

FILED  
JUL 05 2006  
Clerk, U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT of the UNITED STATES

In and for Oklahoma at Muskogee

UNITED STATES of AMERICA,	) No. <b>05-Cr-00043-RAW</b>
PLAINTIFF,	)
	) DEFENDANT'S AFFIDAVIT OF
vs.	) PREJUDICE; Appearance of fairness is lost,
	) <b>WHITE'S recusal is mandatory.</b>
	)
	)
Jimmy Clayton Chisum, sui juris, en esse	)
Defendant.	)

**Affidavit to RECUSE**

**AFFIDAVIT**

I, Jimmy Clayton Chisum, am a follower of the way, Jesus Christ is my only King and Almighty God my only sovereign. I am allegiant and loyal to God's law and the commands of King Jesus and adhere to man's law whenever there is no conflict (Leviticus 18:3,4); (We ought to obey God rather than man; Acts 5); (all law is a blessing to those who do good). Pursuant to Matthew 5:33-37, and James 1:12 my yeas are yeas, my nays are nays, I lie not as confirmed by Federal Public Law 97-280, aka 96 Stat 1211. I have personal knowledge of the matters stated herein, and acknowledge the liabilities presented in **Briscoe v LaHue, 460 US 325.**

COMES NOW, named Defendant hereto (all rights reserved unless expressly waived), to enter his objections and declaration of prejudice against RONALD A. WHITE having anything whatsoever in matters involving Defendant's case above captioned.

Defendant has attached a criminal complaint to the Motion to Vacate dated 5 July, 2006 and incorporates here by reference (See Joinder at **Ex.A**; Existing complaint in

DEFENDANT'S AFFIDAVIT OF  
PREJUDICE.

Congress at **Ex.B**) against RONALD A. WHITE which details how his misconduct resulted in my false arrest and imprisonment. While RONALD A. WHITE was kind enough to preside over a hearing, he conducted himself in a manner so irrational so as to convince me of a personal requirement to complain under 18 U.S.C. § 4, one omnipresent under any and all of RONALD A. WHITE' further involvement of any nature in any matters concerning me. (See allegations in the Joinder at pg. 3 through 5).

Irregardless of an ability to *preside* fairly, no presiding officer possessive of knowledge that the Defendant is taking steps to have him removed from office and imprisoned can claim to *appear* fair in any matter concerning this the Defendant in any case or instance.

I have additionally complained to the Judicial Committee of the Tenth Circuit Court of Appeals and that complaint is currently under investigation by the entire judicial Council. Mr. White, and Judge Payne have been notified of the Tenth Circuit Action. It is unlikely that even a wholly corrupt court can sweep the complaint to congress and the tenth circuit under the rug of prejudice against non lawyers to give any appearance of fair play.

A party claiming an appearance of fairness doctrine violation has the burden of showing it. *Lake Forest Part v. Hearing Board*, 76 Wn.App. 212, 217 (1994); but it goes farther than the impartiality requirement in that it not only requires an impartial decision maker to be fair, but requires the decision maker to also *appear* to be fair. See *Offutt v. US*, 348 U.S. 11, 14 (1954) (“[J]ustice must satisfy the appearance of justice”); *Medina v. California*, 505 US 437, 464 (1992)(Blackmun, dissent) (“In matters of ethics, appearance and reality often converge as one.”).<sup>1</sup>

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<sup>1</sup> See also *Ex parte McCarthy*, [1924] 1 K.B. 256, 259 (1923) (“[J]ustice should not only be done, but should manifestly and undoubtedly be seen to be done”). I do not see how the appearance of fairness and neutrality can obtain if the bare possibility of a fair hearing is all that the law requires. Cf. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980)(noting the importance of “preserv[ing] both the appearance and reality of fairness,” which “generat[es] the feeling, so important to a popular government, that justice has been done”) (quoting *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 172 (1951) (Frankfurter, J., concurring)). *Litkey v. US*, 510 US 540, 565 (1994)”; *Press-Enterprise Co. v. Superior Ct.*, 487 US 1, 9, 13 (1986); *Vasquez v. Hillery*, 474 US 254, 271 (1986); *Globe Newspaper Co. v. Superior Ct.*, 457 US 596, 606 (1982); *Richmond Newspapers, Inc. v. Virginia*, 448 US 555, 595 (1980); *Marshall v. Jerrico*, 446 US 238, 242 (1980); *Estes v. Texas*, 381 US 532, 543 (1965) (“A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. . . . [T]o perform its high function in the best way, “justice must satisfy the appearance of justice.” *Offutt v. US*, 348 U.S. 11, 14.”);

