

Dear Reader,

1. I, \_\_\_\_\_ cannot possibly get a fair trial in the \_\_\_\_\_

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Federal grand and petit jurors claim that they reside within the judicial district of the federal courts they serve and **few understand that they do not**. All United States district courts judges, except those who serve in Washington, D.C. and Manhattan, New York, must reside within the judicial district they serve (See 28 U.S. C. § 134). **Federal judicial districts consist of the federal territory subject to the exclusive legislative power of Congress on January 1, 1945** (See HISTORICAL AND REVISION NOTES of Chapter 5 of Title 28 of the United States Code). Federal law establishing the districts and divisions of the federal courts conforms with the Sixth Amendment requirement of a district previously ascertained by law, **but the purpose of the Amendment is defeated if no one knows that it's just the federal territory in the counties that comprises the districts and divisions.**

2. Article IV of both the Articles of Confederation and the Constitution confirm for the Citizens of each state all the privileges and immunities of citizens in the several states, thereby, giving real meaning to the phrase "citizen of the United States". The Fourteenth Amendment made citizens out of former slaves and forbade state governments from abridging the privileges and immunities of those new citizens. Federally chartered corporations are, according to the Supreme Court, United States citizens subject to the jurisdiction of the United States and so are United States citizens residing in the United States. **Few attorneys realize that the United States also means federal territory** (See 28 USC 3002(15)(A) and (19 C.J.S. 883), so corporations have gone to the extreme of going offshore, when **all that they had to do was establish that the corporation was not doing business on federal land**. Just about anyone can be a U.S. or United States citizen, but a person has to have deep roots in federal territory to be a resident of a federal judicial district. **A little investigation will reveal few, if any, federal jurors are qualified to indict or convict.**

Only a state citizen has natural and common law rights by the paramount authority of God's Law.

3. The grand jury that brought the superseding indictment against \_\_\_\_\_ could be successfully challenged as not residing within the judicial district of \_\_\_\_\_. **To be qualified to sit as federal jurors, both grand and petit jurors must reside in the judicial district for one year** (See 28 USC § 1865(b)(1) ), **which is not just anywhere** in Minnesota, South Dakota, Wisconsin, etc., **but within the federal territory in those counties.**

4. According to Chapter Five, Title 28 USC, Sections 81-131 and the HISTORICAL AND REVISION NOTES of Chapter 5 of title 28 of the United States Code, the territorial composition of the districts and divisions of the United States district courts is the federal territory, within the named counties comprising the districts and divisions, subject to the exclusive legislative power of Congress, as of January 1, 1945. Section 134 of that title requires all district court judges, except for two courts, to reside within the district to which the judge was appointed. The Sixth Amendment demands that an impartial jury from the "district wherein the crime shall have been committed", be provided in a speedy and public trial. The importance of the date of January 1, 1945, has been forgotten by nearly all judges and lawyers, so today federal district judges and federal jurors all blithely claim to reside within the judicial district. Section 1864(b) Title 28 U.S.

C. makes willful misrepresentation of a material fact by a juror punishable by fine and imprisonment.

5. Today's federal trial courts familiar to everyone following corporate scandal, music file sharing and medical marijuana cases have their origin in the Judiciary Act of 1789. That act created thirteen judicial districts although at the time all the thirteen original states had not ratified the Constitution. The title of the act that created the first district courts caused the misconception that these courts exercise constitutional judicial power---they do not. A close examination of the Judiciary Act of 1789 and every subsequent “judicial” legislative act of Congress since will reveal but one United States District Court created in any of the several states. The history, times and cases of the United States district courts is much different when told by the media and the legal community than the one told in the Constitution and the acts of Congress. The story as told there requires some deciphering of Title 28 U.S. C., because that title has been enacted into positive law. Title 28 U.S. C. thus enacted reflects accurately what is in the statutes covering the federal judiciary and there, only one Article III district court has been ordained and established in any of the several states.

6. Territory is defined in Black's Law Dictionary 3rd, as, “A part of a country separated from the rest, and subject to a particular jurisdiction”. In America there are two kinds of territory one is federal territory and the other is not. The Judiciary Act of 1789 is concerned with constitutional judicial power when it deals with the Supreme Court and other powers when the district courts are created in federal territory. The Constitution in Article I, Section 8, Clause 17 grants Congress the power:

“To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings”;

Additional and important background information concerning statutory procedural requirements necessary for the exercise of this power may be found in the United States Code, See 40 U.S. C. § 255, 40 U.S. C. S. 3111, 40 U.S. C. § 3112 (note the second paragraph of Interpretive Note 3 which states, “In view of former 40 USC § 255, no jurisdiction existed in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States had been filed in behalf of United States as provided in said section, and fact that state had authorized government to take jurisdiction was immaterial”), 18 U.S. C. §4001(a) (“No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress”), and 18 U.S. C. Rule 54 definition of an Act of Congress (“Act of Congress” includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory, or in an insular possession”).

