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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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United States Districe Court
Arizona

United States of America)	
entity plaintiff)	Case No. 2:09-cv-00444-SRB
)	
v.)	Reply to Plaintiff Response
)	in Opposition to defense Motion
Maria D. Forman, et al)	to Dismiss for failure to
propria persona respondent))	Prosecute
)	
)	

Defendant Chisum hereby replies to the plaintiff response.

Plaintiff begins his frivolous and fictitious opposition by arguing "United States claim" when in fact United States has made no claim. While United States, the federal government may in fact have some illusion of standing or a claim "UNITED STATES OF AMERICA" can not possibly have and that entity is the plaintiff; counsel does not even know whom it represents or intentionally attempts to deceive the court.

Plaintiff's second frivolous and baseless assertion is that some form of its imagination overrides or overrules the substance of the challenge, and the clear edict in Perlaza, 439 F.3d 1149, 1160 (9th 2008); whenever jurisdiction is challenged it must be proven on the record.

Plaintiff then asserts that the jurisdictional basis is set forth in the Complaint and amended complaint which is also a work of a vivid imagination. It is readily apparent that the Assistant US Attorney believes it has the court sowed up tightly in its pocket of prejudice so that the court will just march along in lock step caring nothing about justice.

It would appear obvious that learned counsel's assumption that the court is a mind reader or just his a puppet misleads plaintiff into useless babblings.

Defendant did not and does not asser that the court can never have jurisdiction in such matters but does logically question the jurisdiction in this particular case for good reason, not the least of which is statutes of limitation to question any transfer as fraudulent or anything other than a simple private common law contract and the Constitution itself is very specific in limitations about the integrity of contracts and the obligations thereof.

Article 1 prohibits any state from passing any law to impair the obligations of contracts; and State is defined in 26 USC 7701 as including Washington, D.C.; so it is axiomatic that Washington D.C. is prohibited from making any such laws, or bothering such contracts long past any state's statute of limitations. Thus this suit is clearly beyond the pale of constitutional and statutory limitations in that it is wholly based in attacking private right to property and to contract which are the subject of numerous Supreme Court Authorities that govern this proceeding. Federal Maratime commission v South Carolina State Ports Authority, 2002 relies on a whole series of governing precedents; Marbury v Madison is perhaps the first famous case that expresses limitation upon federal government powers to invade state soveriegnty and attack people's reserved and God given rights. FMC cites Gregory v Ashcroft, 1991; New York v United States, 1992, U.S. v Lopez, 1995, and those case trace to Marbury so that it is plain that the chain of limitations and need for specific proof is unbroken.

For the best and most complete reading of the limitations of the federal entity to attack contracts the US Constitution Annotated is very informative; but wholly ignored by learned counsel.

Two favorite cases that are particularly bearing in this point are Coppage v Kansas where the supreme court says that the practice of law is a common occupation that can not be licensed and Schware that plainly states that a bar membership is not a licanse to practice. There is no evidence in the record or any offered that the attorney persuing this suit is in any lawful way authorized to speak for UNITED STATES OF AMERICA, defined in Black's law as the 50 state republic with DC added. That is precisely different from United States, the federal government as used by plaintiff counsel. Counsel can not and has not named a damaged party, for the 50 state republic has no Constitutional standing in this court.

For United States to assert a claim it must cite in that claim the specific law, in cases of revenue (internal or external) directly traceable to Congress power to legislate. US V HILL

Congress has no revenue authority to legislate this attack upon property, property rights, or the common law contract within the sovereign territory of Arizona. The United States fictitious and frivolous claim is without law and regualation and expressly is by teh Secretary's definition a prohibited direct tax being extorted from a helpless and uneducated widow.

Property and property rights by contract are spelled out in governing precedent which this court and the plaintiff are sworn to follow, and are required by Constituional implications as inferior, and officers of the inferior; all bar members being sworn as officers of the courts in which they practice their craft.

At very minimum counsel should be required to produce the specific contract with United States of America as an officer with litigation authority.