Appearances of bias are damaging to the public's confidence in our legal system. *State v. Madry*, 8 Wn.App. 61, 70 (1972). The key question is how the proceeding appears to a reasonably prudent and disinterested person. *Brister v. Tacoma City Council*, 27 Wn. App. 474, 487, (1980); *Chicago, Minn., St. Paul & Pacific RR v. State Human Rights Comm'n*, 87 Wn.2d 802, 810 (1976); *Swift v. Island County*, 87 Wn.2d 348, 361 (1976).

Even when a possible conflict of interest or bias doesn't actually occur, but **appears** to occur, it is enough to trigger this doctrine. *Narrowsview-Preservation Ass'n v. Tacoma*, 84 Wn.2d 416, 420 (1974); *Buell v. Bremerton*, 80 Wn.2d 518, 523 (1972). Adjudicators must be "free of entangling influences." *Buell* at 523. And again, the mere possibility, rather than actuality, of a conflict of interest or bias is enough show a violation. *Id.* at 524. Defendant wants RONALD A. WHITE in federal prison and is openly and vigorously pursuing steps to accomplish exactly that. Further involvement on the part of RONALD A. WHITE speaks only of peril, as does allowing a known felon to preside over his victim, irregardless of any pursuit of remedy therefore on the part of the Defendant. While RONALD A. WHITE may be able to *proceed* fairly, he can hardly proceed with the *appearance of fairness* to which the Defendant is entitled, *a fortiori*, RONALD A. WHITE' recusal is a mandatory observation of rights to due process. The appearance of fairness is lost, as it relates to RONALD A. WHITE's involvement in this case, and this assures Defendant rights to WHITE'S recusal from this case. Failure to recuse violates due process, it therefore violates 18 U.S.C. §§ 241 and 242, and Congress has provided that such requires witnesses to such conduct complain, again. Defendant hereby reserves all rights to speedy trial in his refusal to permit the criminal misconduct of others to cause his waiver of this right **against his will**. A manifestation of this right could and should be the granting of the Motion to Dismiss because of the vacancy of the record filed this date.

#### VERIFICATION.

I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein; if he will inform me by facts I will

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*Kentucky v. Stincer*, 482 US 730, 751 (1987) (dissent); *Greenholtz v. Inmates of Nebraska Penal Complex*, 442 US 1 (1979) (dissent).

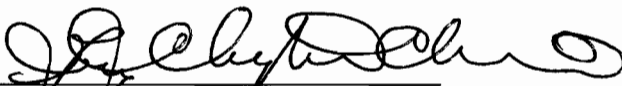
sincerely make every effort to amend my ways. I hereby and herewith reserve the right to amend and amendments to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would contravene or overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof provide me with your counter-affidavit, proving with particularity by stating all requisite actual evidentiary facts or conclusions of law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficient to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father YHWH, through the power and authority of the Holy Spirit sent by His son Jesus the Christ be done in earth as in Heaven. AMEN!

**Reserving ALL Natural GOD-Given Unalienable Birthrights and  
Waiving None of the Liberties granted by Almighty God**

**28 USC 1746**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this 5<sup>th</sup> day of July in the year of our Lord and savior Jesus Christ Two thousand and six AD.

