts are Article III judges.

Because Congress can make law locally or nationally, it must be presumed that law enacted by Congress is territorial in scope rather than national, *Foley Bros. Inc. v. Filardo* 336 U.S. 281(1949), unless a contrary intent is shown in the legislation itself. The legislation creating the district court for Hawaii is a clear example of the presumption and an example of a national legislative intent to create an Article III court.

Combining the district court for Puerto Rico with the other United States District Courts identifies them all as territorial. The federal district courts are found in Title 28 U.S.C. Judiciary and Judicial Procedure, in the sections numbered from 81 to 131. Title 28 U.S.C. was enacted into positive law in 1948. The district courts were found in Chapter 5 just as they are today. The districts themselves had not changed from 1911 when they were described as the territory that existed on July 1, 1910. The territory was, for example, the "State of California" which then and now consists of the federal territory within California.

Puerto Rico is not a state of the Union. Its inclusion in Chapter 5 and appearance in §119 identifies the "states" in the sections of Chapter 5 as mere labels for the areas of federal territory. The Commonwealth of Puerto Rico includes the federal territory under the jurisdiction of the United States. Included, for example, in the "State of California" is the territory of the United States located in the California Republic. Use of the "State of California" facilitates the use of federal law to create a California personal income tax. State of California denotes those special federal places where the United States has jurisdiction.

Congress established the only Article III court for a state of the Union in Hawaii. Hawaii appears in §91 as the only Article III court but that court is qualified as to the way judges are to be appointed to that court. That qualification precludes the exercise of Article III judicial power by any judge appointed to that court. Under the heading for § 91 Hawaii, "Court of the United States; District Judges," will found, Section 9 (a) of Pub. L. 86-3 which provides that:

"The United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thence forth be a court of the United States with judicial power derived from article III, of

the Constitution of the United States: Provided, however, that the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior.?

All of Title 28 U.S.C. provides for the territorial government of the United States and nothing of Article III can be put back into it without destroying the entire Title 28 U.S.C. as positive law. In other words, there may be a present belief by all of the state and federal judiciary, all the legal academic community and all the local, state and federal government officials that the United States district courts for the 50 states of the Union are Article III courts, but they are wrong.

Congress prevented the ordination of the Article III it established for Hawaii by denying the court full Article III judges. Congress took a territorial court established by and existing under title 28 and created an Article III district court for Hawaii. It must be noted that the territorial jurisdiction did not change?only the description of the court.

Congress has provided that territorial Title 28 U.S.C. judges be appointed to the United States district court for the district of Hawaii are to be appointed to an Article III court. The district judges for the district of Hawaii are specifically to be appointed by the President pursuant to sections 133 and 134 of title 28, United States Code, as officers of the United States but not as judges of an Article III court. These two sections are also to be used in appointing any of 7 judges of the Puerto Rico district should a vacancy occur there. It can be deduced that appointment pursuant to § § 133 and 134 of Title 28, will always produce territorial judges.

The Hawaii judicial district established in § 91 of the Judicial Code of 1948 was a territorial court. Section 9 (a) above clearly indicates that prior to the admission to statehood, the United States District Court of Hawaii was not a true United States court established under Article III of the Constitution, to administer the judicial power of the United States, *Balzac v. Porto Rico*, 258 U.S. 298, 312 (1922). In *Balzac*, Chief Justice William Howard Taft stated that United States District Court for Arecibo, Porto Rico, as Puerto Rico was known then, "created by virtue of the sovereign congressional faculty, granted under Article IV, § 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States.?"

Puerto Rico is the Commonwealth of Puerto Rico and it has not been incorporated into the United States though its inhabitants are United States citizens. The inclusion of Puerto Rico in Chapter 5 as § 119 does not make the district court for Puerto Rico an Article III court because Puerto Rico has not been incorporated into the Union. Puerto Rico fits comfortably among the names of the 50 states because the geographical areas are mini federal territories or federal enclaves.

United States Government people are required to obey the United States Code; it is their duty to obey that law. The government's law requires the total obedience of government's officers and employees.