7. Congress is, thus, exercising this “exclusive Legislation” power when it establishes the district courts in the several states in Chapter 5 of Title 28 U.S. C. and a “like Authority” when it creates a district court in Puerto Rico in § 119 of that chapter and title. Unless it can be shown to be exercising Article III jurisdiction to “create such inferior courts as Congress shall from time to time ordain and establish”, Congress is creating ordinary federal government courts to do federal government business. Has Congress created an Article III court in Puerto Rico?

8. To pose the question in this fashion is to answer it because Puerto Rico is not a state of the Union. As a possession of the United States, Puerto Rico is incapable of exercising any of the powers of self-government, including the judicial power. It is well settled that Article III judicial power cannot be exercised in a mere possession of the United States, even if it is called a

Commonwealth. Or is the law well settled? *The United States Government Manual* for many years has claimed that the district court in Puerto Rico is an Article III district court. To see for yourself, go to [www.gpoaccess.gov/gmanual/](http://www.gpoaccess.gov/gmanual/) and browse to page 73 of the 2003-04 edition.

9. To learn how Congress created the only Article III United States district court in the several states go to §§ 91 and 119 of Title 28 U.S. C., which can be accessed, on the World Web at [Http://uscode.house.gov/title.2;8:htm](http://uscode.house.gov/title.2;8:htm).

10. Chapter 5, Title 28 U.S. C., of course, disposes of the issue by reference to the political condition of the present 50 several states of the Union, Washington D.C., and Puerto Rico as of January 1, 1945. On that date Hawaii and Alaska were most certainly Territories, (rather than “territories”. See the 1954 Internal Revenue Code, sections 7701(a) (9) & (10) and the current 4 U.S. C. § 111 History section) so if the “territorial composition” of the list of courts presented from Section 81 to 131 is to be consistent, it must be, and is today, the federal territory that is contained within the counties and parishes of geographic state names listed.

11. Sections 81-131 of Chapter 5 — District Courts does, indeed, show the territorial composition of the districts and divisions by counties. Louisiana parishes are recognized by the United States Code as counties. On January 1, 1945, the territorial composition of the United States District Courts in the 48 states consisted of the same kind of federal Territory/territory that existed in Alaska and Hawaii, the two Territories, as it does today. Federal territory is the only kind of territory common to the several states, the District of Columbia, the territories and Puerto Rico.

12. The Historical and Revision Notes to § 91. Hawaii clearly states that the district court that had existed in Hawaii on January 1, 1945 was a territorial court established by and existing under Title 28 U.S. C. by making it, upon achieving statehood, “a court of the United States with judicial power derived from article III, section 1 of the Constitution of the United States”. Title 28 U.S. C. is territorial law because it was used to establish the district court in Hawaii when it was a Territory. Congress, also, specifically provides for territorial judges to be appointed pursuant to sections 133 and 134 of Title 28 U.S. C., thus preventing the Hawaii court from actually functioning as an Article III United States District Court. District court judges it turns out are life-tenured administrators not constitutional judicial officers.

13. The reader should examine Chapter 5 of Title 28 U.S. C. <http://uscode.house.gov/title 28.htm>. In its entirety to dispel any thoughts that any of the United States District Courts are capable of exercising Article III judicial power anywhere within their lawful federal territorial jurisdiction. Although the statements made here are based entirely upon the thoughts and opinions of the author, those statements are based upon a literal reading of the statutes that have created the federal district courts. I am not making an argument that the territorial composition of the \_\_\_\_\_ federal court is the federal territory within \_\_\_\_\_ counties on January 1, 1945, I am stating a fact. A statement that the territorial composition of that court is all territory in those counties is a statement of a fact that must be supported by other facts. Argument must be avoided because argument does not establish the territorial composition of the districts and divisions of the

United States district courts. Argument does not aid in the attainment of additional facts needed to make necessary corrections to our criminal justice system. For example, from the statement in §91 that the territorial court in Hawaii was established by and existing under Title 28 U.S. C. we can conclude that Title 28 U.S. C. is territorial law. This fact further explains the character of the United States district courts and the true character of the entire federal government.

14. There are two conflicting schools of thought about the criminal justice system that must be reconciled before any solutions to be the broken system can be formulated. The criminal justice system is thought to be terribly flawed, but there is still the belief that t criminal defendant can obtain justice in a criminal court. It is impossible for the vase majority of federal criminal defendants to obtain justice in a federal district court because those courts are limited to administrative law and to federal territory. To do justice, a court, judge and jury must have access to all the pertinent facts and all the applicable law----**federal courts deny this**. Since 1789, federal district courts have been limited to the territory subject to the exclusive legislative power of Congress and the only law that is available there is federal administrative law. Its function was to create the independent sovereign states of the Union we have today. Since that work is complete, it's past time to shrink the federal government.

15. A terrible injustice awaits anyone charged with a federal crime in any federal court in anyone of the several states. I invite everyone who reads this to share this information with any past or present federal defendant. In my opinion the only scandal greater than corporate looting, the invasion of Iraq, and the incompetence of the federal government is the suppression of the recognition of the non-judicial power of the United States district courts in the several states. If a few corporate crooks have to go free to focus attention on the hundreds of thousands of transgressions that have occurred in the federal courts, that is a small price to pay.

Very truly your,  
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