  
Jimmy C. Chisum, sui juris  
48412 N. Black Canyon Hwy. #356

New River, Arizona, 85087

Certificate of Service:

I, Jimmy Clayton Chisum hereby certify that I have personally delivered a copy of the foregoing Affidavit of Prejudice and demand for Recusal of judge whit to Plaintiff by delivery to Jeffrey Gallant at 1200 W. Okmulgee, Muskogee, Oklahoma 74401 this 5<sup>th</sup> day of July 2006 AD.



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UNITED STATES CONGRESS  
WASHINGTON, D.C., filed 12/28/05.

David R. Myrland, Tim Garrison, Lee J. Herold, Jim L. Walden,  
Greg Weiss, Paul Broward, and We the People,  
Complainants,

vs.

UNITED STATES DEPARTMENT OF JUSTICE, ALBERT GONZALES, UNITED STATES  
TREASURY DEPARTMENT, JOHN W. SNOW, INTERNAL REVENUE SERVICE, MARK  
W. EVERSON, U.S. DISTRICT COURT, GARR M. KING, LEE YEAKEL, ROBERT  
WESTINGHOUSE, LISA PERKINS, STEVEN B. BASS, TERRY L. MARTIN, U.S. TAX  
COURT, JOEL BERGER, NORTHWEST AIRLINES, and all those similarly situated or so  
involved,  
DEFENDANTS.

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**CERTIFICATE OF SERVICE**  
**of Joinder of Similarly Situated Parties**

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I, ERNESTO S. GABRIEL, do hereby declare that on June 9, 2006, I did deposit  
the attached document (**Jimmy Clayton Chisum's** Joinder of similarly situated parties to  
the above captioned 18 USC § 4 Complaint) in U.S. Post 1<sup>st</sup> Class and in adequate packaging  
addressed to the following Congressional committees and members at the two addresses below  
and as instructed by postal protocol personnel:

**\*U.S. House of Representatives:** House Postal Operations, 9140 East Hampton Drive,  
Capital Heights, MD 20743, for distribution to the designated locations below.

**\*\*U.S. Senate:** U.S. Senate Post Office, MAIL ROOM SH - B21, Washington, D.C.  
20510-7220, for distribution to the designated locations below.


**\* Committee on Judiciary**  
Hon. F. James Sensenbrenner, Jr.  
2449 Rayburn House Office Bldg.  
Washington, DC 20515

**\* Comm. Gov't Reform/Hon. Tom Davis**  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

**\* Hon. Ron Paul**  
203 Cannon House Office Bldg.  
Washington, DC 20515

**\*\*Joint Committee on Taxation**  
Hon. Charles E. Grassley  
135 Hart Senate Office Building  
Washington, DC 20510-1501

Dated: June 9, 2006

  
\_\_\_\_\_  
Signature

Certificate of Service - Page 1 of 1

TO THE UNITED STATES CONGRESS  
WASHINGTON, D.C.

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No. [ FILE NUMBER - Please advise ]

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David R. Myrland, Tim Garrison, Lee J. Herold, Jim L. Walden,  
Greg Weiss, Paul Broward, and We the People,  
Complainants,

vs.

UNITED STATES DEPARTMENT OF JUSTICE, ALBERT GONZALES, UNITED STATES TREASURY DEPARTMENT, JOHN W. SNOW, INTERNAL REVENUE SERVICE, MARK W. EVERSON, U.S. DISTRICT COURT, GARR M. KING, LEE YEAKEL, ROBERT WESTINGHOUSE, LISA PERKINS, STEVEN B. BASS, TERRY L. MARTIN, U.S. TAX COURT, JOEL BERGER, NORTHWEST AIRLINES, and all those similarly situated or so involved,

DEFENDANTS.

---

COMPLAINT PURSUANT TO 18 U.S.C. § 4 Misprision of felony;  
Violations include 18 U.S.C. §§ 3, 4, 241, 242, 876(d),  
880, 1341, 1343, 1623, 1951(a), 1962(c),  
1962(d); 26 U.S.C. § 7214.

