

FILED

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WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____
Deputy Clerk

United States District Court
Eastern district of Oklahoma

United States of America, Republic]
 plaintiff]]
]]
 v]]
]]
Jimmy Clayton Chisum, en esse, sui juris]
 propria persona(Pro Se) defendant]
_____]

Case No. 05-CR-043-RAW
Sentencing Memorand by AFFIDAVIT

AFFIDAVIT OF TRUTH

I, Jimmy Clayton Chisum, en esse, sui juris and a native born American National of full capacity to testify, and over the age of majority. I am well aware of the penalty before the God who gave us life and liberty, Nature's God, the Almighty God, even Jesus Christ for any false swearing, or lying to furnish false witness, and the Federal statutes on perjury; and in good conscience give the following Affidavit of truth for use in sentencing.

The case and cause are before the court as on the day of the verdict of the jury to find defendant guilty on all 4 counts alleged in the indictment.

Defendant has be separate cover furnished agin to the court the rule of law on taxation and raised the issues for sentencing in motion for acquittal and foe immediate release. Those issues are fully incorporated by this reference as if restated herein.

For sentencing, should the court again decide that law and precedent are frivolous and proceed to sentencing the following issues must be reviewed and decided upon the record.

The Constitution for the United States of America is in full force and effect upon the court and all parties.

The federal courts are courts of limited jurisdiction, drawing their total authority from the Constitution, Statutes passed by congress clearly within their power to so so, limited by the express delegation of authority contained in the Constitution.

As repeatedly stated in stare decisis of the Supreme Court Congress can not expand its authority by mere statute or by changing the meaning of words in creative

interpretations or pretenses of authority never delegated by Almighty God to the People, by the People to the States and the Federal Government.

The 16th Amendment as repeatedly stated in stare decisis of the Supreme Court, and furnished on numerous occasions to this court did not expand Congress' authority to tax but merely relieved direct taxes from consideration of the source when laid by apportionment upon the states.

There is no clear unambiguous statute, or accompanying regulation, to make the property of the average American subject to tax, because that labor is property which the Constitution does not specifically delegate the authority to tax. This negative averment is verified by the whole chain of stare decisis from the supreme court repeatedly furnished to this court in judicial notices, and motions.

This court has repeatedly denied defendant of Due process and repeatedly destroyed all illusion of jurisdiction within the confines of the rule of law, relying solely on its totalitarian rule that only one man knows the law or can understand the rules in this private court.

There is no frivolous Supreme Court precedent until or unless it is overturned by the Supreme Court itself, or overruled by new statute passed by congress subject to its specific limited authority stated in the Constitution.

There is no authority to interpret laws by secret unpublished definitions and coded language contained in the Constitution, Statute, Regulations or Rules of Court.

Collins, relied on by the court as the perfect totalitarian case to remove his personal prejudice and authority from all challenges from all time is of no force and effect whatsoever, having been overruled first by the Supreme Court in Gregory

~~Halvering~~ ^{Ashcroft}, 1991; NY v US, 1992, and Lopez, 1995 stating that unless the federal government can produce the title deed to the property or prove an Interstate Commerce connection ther is no Federal jurisdiction to act within the sovereign borders of the separate and equal states; and repeatedly restating that any authority not expressly granted in simple language has no effect. Congress followed teh lead of the Supreme Court to pass the 1995 Paperworl Reduction Act to specifically declare that Internal

Revenue Service was fully obliged to follow the letter of the law in that act. The Supreme Court also verified Congressional Constitutional Act in Dole v Steelworkers, cited by the 10th erroneously to justify their insubordination to Congress and the Supreme Court. Congress brought all non-compliance within the language and letter of the law where the form or inquiry does not conform to Office of Management and Budget requirements.

The 1040 form is a bootleg form never having been legitimately approved by OMB for the purpose now used. The OMB number posted on the 1040 form erroneously extorted from defendant and the Chadseys can have no penalty, for there is no Constitutional authority to extort information and contributions outside the rule of law

Congress has never laid a tax on the labor of the average American, for such would require apportionment to the states. It is not a matter that Congress could not do so but that they have not.