Citizens are not part of government and they are not its subjects. Citizens can impose upon only themselves certain legal duties, if they want. There is only one duty that citizens have that indirectly protects the

government. In the words of the Declaration of Independence, "Governments are instituted among men? to secure God given rights.

When government attempts to impose duties or obligations on citizens, a duty arises that demands that citizens must investigate and then determine the nature and extent of the authority of every person, group of persons, a grand jury, claiming any authority relationship with any government. As an abstract entity, a government maintains integrity through its agents and employees lawfully interacting with the public. A citizen?s failure to carry out the investigation and determination of authority has grave consequences both for the citizen, his fellow citizens and the government.

Only Hawaii has an Article III district court and that court cannot function as one. No other state has an Article III court. The federal district courts of California fall squarely within the mold of the federal courts of the 49 states that have no Article III district courts. Examination of copies of all the Statute Laws described in the annotations to all the Chapter 5 sections of Title 28 that establish district courts in the states and Hawaii reveals that Hawaii has the only Article III district court.

Citizens have a duty to discover the true authority of those claim government power. The consequences of not investigating and not determining the nature and extent of the authority claimed is that you may have to bear the costs of your failure to do so.

The use of the term, "district courts of the United States" refers to Article III courts. There are no more than two "district courts of the United States." There is no doubt that the district court for Hawaii is an Article III court?that?s one. The § 88 court for the District of Columbia is another. The Historical and Revision Notes to that section makes it clear that the District of Columbia district court is a constitutional court established and ordained under Article III. The existence of at least two "district courts of the United States" permits the general usage of language that refers to the "district courts of the United States" as Article III courts.

State courts that were already established when the Constitution was ratified were duty bound to obey the Constitution and the laws enacted pursuant to it. Reference to the Judiciary Act of 1789 clarified and substantiated that no Article III district courts had been created in the several states pursuant to that law.

The federal trial courts during the period of the Judiciary Act of 1789 were manned by two United States Supreme Court justices riding circuit and the district judge for the district. Districts were created for territories that by the date of enactment, September 24, 1789 had not yet ratified the Constitution because, of course, they were not states. North Carolina did not ratify the Constitution until after enactment of the Judiciary Act of 1789. District courts created under that act could not have been created under Article III.

Grand and petit jurors determine if they are citizens of the United States and whether they have resided in judicial district for a year. In 1968 Congress enacted the Jury Selection and Service Act that uses the nation?s voter registration system as the basis for jury selection in the federal courts.

Examination of available jury selection plans the district courts have created and that have been approved by the federal courts of appeal reveal no knowledge of the true territorial composition of the United

States district courts. The jury questionnaire in common use merely asks an applicant a half dozen questions beginning with, if he or she is a citizen of the United States and a resident of the judicial district for at least a year.

Very few Americans can prove that they are, indeed, citizens of the United States and practically no one understands that the Sixth Amendment requires that territorial composition be established prior to trial. For all of the states, district court vicinage is the federal territory within the counties that comprise the district. This is the only vicinage that satisfies the 6th Amendment command that the ?district shall have been previously ascertained by law.? An individual jurors impression of what constitutes the judicial district does not satisfy the Constitution.

All trial courts must have districts which shall have been previously ascertained by law. Venue and vicinage are being confused because an erroneous assumption is being universally made that the federal district courts are Article III courts and federal judges are Article III judges. Vicinage corresponds to territorial composition and describes where jurors come from. The areas from where Article III court jurors are to be drawn is the same as the territorial composition of the federal court. from the federal territory within a district comprised of named counties but they are being drawn from outside the federal territory. Any grand and petit juror that resides outside a federal territory does not reside within the district and can successfully be challenged as unqualified.

A federal territorial court without Article III power cannot be conferred such power by the litigants. One United States district court cannot legitimately serve both local federal and national interests. The interests of the two courts are almost completely mutually exclusive. Territorial courts without judicial power tenaciously serve the need of Congress to administer government law. These courts only have the jurisdiction conferred on them by Congress and they guard that jurisdiction to the exclusion of all other judicial concepts.