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VERIFIED JOINDER OF PARTIES TO COMPLAINT  
- Jimmy Clayton Chisum, an American, hereby joins -

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\*Joinder of similarly situated party as Co-Complainant.

Dated: June 3<sup>rd</sup>, 2006. Please provide file or complaint number for future reference. **Deemed filed with Joint Committee on Taxation, Committee on Government Reform, and House Judiciary Committee.**

I. VERIFIED AFFIDAVIT OF JOINDER.

1.1 I, Jimmy Clayton Chisum, **do hereby incorporate the above captioned 18 U.S.C. § 4 complaint** (*David R. Myrland, et al., v. U.S. Department of Justice, et al.*, certificate of service dated 12/28/05) by this reference as if fully restated herein, I hereby join it as a Co-Complainant, and I hereby authorize this verified Joinder to be distributed to Congress as such. The attached documents are authentic and prove that I am similarly situated to Complainants in relation to several crimes alleged the subject Complaint. I have too much respect for the law and Congress than to remain silent and I view this Joinder as my legal duty under 18 U.S.C. § 4. As I demonstratively told U.S. Dist. Judge Ronald White, **I don't believe** that I have a duty to file a tax return or pay an income under 26 U.S.C., nor do I believe that I am "willful" regarding any of its penal provisions, civil or criminal. **I am facing sentencing for providing legitimate services, which the U.S. claims caused the loss of taxes nobody can prove Americans actually owe.** All services I provided were absolutely legal but I was charged for contradicting the IRS and its whims, which are proven to have nothing to do with the law. The people for whom I provided services never owed a tax to evade, as has been proven and as briefed.

1.2 I hereby demand that this entire file be deemed a part of my official administrative record for the purposes of any and all future controversies or other matters involving the Defendants in any way. My contact information is attached but is intended for suppression and preclusion from public record regarding this action. Please advise of all developments, *e.g.*, official complaint or file number for the 18 U.S.C. § 4 overture joined hereby. The term "Memo" shall be construed to mean the memorandum in the above captioned 18 U.S.C. § 4 Complaint. Hereinafter I may be referred to as the "Complainant." **Exhibits to this verified joinder** are incorporated as fact by this reference and are as follows:

**Exhibit A:** A True Bill (indictment) against Complainant filed 4/14/05 alleging four counts of tax evasion in violation of 26 U.S.C. § 7201.

**Exhibit B:** Three judicial notices filed by Complainant stating his beliefs as to 26 USC's inapplicability to him and others similarly situated.

**Exhibit C:** Excerpts from transcript of Complainant's 2005 hearing(s) showing ruling of "frivolous."



1.3 I am an American, born and raised in the fifty freely associated compact states (“countries”, see 28 USC 297(b)), and my exhibits (attached) show me to be a victim of misenforcement as briefed, and of additional crimes on the part of Defendants new and previously named alike.

## II. JOINDER OF SIMILARLY SITUATED DEFENDANTS.

2.1 Complainant hereby joins the following individuals as parties defendant to certain charges alleged in the Complaint. JEFFREY A. GALLANT and SHELDON J. SPERLING are the U.S. Attorneys responsible for the commencement of false charges against the Complainant (at the behest of previously named Defendant ALBERT GONZALES) in the attached indictment (**Ex.A** hereto) or who are purported to be associated with is procurement, proving that they are engaged in conduct identical to individuals already named as Defendants to the Complaint, and are similarly situated to Defendant WESTINGHOUSE, and thus are hereby joined under Counts 1-5, 13-18, and 25 of the Complaint. Complainant hereby joins Defendants GONZALES (as repeat offender), JEFFREY A. GALLANT and SHELDON J. SPERLING to the Complaint as similarly situated and now specifically named Defendants to the Complaint. The address for these Defendants is 1200 W. Okmulgee St., Muskogee, Oklahoma 74401.