Administrative agencies are not allowed to expand their authority beyond the simple plain language of the statutes passed by congress; and if the duty is not so clearly stated in the statute that men of common intellect can easily follow it without disagreement it can have no effect and impose no duty. There is no statute to impose the duty to file a bootleg form under extortion tactics, like home raids and bank levies used by the fraudulent perpetrators at IRS and DOJ.

Under paperwork reduction act there can be no penalty for any failure to comply with a bogus, bootleg form used by unregistered foreign agents to solicit contributions and information for a foreign power. NY v US, Alden v Maine, FMC v SC State Ports, FCC v NextWave and many others already furnished make clear that IRS agents, and DOJ agents are required to faithfully execute and follow all the law, not just a few prejudicial excerpts. Plaintiff witnesses repeatedly confessed to being unregistered Agents for a foreign power, foreign to Oklahoma, Arizona and the other sovereign states as clearly spelled out in UTAH, Caha, NY v US, Alden v Maine. Gregory, and even Zedner, 2006. Statutes that say what they mean and mean what they say in clear unambiguous language impose no duty. 4 USC 71,72,104, 204, make it very clear

unambiguous language that men of common intellect can read understand, and apply without difficulty or disagreement that federal jurisdiction does not extend into the states unless there is a specific statute drawn upon specifically delegated Constitutional authority for such action.

There is no specific statute to extend the federal jurisdiction into McAlister Oklahoma, 1203 Strong where armed thugs pretending authority conducted a home invasion in broad daylight under color of law and color of suthority to solicit contributions to a foreign power by strongarm tactics, and coercion. The coercion and extortion was highly successful, when aided by a totalitarian socialist bunch of lawyers, also members and agent s of a foreign Corporation under oath as BAR Union Members in a private corporation owing its allegiance to England. Every participant is worthy of 10 years in jail and a \$75,000. fine by rule of law.

Collins is of no force and effect in this matter, an inferior Appeals court having no authority to overrule, override, controvene, contradict, disobey, interpret, foreclose or make frivolous any Supreme Court decision not yet made; and only within expressly specific rules submit a question of any precedent for review. Every time Collins has been cited since Supreme Court precedent in Gregory v Halvering, 1991 ^{Ashcroft ~~see~~} and PRA 1995 is a frivolous citing of none effect as it has been fully overcome by due process of law.

Each and every objection made by defendant to the original pre-sentence report are refreshed, renewed, and incorporated by this reference.

The court made 30 specific express unconstitutional rulings by preponderance of the evidence in excess of the jury verdict, and wholly without the specifically authorized bounds in statute at 3553(a) listing none of the elemental facts found by preponderance by this court and based on evidence given by a fraudulent perpetrator of criminal activity that was never seen by the jury.

When the government becomes criminal it is due for serous amendment, and this court is either a part of the solution to fraudulent extortion, coercion, intimidation, and foreign invasion by those warring against the constitution, or just another prejudiced

totalitarian engaged in kidnapping, false imprisonment, and extortion.

The court's jurisdiction for taxes depends on a clear and unambiguous statute from congress expressly laying a tax and imposing a penalty for failure to comply. Defendant has repeatedly given the negative averments that by Supreme Court Precedent and stare decisis requires the plaintiff to produce the law not hide behind fraud upon the court by an officer of the court as cited in Liteky that immediately and unquestionably disqualifies even a judge from office of trust, yet in this court of one man wher the rule of law, constitution, and stare decisis were repeatedly barred from the jury, and termed frivolous and foreclosed by the bench in complete prejudice for denial of due process, thus lawfully destroying all jurisdiction.

There has never been a constitutional statute to impose a direct tax on the labor and common occupations of the man called Chadsey.

There will never be a statute passed by Congress to impose a direct unapportioned tax on the labor of the average Citizen, or the man called Chadsey.