All the United States district courts in 49 of the several states are other than Article III courts. There is no evidence that the United States district courts for any state other than Hawaii is ordained and established pursuant to Article III, Section 1; therefore, they are not vested with the judicial power of the United States. Article III has not been invoked by Congress in creating any other state?s federal district courts and the 1911 Judiciary Act specifically creates those federal courts from the territory of the United States. When it is apparent that court officials are unaware of the limitations on their authority, it is never wise to attempt to correct these officials in their own court.

Non-judicial, legislative, administrative and territorial courts are incapable of exercising the judicial power of the United States, which can only be found in an Article III court. Article III of the Constitution has expressly granted to Congress the power to vest courts inferior to the Supreme Court with the judicial power of the United States. The Constitution does not prohibit the creation of federal courts outside of Article III. It follows, therefore, that at the very least Congress must invoke the authority of Article III in creating Article III courts just so one court can be distinguished from another.

The evidence that exists to show that the federal district courts are ordained and established pursuant to Article III is anecdotal or circumstantial. The Constitution provides that Congress shall vest the judicial power of the United States in ?such inferior Courts as the

Congress may from time to time ordain and establish.? That same language was used in the Preamble to the Constitution to ?ordain and establish this Constitution for the United States of America.? There can be no question that the Congress has established but not ordained an Article III in Hawaii and in no other states. All that remains is to understand the consequences of what has happened and to learn from it.

Legal scholars assume without justification that the federal district courts are Article III courts. I have discovered and I hope proven that no responsible public federal officer has ever questioned their assumptions. In all the legal literature I examined, status of the United States district courts as Article III was assumed despite all the contrary authoritative evidence. The United States Supreme Court in two cases: *Balzac v. Porto Rico*, 258 U.S. 298 (1921) and *Mookini v. United States*, 303 U.S. 201 (1938) made it clear that a ?district court of the United States? described a court created under Article III and a ?United States district court? described a territorial court. The former identified a constitutional court of the United States exercising the judicial power of the United States and the latter merely identified a court for a district of the government of the United States.

Legal scholars are interpreting the power and authority of the federal courts without resort to the statute law that created and established them. The complete statute law and enacted Title 28 U.S.C. is presented here for your consideration. You are again, however, cautioned not to take the issue of jurisdiction to the federal courts as they are presently constituted. The federal courts are territorial legislative courts. This means that they are administrative courts without judicial power and you are without judicial protections if you submit yourself to them. The judges of these courts are there to serve the Congress and not any of the people.

CONCLUSION

The purpose of this letter is to advise and counsel those who fear that they are being oppressed by a distant government. You will find that when you first remove the oppression caused by your own ignorance foreign oppression will subside and the disappear altogether. The United States district courts are territorial and without judicial power. This has been so since the Judiciary Act of 1789. If you do not believe this to be true, I have provided the means by which you can dispute my opinion. The complete absence of any Article III district courts in 49 of the 50 states is a ?judicial? disaster waiting to happen. So far, it appears that no terrorist is aware that he or she may escape prosecution for a crime of terrorism because there is only one judicial court in the United States trial court system. Past Congresses may have been able to successfully construct a complex administrative criminal law process where an accused voluntarily accepts the jurisdiction of a non-article III federal court and judge, but dedicated and emboldened terrorists may be able to destroy it in one case. Congress must immediately establish Article III courts.

My task was to determine the legitimate jurisdiction of the federal district courts in your state. I fulfilled my objective in the only reasonable manner possible; I gathered all the statute law and enacted code law used to create the federal courts in all the states. I found only one instance in which Congress had declared that Article III was used to create the court. The one exception is the district court of Hawaii. Without exception, all the federal courts in your state are territorial. The territory that constitutes each of the judicial districts of each court is the federal enclaves within the counties of the state that comprise those judicial districts. Once the documentation for your local federal courts is reviewed and compared to the cross references provided in the government?s own

Title 28 U.S.C., the public deception becomes flagrant.