2.2 Complainant hereby names U.S. District Judge RONALD A. WHITE as a party similarly situated to Defendant KING already named, and hereby joins WHITE to the subject Complaint. In the course of the criminal proceedings against the Complainant, WHITE ruled that everything was frivolous unless the government was presenting it. (**Ex.C** hereto) Supreme Court decisions were swept aside as frivolous and meaningless in relation to his court. The record in Complainant’s criminal case is utterly void of jurisdiction despite Complainant’s many challenges to such. Despite Complainant’s express testimony as to his beliefs, WHITE precluded the jury from determining “willfulness” under 26 USC 7201 (evasion) and ruled contrary to Complainant’s express testimony.

2.3 Defendant WHITE’s exercise of dominion over the element of willfulness is an egregious abuse of discretion constituting purely an end run around the Complainant’s rights to a jury trial and to due process. If WHITE were to allow the Complainant access to the Court the innocent would go free; not in WHITE’s [court]. Defendant WHITE’s address is United States District Court, Eastern District of Oklahoma, 101 N. Fifth Street, Muskogee, Oklahoma 74401.

2.4 Defendant WHITE is hereby joined to Counts 1, 2, 3, 5, 12, and 14-18 of the subject Complaint as an actor in a known racketeering operating to tax and imprison Americans without lawful authority and with the intent to usurp the law he's sworn to uphold and to abolish the Constitution he's sworn to defend, viewing judicial discretion as license to pillage. No professional in the country can deny the conclusions in the Memo's Issues A, B, C, D, and E, all of which dispose of Complainant's prosecution and sentence, yet he is bound for prison, in America; the Pledge of Allegiance is a lie. Complainant now sees vivid proof that he's been correct all along in believing that 26 U.S.C. imposed no duty of any nature upon him. Complainant demands that Defendant WHITE be removed from office for conduct unbecoming the judiciary and that he be imprisoned for violating the rights to liberty and to due process duly secured to the Complainant.

2.5 Until in personam jurisdiction is proven Complainant understands this prosecution to be a false one, conducted under the cloak of protective orders, one unfit for open examination in a *nation of laws*. Complainant views any court's failure to dismiss in the absence of proof of in personam jurisdiction being placed upon the record as a violation of 18 U.S.C. § 242, *a fortiori*, he must complain to Congress under 18 U.S.C. § 4. (See Count Nine, pg. 19 of Complaint). Complainant requests of Congress that it craft a Bill requiring federal courts to allow juries full and unfettered access to any and all documents or other evidence filed by any and all individuals pursuant to 18 U.S.C. §§ 3 and 4.

### III. ADDITIONAL CHARGES & DEFENDANTS.

#### COUNT; Deprivation of rights.

3.1 Complainant's hereby name and join as a Defendant to the subject Complaint U.S. District Court judge WHITE for conduct on the bench which is utterly repugnant to a belief in the law and which constitutes a blaring violation of Complainant's rights to due process, as it relates to said Court adhering to the law and "say[ing] what the law is", as is it's duty. (See Memo at pg.17, ¶ 4.2). When faced with challenges to in personam jurisdiction, WHITE's ruling was that it is "frivolous" to assert such challenges, thus shielding by his design the DOJ from having to show how the law operates to imprison an American. (See **Ex.D** hereto). The record in Complainant's case is void of such proof despite demonstrative protest and pleading upon the

matter. Thus, WHITE's ruling that such a challenge is "frivolous" constitutes a violation of 18 U.S.C. § 242 Deprivation of rights.

COUNT; False declarations before grand jury or court.

3.2 Defendants ALBERT GONZALES, JEFFREY A. GALLANT and SHELDON J. SPERLING uttered to the Grand Jury that Complainant was "willful" in aiding another to not pay or evade a tax, when in fact the alleged tax debt was not even owed by another, and when he believes all services he provides to be legal. These Defendants intentionally brought false charges against Complainant because they hate the very Americans they've sworn to protect. This contrived and wholly false utterance to the Grand Jury on the part of the Defendants constitutes a clear violation of 18 U.S.C. § 1623 False declarations before grand jury or court.

COUNT; False declarations before grand jury or court.