If on the other hand counsel claims to represent the federal government it should be a simple matter to show with proof on the record just how this direct tax on the labor of Howard, or Maria Forman came into being. It is the Secretary of Treasury who is the author and publisher of 19 CFR 351.102 that defines Direct tax as one on wages, salaries, etc., the precise subject of all the fictitious claims against Maria D. Forman, and her deceased husband. It is Revenue Manual 4.7.10.2.8 (1999) where the Commissioner states that court precedents must be followed by internal Revenue Agents. The property in Labor dates back to God himself; it is HIS gift, and gifts are not subject to tax upon the receiver; that is why they are called unalienable in the Declaration, 1776. The Supreme Court follows suit in Butchers Union, 1882, and reaffirms that in every decision following the 16th Amendment, Eisner v Macomber, 1920 lays out the whole story and gives the only lawful definition congress can have for income. It is not and does not reach to any of the dollars earned or held by defendants.

This case is brought as a fraudulent and fictitious extortion of an aged, helpless, ill and uneducated widow and should not only be dismissed this liar should be severely sanctioned for the fraud upon the court and wasting of judicial assets.

Defendant Chisum's right to contract for his labor in the common occupation of his choice has been attacked and maligned in extra constitutional activities by so called government agents

for more than 15 years, extending to this prison term, and this suit where there is and can be no law for direct taxation on the simple exchange of one's labor for other property called money. Property for property in fair exchange, agreed by the parties to the contract is not and can not be the subject of federal taxation for it lies wholly within the sovereignty of the separate states.

There is no specific law on which this court or the plaintiff can hang this claim. The exception would be if an equity contract, or admiralty contract were produced upon the record. All property matters within Arizona are common law issues, and must be adjudicated, even in federal court at common law. For that jurisdiction to exist there must be a real and damaged party. United States can have no legitimate constitutional or statutory claim to the labor and property of Maria D. Forman nor did it have to that of her deceased husband. Howard had a long history of opposing federal expansionism beyond the Constitutional limitations and this is merely retribution for his advocating truth against the liars and extortionists who fraudulently pretend to represent government.

When a government agent or attorney steps outside the express limitations of their authority they no longer represent government and make themselves individually liable.

Yes, defendant appreciates that this puts the court in a difficult position of necessity like that in US v Will, 1980, but as the Supreme court admitted the hard cases is where judges are really needed; and this may be one of those. Footnote 19 (449 US 190, 200) gives Chief Justice Marshall's opinion to show that nothing has changed; when the issues are tough or against what the court

might wish to avoid is yet driven to justice by necessity.

It is of extreme necessity that the court be certain of its jurisdiction, especially where constitutionally protected rights of property and contracts are conserved.

The plaintiff's half hearted assumption of jurisdiction and authority to act can not draw the court into this scheme to invade the home and private life of a defenseless widow. The extreme small numbers and the particular circumstance point directly at some other ambition than a proper and just collection of a legitimate tax. This is nothing more than harassment of a widow because of personal anguish of certain alleged agents and officials acting outside any legitimate authority.

There is no doubt that the court has jurisdiction in certain cases involving property; and there is no doubt that the fraud driven agency has spent many times this pittance to persecute, harass and intimidate an innocent widow.

The property and right to property is common law, as is the contract for its security, and there must be a real damaged party to bring a commonlaw claim against the property and rights; and none exists here.

Wherefore defendant moves that this entire matter be dismissed for the fraud it represents; and such sanctions as the court deems just to alter the behavior of this overzealous pursuit.

There is no citation of Statutes at large that will have any constitutional authority to lay or collect this tax.

Prepared and submitted this 15th day of April, 2010


Jimmy C. Chisum pro per

USA v Maria Forman et al 2:09-cv-00444-SRB

Certificate of service

It is hereby certified that that service was completed for the Reply to Plaintiff Response in Opposition by first class mail, postage paid and addressed to:

Alexis v Andrews
trial Attorney/ Tax Division
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and deposited into the US Postal service receptacle.


Jimmy C. Chisum, pro per