The occasion of Hawaii's admission to the Union in 1959 was certainly an appropriate event to establish an Article III court for the federal territory in those islands. Why has Congress not acted to create Article III courts in the remaining 49 states? The simple answer is that would have reduced its power. The more complex answer to that question lies in the need that early Americans felt to declare their independence from an unjust king. The following passage from the Declaration of Independence should teach that history repeats itself, especially, for those who refuse to learn it the first time around.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers. HE has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries. HE has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

Your personal Declaration of Independence can be a simple recognition that Americans have managed to govern themselves without real federal judicial trial courts for more than 200 years.

Very truly yours,
Dr. Eduardo M. Rivera

RECOMMENDATIONS

Since the federal courts in your state are, just that, federal courts, you are cautioned again not to enter United States territory lest you be taken into custody on a trumped up administrative tax evasion or similar charge. Despite the overwhelming evidence, I predict that the federal courts will not readily admit their territorial status and less than Article III status. The last place you would want to appear to prove these courts are territorial is in one of them. The federal courts are only presumed to be Article III. The abuses and usurpations complained of in the Declaration of Independence are common symptoms of all governments. No form of government is immune to them. Judges dependent on the will of the king are like the territorial judges disguised as Article III judges. Under no circumstances should you believe that you will be the first litigant to correct an Article I judge's perception of his Article I court. The only way to correct an erroneous presumption is to correct the public's and the legal profession's perception of these courts.

You should immediately prepare letters setting forth the issue of federal territorial courts in place of Article III courts to your Congressman and Senators, and other influential people especially those in the media. Federal judges and court personnel are without power to correct abuses caused by Congress. Do not attempt to communicate with the judges or court personnel. The realization that socialism would never work destroyed the Union of Soviet Socialist Republics. We have not built our nation on such a flimsy economic system but the federal courts are an important part of the federal government and they need to be reformed.

Protect your privacy. The national government was granted no power in the Constitution that permits it to obtain information about you without your consent. The right to privacy is the most difficult right to regain once it has been lost. Most of those who retain my services are attempting to terminate a past association with the Internal Revenue Service or one

that the IRS is attempting to initiate, in order to regain their privacy. The IRS and Department of Justice have used the public's perception of Article III courts to persuade federal grand juries to bring true bills against innocents. Any legally constituted grand jury that intends to encroach upon your privacy has not been made aware of the material presented in this opinion letter. Every federal grand jury is led to believe that the court that is to provide the trial for any indictments they bring is the lawful one and that the indictment gives them the right to invade your privacy. The individuals on the grand jury have no idea of the difference between an Article III court and an Article I court. The persistence of the men and women of the IRS is attributable to their collective status as employees. Their collective job and the IRS Mission is to get everyone to voluntarily comply with Subtitle A, Title 26 U.S.C. by self-assessing a tax on a U.S. Individual Income Tax Return. The Internal Revenue Service Mission is a relentless assault on the privacy of Americans. Nothing would be more detrimental to the IRS Mission than the establishment of real Article III national government courts. Begin your own investigation of the local federal grand jury and assist others making their own investigations. Once it is apparent to the reader that my research establishes that there are no national government courts, any action of the federal grand jury becomes transparent and it can be seen as the machinations of the United States Attorney. He is attempting to either lure you into the United States territory upon which the United States district court sits so that he can institute or pursue a territorial criminal action against you or he seeks to have you admit jurisdiction. It is often suggested that an appearance should be made as is suggested in the initiating documents. This should never be done because it is an admission of jurisdiction. The doctrine of the Separation of Powers dictates that Article III courts never have jurisdiction over internal revenue issues. An understanding of this basic structure of our government should be all that is necessary to support the statute law establishing the district courts.

Do not claim anything that you cannot prove. Besides avoiding any contacts within property under the jurisdiction of the United States, you will want to avoid claiming that you are a citizen of the United States. The best advice is to never claim anything that you cannot prove. I personally know no one that can prove United States citizenship. A birth certificate from one of the 50 states or a naturalization certificate is sufficient to establish citizenship in any state of the Union and in the United States. A claim on United States citizenship, being a taxpayer or a U.S. person, unfortunately, is a fast track to loss of freedom and privacy. Once lost, these intangibles cannot be regained through the intervention of any of the courts that will be discussed here.