3.3 Defendants ALBERT GONZALES, JEFFREY A. GALLANT and SHELDON J. SPERLING uttered to U.S. District Court that Complainant was "willful" in aiding another to not pay or evade a tax, when in fact the alleged tax debt was not even owed by another, and when he believes all services he provides to be legal. These Defendants intentionally brought false charges against Complainant because they hate the very Americans they've sworn to protect. This contrived and wholly false utterance to U.S. District Court on the part of the Defendants constitutes a clear violation of 18 U.S.C. § 1623 False declarations before grand jury or court.

COUNT; Deprivation of rights.

3.4 Defendant WHITE's preclusion of the jury from determining the essential element of willfulness under 26 USC § 7201, and his use of such to facilitate contradicting the truth (See **Ex.B**), that Complainant had no belief in a duty, was calculated and executed with the intent to deprive the Complainant of his liberty when in fact he is innocent. This conduct on the part of WHITE is a plain violation of 18 USC § 242 Deprivation of rights.

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IV. CONCLUSION.

4.1 Defendants are seeking to destroy a family without cause or lawful authority as has been proven and as briefed; Complainant's courts are at war with him. This Joinder is public record in a specific and distinct location in that system in place to hold all men to the letter of the law, and Congress has required that all such conduct be reported, cataloged, evaluated and decided upon, as it relates to the authority of any respective judge, civilian or military authority as 18 U.S.C. § 4 provides.

4.2 Complainant sees vast and broad protections in the work product of Congress and is of the belief that federal criminal statutes exist, even in court, and therefore requires cogent rebuttal to dissuade them from believing in 18 U.S.C. § 4 requirements as stated, *supra*. Complainant has chosen as a matter of right the legislative branch as his "civilian authority" to receive his accusations of extortion, racketeering, and has clearly applied the law to fact in a way which grossly eclipses in competency that approach perfected by the Defendants, as proven over literally case upon case, a myriad of such, where judicially sanctioned silence and assorted procedural deficiencies as to proof of in personam jurisdiction under the law served as the Defendants' sole savior. (See Memorandum in support of Complaint to Congress at pg 1-5, 52-58).

4.3 If Complainant is mistaken as to the operation of the law as briefed, the Defendants would have a brief proving it, and they would not require a protective order against Congress.

V. VERIFICATION.

5.1 I, Jimmy Clayton Chisum, hereby join this criminal complaint in good faith, and I **believe** in full that the allegations of lawlessness on the part of the Defendants above named are true and correct, and that they constitute the crimes alleged herein and that I am a victim thereof. The issuance of protective orders against discussion of the law leads me to believe in good faith that one or more felonies have been and are being committed against me and others by the Defendants to the Complaint. I am alleging and accusing as detailed herein regarding all matters concerning law to fact and seeking full remedy under the law against those individuals and institutions named.

5.2 I, Jimmy Clayton Chisum, do hereby declare under penalties of perjury (28 U.S.C. § 1746) that the statements and allegations made herein are true and correct to the very best of our



TO THE UNITED STATES CONGRESS  
WASHINGTON, D.C.

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No. [PLEASE SUPPLY FILE NUMBER]

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M. KING, LEE YEAKEL, ROBERT WESTINGHOUSE, LISA PERKINS,  
STEVEN B. BASS, TERRY L. MARTIN, U.S. TAX COURT, JOEL BERGER,  
NORTHWEST AIRLINES, and all those similarly situated or so involved,  
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COMPLAINT PURSUANT TO 18 U.S.C. § 4 Misprision of felony;  
Violations include 18 U.S.C. §§ 3, 4, 241, 242, 876(d),  
880, 1341, 1343, 1623, 1951(a), 1962(c),  
1962(d); 26 U.S.C. § 7214.

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VERIFIED CRIMINAL COMPLAINT

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David R. Myrland  
6619 132<sup>nd</sup> Ave. NE #100  
Kirkland, WA 98033

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Supplied to all members: House Judiciary Committee, Committee on Government Reform, and  
Joint Committee on Taxation.