The Prosecutor, according to stare decisis at Berger, represents the sovereign and is bound by oath and law to seek only justice, not mere victory. a duty shunned as the court even went to the extreme of authorizing prosecutor to tell lies and call defendant names before the jury for prejudicial purpose of obtaining a conviction of a wholly innocent man as a political prisoner of a foreign power in order to use false publicity to extort information and contributions from other citizens to benefit a foreign power.

The Secretary of treasury, from whom all the agent witnesses testified to drawing their authority, is the Chanselor of the World Bank and Governor of the International Monetary fund under the authority and office of the United Nations. As such he can not serve inposition of honor within the United States government created by and under the Constitution for the united States of America. Each every and all the agent witnesses are criminals engaged in wire fraud, mail fraud, and consumer fraud, and using fraudulent bootleg sollicitiations to solicit and extort taxes never owed, with the full aid and comfort of the BAR unitonlawyers and this one man court.

The 2039 Summons, admitted under cross examination as the tool used to start the files listed in the trial and sentencing exhibit is a form created and authorized for specific use in investigation of fuel tax refunds in Puerto Rico and no other purpose.

26 CFR 1.902.1 defines Revenue Agent which agents called themselves under direct examination and verified under cross, is an Alcohol, Tobacco and Firearms agent in Puerto Rico. There is no other definition found in Code or CFR, yet the treasonous prosecutor puts these known foreign agents on the stand and guarantees them immunity from all prosecution as they lie, extort, and impersonate federal agents.

Every 2039 summons, more than 100 in number from just two agents is a direct act of extortion of information for a foreign power, thus proving guilt of Unregistered foreign agency, 10 years; Mail fraud, 5 years, Consumer fraud, 3years; impersonation of federal authority, 5 years; yet this one man court wholly forgives all the crime of this organization called the worlds largest terror organization by Speaker Gingrich during the investigations of law breaking tha led to the passage of PRA 1995 and Bill of Rights II in 1996; both predating this case and charge.

Speaker Lott referred to the IRS as a Rogue agency wholly out of control during the hearings in the senate that led up to Restructuring And REform Act 1998; yet this court gives complete immunity and protection to this criminal syndicate of fraud and corruption to extort contributions to a foreign power of taxes never laid by congress and never owed by those criminally solicited through 2039s and Notices of Deficiency for a non existant 1040 tax. The only possible tax related to 1040 lawfully is fuel tax in Puerto Rico under the Carribbean Baxin Tax Equalization Treaty where the unconstitutional National prohibitions Act was imported into the Caribbean for formeing a base for fraud and extortion.

Frim Miles, 1881 to Rita, 2007 the consistent stare decisis and res judicata of the Supreme Court has been that "every fact that can expose a defendant to a higher maximum sentence must be alleged in the indictment and proven before the jury beyond a reasonable doubt. Inferior corcuit decisions to the contrary have no just standing

standing in rule of law, and are not voidable but simply void on their face being in fact and law without the jurisdiction delegated to the inferior courts under the constitutional system of government of our Republic.

Inferior means subordinate and subject in all dictionaries, laws, and is certainly implied by the simple language of the constitution that is itself not subject to interpretation by the original intent explained by Hamilton in Federalist 12 to the people of New York in the process of convincing them to ratify the Constitution and Bill of Rights.

The Bill of Rights remains due and payable by this court and government in faithful execution of office and oath before God. It is very unwise to falsely swear to and by God. "So help me God" is both Oath and prayer. God only helps the unrighteous despots to know their need to repent and turn from their evil ways. And He is very willing and quick to forgive all but blasphemy of the Holy Spirit, the sin unto death.

The Court's precious time space continuum of totalitarian socialism where an inferior can call a Supreme frivolous, of none effect, and foreclosed by the acts of an inferior is directly warring against the constitution, and assuming powers never delegated by the people or the states in forming the Union and Federal Government to serve the legitimate needs of the people and states to protect and preserve individual rights and sovereignty for the people and the states.