Demand from academics proof of the assumptions they peddle as facts. In the future I will publish a bibliography of the pertinent legal literature on the subject of the ordination and establishment of courts inferior to the United States Supreme Court that exercise the judicial power of the United States. My review of all the legal literature show that the academics assume Article III status for the United States district courts. Of course, anecdotal or circumstantial evidence is completely inadequate to establish a functioning part of the third branch of government, but can be competent to show how deficient government and public education are.

The best legal advice is always to stay out of all litigation. Ordinary litigants seldom, if ever, fare very well in any kind of federal court. You will learn in this opinion letter that all United States district court judges believe that they sit in Article III courts. This belief is based on the notion that the holding of an office during good behavior is the sole criteria for an Article III court and judge. Apparently, good behavior doesn't mean

that you know what kind of court you, as a judge, are in or what the limits of your authority is. No federal judge has been impeached for impersonating an Article III judge.

Your voluntary appearance at courthouse will be interpreted as a consent to territorial jurisdiction of that court, so, any appearance or acquiescence with a demand or request will constitute acceptance of jurisdiction. Any compliance with requests, commands or demands of a territorial court is a conformation of its power. Since we know that you have no federal income tax liability and no other contacts that can form the basis for territorial jurisdiction, any appearance before that court or any agreement to provide testimony is evidence of your consent to that court's jurisdiction.

Responsible citizens question the authority of all government officers that present themselves as lawful representatives. When you fully understand the principles set out, you will see why only the alert citizen can protect himself, the government and the people from unlawful or untrue claims of authority. Aside from retaining me to provide you assistance of counsel, the best advice I can give you is to always question authority and never to act or acquiesce unless you are fully satisfied that the government is authorized. Those who have real authority will never object to demonstrating it and discussing its limits. This, however, will never occur in a United States district court for any state, because there can be no demonstration of Article III authority in any of the federal court for any of the fifty states. Legislative territorial courts cannot be introspective. Such self-examination can only be conducted in real courts by real judges.

All courts including the federal district courts are territorial courts. They have no jurisdiction beyond the federal territory embraced within the judicial district. Some clients feel that they should accommodate the local United States Attorney because that official is located locally. The proximity of the federal prosecutor has nothing to do with jurisdiction. It would be foolish for you to begin to accommodate every prosecutor of every jurisdiction with a claim that you omitted to comply with its local laws. The voluntary acceptance of jurisdiction of territorial federal courts based on their proximity to you is not a rational basis upon which to establish jurisdiction. There must exist some national legislation that concerns you in order to establish jurisdiction. I am aware of no national laws that can be adjudicated in a territorial administrative court.

Begin your investigation of the local federal court and local federal grand jury immediately. Do not allow yourself to be rushed into consenting to the jurisdiction of a court without judicial authority. Without judicial authority no court can set deadlines and without authority a court can only make a void judgment. Making even a special appearance to contest jurisdiction in an administrative court is unwise. Sample letters have been prepared for those who are not certain of the conclusions that must result from my research. Federal courts that are exclusively territorial enable terrorists to escape prosecution by the national government if a crime against Americans is committed outside of federal territory. The total absence of national courts and national laws weakens the nation's stand against international terrorism.

Your own study should be undertaken of any self-proclaimed local federal judicial authority to determine the legitimacy of their claims. You ought to join other investigators of all other United States district court judges particularly those of the Hawaii and Puerto Rico district courts. The study should include what judges claim to be able to exercise Article III judicial power of the United States. These judges appear no different from the

other Title 28 judges appointed to other than Article III district courts. Section 9 (a) provides conclusive proof that judges appointed pursuant to sections 133 and 134 of title 28, United States Code are not Article III judges unless appointed to Article III courts without Title 28 restrictions. The district court judges to the United States District Court for the district of Puerto Rico The Constitution vests the judicial power in the Supreme Court and the inferior Article III courts Congress has yet to ordain and establish in any significant number. All other courts established by Congress may be tribunals but they do not exercise judicial power.

SAMPLE LETTERS

Letter to Clerk of the United States District Court at

Dear Court Clerk:

I have obtained the federal court research of Dr. Eduardo M. Rivera, who received a Juris Doctor degree from the University of California at Los Angeles in 1971 and has been a member of the Bar of California since June 2, 1972. In addition to his legal education and experience, he has a bachelor's degree in government.

I want to verify certain facts about the status of the United States District Court,

I have been told that I can obtain a copy of the Jury Service and Selection Plan approved by the appeals court. I have been unable to obtain from the web site of this court: statements of the status of the court and a description of geographical boundaries of the judicial district. I was told that if I could not obtain these documents off the Internet was unable to obtain those documents from the Internet, they might be available from the Office of the Clerk of the Court.

I am making a request of the following documents because they were not available from the court's web site:

1. Document identifying Article of Constitution under which court was established.
2. Document describing territory that comprises court's judicial district.
3. Copy of the Jury Service and Selection Plan.

He has stated in the opinion letter that he prepared for me that the statute law that established that court does not refer to Article III of the United States Constitution and, therefore, the court cannot be ordained and established under Article III. I must obtain a statement from you, the clerk of the court, as to what article of the United States Constitution was used to establish the court.

His conclusion, based on the statute law which was provided to me along with his opinion letter, is that the court was created pursuant to Article I or IV of the United States Constitution and, therefore, the court is limited to territorial jurisdiction consisting of the lands and improvements over which the government of the United States has exclusive jurisdiction.

The purpose of this letter is to alert you to the fact that the United States District Court, _____ (or here insert the name of the court that has no Article III judicial power. If you disagree with his conclusion that the United States District Court, _____ is a territorial court, I will be happy to send you, upon your request, the underlying material upon which he bases that conclusion and his analysis. All you have to do is disagree with Doctor

Rivera's conclusion that the United States District Court, _____ is a territorial court and I will send you copies of the statute law upon which he relied to make his conclusion.

Very truly yours,

Letter To The Foreman Of The Grand Jury

I retained Dr. Eduardo M. Rivera, who received a Juris Doctor degree from the University of California at Los Angeles in 1971 and has been a member of the Bar of California since June 2, 1972, to prepare an opinion letter regarding the status of the United States District Court, District of _____. In addition to his legal education and experience, he has a bachelor's degree in government.

He stated in the opinion letter that he prepared for me that statute law including Title 28 U.S.C. that established that court does not refer to Article III of the United States Constitution and, therefore, the court cannot be ordained and established under Article III. I must obtain a statement from you, the clerk of the court, as to what article of the United States Constitution was used to establish the court.

Doctor Rivera told me, that to confirm his findings, I should obtain from the web site of the above court: statements of the status of the court and a description of geographical boundaries of the judicial district. He also told me to obtain a copy of the Jury Service and Selection Plan approved by the appeals court. He told me that if I was unable to obtain those documents from the Internet, they might be available from the Office of the Clerk of the Court.

I am making a request of the following documents from you as foreman of the grand jury of this court, because after repeated unsuccessful attempts to obtain the documents from the clerk of the court and they were not available from the court's web site.

1. Document identifying the Article of the Constitution under which the court was established.
2. Document describing territory that comprises court's judicial district.
3. Copy of the Jury Service and Selection Plan.

He has stated in the opinion letter that he prepared for me that the statute law that established that court does not refer to Article III of the United States Constitution and, therefore, the court cannot possibly be ordained and established under Article III. I must obtain a statement from you, the clerk of the court, as to what article of the United States Constitution was used to establish the court.

His conclusion based on the statute law which was provided to me along with his opinion letter is that the court was created pursuant to Article I of the United States Constitution and, therefore, the court is limited to territorial jurisdiction consisting of the lands and improvements over

which the government of the United States has exclusive jurisdiction.

The purpose of this letter is to alert you to the fact that the United States District Court of Arizona (or here insert the name of the court that has no Article III judicial power. If you disagree with his conclusion that the United States District Court, _____ is a territorial court, I will be happy to send you the underlying material upon which he bases that conclusion and his analysis. All you have to do is disagree with Doctor Rivera's conclusion that the United States District Court, _____ is a territorial court and I will send you copies of the statute law upon which he relied to make his conclusion.