Foreign invasion under pretense of authority and exercising powers never granted in Constitution or Statute is called by Mr Chief Justice Marshall in Cohen v Virginia, 6 Wheat, recently cited in US v Will, 449 US 200 FN 19, treason against the Constitution.

Defendant trusts in the oath and pride of commission stated in the September, 2005 pre Trial, and must certainly hope that this war upon the Constitution and giving aid and comfort to the enemies of the Republic Nation, and people as merely due to inexperience, and not willful to demand federal charges.

There is no immunity for criminal activity; and this case is filled with verified and confessed criminal activity on the part of prosecutor and his witnesses extorting contributions and information for a foreign power while entering false information

into federal records at Internal Revenue Service, Department of Justice, and this court through false testimony, confessed consumer fraud, extortion by strong arm tactics, and mail fraud, any of which automatically disqualifies an agent from federal service and subjects them to civil penalty or criminal prosecution.

As President Reagan said just before the passing of the original paperwork reduction Act that IRS so willfully and wantonly broke that Congress had to do it again and specifically name IRS in the Congressional record to justify passing the law.

In 1996, just after PRA 1995, and just before Bill of Rights 2, General Accounting Office gave sworn testimony that IRS had never properly complied with PRA, and that the records were in such shambles that it could not prove it had ever legally assessed any taxpayer a tax, yet with this court's aid and comfort has no burden of proof of any kind of any element of the law, much less the whole and exact law as required by Congress and Stare decisis.

Stare decisis agrees with Congress in the PRA, 1995, and remains unchanged; there is no penalty for what is a voluntary act. When volunteerism is extorted by fraud by the Mafia it is called Racketeering. In this court it is called presumptively correct and all pretense of evidence is viewed in a light most favorable to the fraud upon the jury by the unregistered foreign agent criminals.

US v LEE, 1882 remains governing precedent to this inferior court; it must repent quickly while grace abounds to act in justice not treason. (WILL FN 19). The rule of law must govern in all acts of the court.

Every denial of due process of which this defendant noted some 54 in the docketing statement like each criminal act and each fraud destroys all illusion of lawful jurisdiction under rule of law; and when the court proceeds in absence of jurisdiction it not only tempts the law of man for treason, but the wrath of God shown many times to unjust judges throughout history. At the time of the writing of the Constitution, the British judges who acted for that foreign power in warring against the constitution were either tarred and feathered as they were run out of town on a rail, or summarily hanged by the vigilantes. Defendant has for many years been a member of a group called

the committee to save the judges from hanging, being dedicated to the peaceful redress of the First Amendment guarantee, we are generations, I hope, from a time for violence. In Biblical history it only took one righteous judge to restore justice for a whole generation. Defendant had and has high hopes that this court and judge will repent quickly and perhaps become that one judge in EDOK that knows and follows the rule of law to protect the individual rights to freedom and liberty from the foreign invaders and unregistered foreign criminals.

Defendant is far from exhausting his remedy of peaceful redress within the judiciary, and in congress where judges are concerned; and merely beginning where criminal perpetrators at IRS and DOJ are concerned.

The Goals this court is to view in sentencing, should it choose to pretend that a just conviction can be obtained by criminals in fraudulent conspiracies have been far exceeded. Defendant has suffered far greater than Mr. Libby, and for no crime at all, yet his sentence was commuted, and will likely be pardoned as the President prepares to exit the Capital. Defendant has had reputation destroyed, financial future collapsed. family scattered, and wife murdered by stress and distortion.

The maximum sentence constitutionally by Stare decisis of the supreme court "determined by the jury verdict alone" is 6 months according to the available guidelines here at Camp La Tuna, the 1997 book. No doubt there are important revisions; but all is for silly totalitarian socialism by the Congress and the Courts. The Constitution is clear and unambiguous and as reiterated by Justice Scalia in concurring to Zedner, where language is clear and unambiguous there is no room for interpretation of statutes passed by congress; and if ambiguous only the Congressional record is allowed to be used for interpretation. No such occurred in this court's prideful prejudiced interpretations to give aid and comfort to the foreign invaders impersonating government agents and lawful authority.