Letter to Congressman
The Honorable (full name)
House of Representatives
Washington, D.C.

Dear Mr.

The United States District Court, _____ is located within your congressional district. My attorney told me to obtain a written statement from your office as to the article of the United States Constitution that was used to create the court.

I retained Dr. Eduardo M. Rivera, who received a Juris Doctor degree from the University of California at Los Angeles in 1971 and has been a member of the Bar of California since June 2, 1972, to prepare an opinion letter regarding the status of the United States District Court,

_____.

His conclusion, based on the statute law which was provided to me along with his opinion letter is that the court was created pursuant to Article I of the United States Constitution and, therefore, the court is limited to territorial jurisdiction consisting of the lands and improvements over which the government of the United States has exclusive jurisdiction.

The purpose of this letter is to alert you to the fact that the United States District Court _____ has no Article III judicial power. If you disagree with his conclusion, that the United States District Court, _____ is a territorial court, I will be happy to send you the underlying material upon which he bases that conclusion and his analysis. All you have to do is disagree with Doctor Rivera's conclusion that the United States District Court, _____ is a territorial court and I will send you copies of the statute law upon which he relied to make his conclusion.

Very truly yours,

Letter to United States Senator
The Honorable (full name)
United States Senate
Washington, D.C.

Dear Mr.

The United States District Court, _____ is located within the exterior boundaries of (State). My attorney told me to obtain a written statement from your office as to what article of the

United States Constitution was used to create the court. Will you please respond in writing to my request?

I retained Dr. Eduardo M. Rivera, who received a Juris Doctor degree from the University of California at Los Angeles in 1971 and who has been a member of the Bar of California since June 2, 1972, to prepare an opinion letter regarding the status of the United States District Court,

_____.

His conclusion, based on the statute law which was provided to me along with his opinion letter, is that the court was created pursuant to Article I of the United States Constitution and, therefore, the court is limited to territorial jurisdiction consisting of the lands and improvements over which the government of the United States has exclusive jurisdiction.

The purpose of this letter is to alert you to the fact that the United States District Court, _____ has no Article III judicial power. If you disagree with his conclusion that the United States District Court, _____ is a territorial court, I will be happy to send you the underlying material upon which he bases that conclusion and his analysis. All you have to do is disagree with Doctor Rivera's conclusion that the United States District Court, _____ is a territorial court and I will send you copies of the statute law upon which he relied to make his conclusion.

Very truly yours,

Letter to United States Attorney
The Honorable (full name)
United States Attorney
The United States District Court,
Middle District of _____
Dear Mr.

The United States District Court, Middle District of _____ is located within the exterior boundaries of Florida. My attorney told me to obtain a written statement from your office as to what article of the United States Constitution was used to create the court. Will you please respond in writing to my request?

I retained Dr. Eduardo M. Rivera, who received a Juris Doctor degree from the University of California at Los Angeles in 1971 and who has been a member of the Bar of California since June 2, 1972, to prepare an opinion letter regarding the status of the United States District Court, Arizona.

His conclusion, based on the statute law which was provided to me along with his opinion letter, is that the court was created pursuant to Article I of the United States Constitution and, therefore, the court is limited to territorial jurisdiction consisting of the lands and improvements over which the government of the United States has exclusive jurisdiction.

The purpose of this letter is to alert you to the fact that the United States District Court, _____ has no Article III judicial power. If you disagree with his conclusion that the United States District Court, Middle District of _____ Division is a territorial court, I will be happy to send you the underlying material upon which he bases that conclusion and his analysis. All you have to do is disagree with Doctor Rivera's conclusion that the United States District Court, _____ is a territorial court and I will send you copies of

the statute law upon which he relied to make his conclusion.

REPLY

[Big Al](#) on 08-03-2006, 07:37 AM

#1

The above was in evolution when it was posted. Ed has further research added in his and Chris Hansen work "WHAT HAPPENED TO JUSTICE". His work is not stagnant, it is a work in progress. I have received Ed permission to make his Video available here in my home state. I have copied from VHS to DVD. What a fine team Ed and Chris make! When you become aware of what they expose you will understand why the DOJ and IRS has worked so hard to shut them up. 🙄

REPLY

[David Merrill](#) on 08-10-2006, 05:14 AM

#2

salary requirements

Interesting. I can make that video available here. I can break it into segments if necessary.

<http://www.suijuris.net/forum/articl...ct-1789-a.html>

Last edited by David Merrill : 08-10-2006 at 06:32 AM. Reason: add link

REPLY

[cz3000](#) on 08-25-2006, 10:21 AM

#3

Present federal law is limited to federal territory and the three branches of government. When government is properly operating, persons, officers and employees of one of the three branches are prohibited from performing the duties of the other two branches.

REPLY

[mrg](#) on 08-25-2006, 07:14 PM

#4

Quote:

Originally Posted by **cz3000**

Present federal law is limited to federal territory and the three branches of government.

When government is properly operating, persons, officers and employees of one of the three branches are prohibited from performing the duties of the other two branches.

"...this Constitution for the United States of America" **IS** government.

This Constitution has been vested legislative Powers (plural), executive Power (singular), and judicial Power (singular), **without** government, **under** proper Title: "We The People of the United States;" who did "ordain and establish this Constitution **for** the United States of America.

There are **NO** "branches of government" within government; which government **IS**, in and of itself, "...this Constitution for thr United States of America."

REPLY

[David Merrill](#) on 08-30-2006, 05:26 PM


#5

administrative law

I believe the applicable term mrg, is Administrative Law as found in *American Jurisprudence*. Often it is

called "government in miniature" and it lacks checks and balances.

Attached Files

 [Bob_Shulz_revealing_appeal.pdf](#) (47.7 KB, 13 views)

REPLY

[cz3000](#) on 08-30-2006, 06:44 PM

#6

Quote:

Originally Posted by **mrg**

*There are **NO** "branches of government" within government; which government **IS**, in and of itself, "...this Constitution for thr United States of America."*

I agree - Articles I, II and III work together in order that "government" may function properly.

Doctrine of Separation of Powers. . .

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:
etc. . .

It **does not** say the judicial Power shall be vested in a President. . .

The separation of American government into three branches makes it impossible for the three branches of government to do more than what is permitted by the Constitution.

The State and Federal Constitutions are "operating manuals" for government; the "HOW TO" GOVERN.

Under the Doctrine of Separation of Powers, government is "divided into three parts," therefore, government can only be unified in the mind of the unknowing.

"Cant' we all just get along?"

Last edited by cz3000 : 08-30-2006 at 07:16 PM.

REPLY

[Big Al](#) on 08-30-2006, 07:48 PM

#7

"Administrative Law as found in American Jurisprudence" David is correct, this crap came about starting in the 1920's and has progressed since. The purpose was to make law more efficient. It comes from Europe. It has been often called the fourth branch of government. This crap is the reason people think there is a conspiracy in America. If you understand this crap your eyes will be open to how the courts pull off all the crap they do. Easy ways to beat it as long as you know your state Constitution. Understand how this works and you start down the road to having a good grasp on how to beat them at their own games.



REPLY

[David Merrill](#) on 08-30-2006, 08:13 PM

#8

one of many examples...

http://friends-n-family-research.inf...and_Decree.rtf

court of record

REPLY

cz3000 on 08-30-2006, 10:31 PM

#9

can you expand regarding the state constitution 'angle?'
thanks.

Quote:

Originally Posted by **Big Al**

"Administrative Law as found in American Jurisprudence" David is correct, this crap came about starting in the 1920's and has progressed since. The purpose was to make law more efficient. It comes from Europe. It has been often called the fourth branch of government. This crap is the reason people think there is a conspiracy in America. If you understand this crap your eyes will be open to how the courts pull off all the crap they do. Easy ways to beat it as long as you know your state Constitution. Understand how this works and you start down the road to having a good grasp on how to beat them at their own games. 🤪

REPLY

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