Defendant has already served more than double the maximum sentence in fraudulent political prisoner camp, and can not legitimately be held any longer on this case and charge.

There was no actual or illusive pretense of tax liability, or liability statute presented to the grand jury so prosecutor in violation of rule 6 fraudulently induced the grand jury to issue a faulty indictment based of cours upon fraud upon the jury by the treasonous pretender supposedly representing the sovereign to seek justice and rather resorting to fraud, extortion, and lies in order to trick the Grand Jury into indictment and the pettit jury in a verdict, wholly aided and comforted by the Court practicing law from the bench to aid the plaintiff.

The alleged liability of each and every name on the list used as exhibit in trial and in sentencing began from fraudulent practice and policy in violation of the Paperwork Reduction Act 1995, and of stare decisis which the agents testified they were obligated to follow with the same force of law as the code. Each case involves fraudulently used 2039 summons as an extortion tool, and penalty for violation of bootleg form 1040. In fact and law, since IRS has no lawful authority to publish and solicit 1040 "compliance" the mere question concerning personal 1040 is a treasonous excess of constitutional authority by IRS and DOJ in corrupt fraud upon the public, and the court gives aid and comfort by relieving the moving party, whomever that is in actuality, from any and all burden of proof, and joins the conspiracy to defraud the juries even to the extent of lying to the jury in jury instructions to deceive them into believing a lie, and essentially ordering them that they had no choice but to convict.

A wrongful conviction by fraud and extortion followed by 30 specific sixth Amendment violations in unconstititutional exercise of jurisdiction and authority never delegated in Constitution, or statute sure sounds like what CJ Marshall called Treason.

Any disagreement in the application and interpretation of tax law must be weighed most strongly against the government and for the citizen, according to governing precedent from the supreme court repeatedly furnished to this court but called frivolous in pride and prejudice, as one of those living in the false world of titles of nobility and unconstitutional privilege.

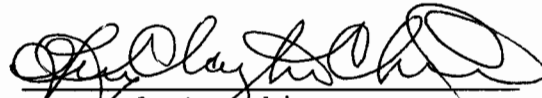
Every fact that exposed this defendant to a higher sentence must be proven to

the jury beyond a reasonable doubt; after first having been alleged in the indictment. No dollar amount was alleged or proven; thus can not be used as enhancements. The maximum, most treatorous sentence under the jury verdict alone as required would be consecutive sentencing; and the court has shown only partial consecutive sentencing on only count 4 to raise the number to more of what the IRS and DOJ desired, would result in a consecutive 10 months or so of which defendant has already served 15 1/2 months of confinement and more than 26 months in unlawful restraint of his liberty, financial destruction, poverty, and the murder of his wife.

It is simply fraudulent and unjust to sentence this defendant to one day more than time served; and if justice ever will exist in EDOK this court has an obligation to restore defendant to his status Quo before this fraudulent prosecution by criminally syndicated unregistered foreign agents through fraud and perjury began.

Defendant is propria persona and forma pauperis before the court, not an expert in law, but an above average student with at least the intellect of the common man guaranteed individual rights to plain language statutes and regulations tha men to common intellect will not be confused or defrauded by; none of which exists in this case and cause of action. If I am proven wrong on any point of law or fact by oath and affidavit within 30 days I will correct my statements to be true and correct before God and the law.

Prepared and signed under penalty of perjury, 28 USC 1746(a) this 27th day of October, 2007 AD.



Jimmy Clayton Chisum, en esse
Native Born American National
Propria persona defendant
PP ID# 84388-008
Federal Prison Camp La Tuna
PO Box 8000
Anthony, Texas, 88021

I hereby certify that the alleged plaintiff has been served c/o US Atty, 1200 W. Okmulgee, Muskogee Oklahoma by first class mail, postage paid this 27th day of October, 2007, and Standby counsel at his office 4815 S Harvard, Tulsa, Oklahoma,

