



## Why We Are in the Admiralty Jurisdiction April 18, 2004

Hi ho, electronic copy. Some fellar deserves a lot a credit from this short and concise document that re-enforces a conversation and hard copy. One other point, Sandring has been spelled two different ways and according to Lewis H. both would be wrong. I think he said without the (e) and of course without the (a). Anyway, here is a fine piece of work.

Many a student has asked me why I file all of my documents in the admiralty jurisdiction. All of the “pro se” litigants have been sternly warned by their like-minded friends that such filings have been known to get people arrested and thrown in jail, since supposedly the admiralty gives the judge unparalleled judicial discretion in this venue that is supposedly without a constitution. In 1997 I had purchased a book about the admiralty jurisdiction called *Are you Lost at “C.”?* from Pastor Richard Standaring, in Cincinnati, Ohio. Pastor Standaring, one of the best IRS information persons in the United States had just started selling the book, but he had no outstanding opinion of it at the time. I read it, and not really understanding the book, placed it on my shelf to gather dust.<sup>[1]</sup> About a year later, my local partner, Bob: Shugrue, called me and relayed to me that Standring had recently used the procedures of the book in **four cases** and had won all of them. Immediately I called Standaring to look into his results. After explaining the theory, I realized that the material was from the book sitting on my shelves. Pastor Standaring made the most incredible remark when I asked him what the court tries to do to his clients in the courtroom. “Oh, Pastor Standaring said, “They just try to **talk us into agreeing to move the case out of the admiralty, and into the civil venue.**” If I have learned **anything** about litigating claims against the government, it is that where I need to go is where the judges do not want me to go, even if I

<sup>[1]</sup> Pastor Standaring also has a great collection of ancient Bible reprints that are great buys and great gifts for family. Place address here.

do not entirely understand why. I liken it to the military term of “pressing into the fire,” as the safest approach. Retreat usually gets one caught in crossfire, and death is the result.

I thought, “If they do not want me in the Admiralty that is probably the best place to be.” Then followed weeks of investigation, and all of the information I uncovered was far better than expected. I documented that the **Admiralty is under Article III, where the constitution and statutory law both apply!** In December of 1999 in Hawaii, we filed the first federal case. Over the next few weeks, what came from the other side was deafening silence. As usual, we placed the other side in default. However, soon the other side was up to their own tricks again. Something was missing. I later uncovered **four other important issues that legally bind up the judicial officers into either following the law, or walking the plank.** Now, with further understanding, I have learned that **in the admiralty, the state waives its immunity seven different ways, through the Suits in Admiralty Act (three ways), through the Bills of Lading Act, through the Admiralty Extension Act, through the Foreign Sovereign Immunity Act, and through the Public Vessels Act.**<sup>2[2]</sup>

To place a pleading within the admiralty, the jurisdictional statement needs to reference **28 U.S.C. 1333 or 1337.** Tax Cases need to reference **28 U.S.C. 2461 and 2463,** since all tax revenue cases are done through the admiralty, and are disguised as civil proceedings. Additionally, in the caption of the suit a reference such as “within the admiralty” is required to hold the court accountable. **The courts in the United States have always been open since 1789 to receive admiralty documents, and are still required to do so by authorization of 5: Stat. 516, Ch. 188, §: 5 with the enactment date of August/23/1842, with the authority of the act of the September/24/1789: Chapter: 20.**

The **Suits in Admiralty Act**<sup>3[3]</sup> is a law where the United States specifically waives its immunity in three situations: (1) If the admiralty suit **involves a vessel [key word] of the United States.** Once we look into the definition of the word *vessel*, we will discover that any of the actors working for the United States are vessels, enabling us properly to apply this provision within our case. In *Benedicts on Admiralty*, one finds that the description of a vessel is so vague, that anything can be a vessel. We are all vessels; human bags carrying “sea water.” “Our blood has the same specific gravity as sea water.”<sup>4[4]</sup> In the Bible, a woman is described as the “weaker vessel.” (2) Cases that involve cargo belonging to the U.S. Within the context of our case, when the cargo [the paperwork] of the United States harms us, the United States gives us a blanket waiver of immunity, or (3), if the United States could be sued in the admiralty if it were a private party. Since we are going into an international jurisdiction, (a set aside, fenced territory) every time we go into the court, we are entitled to sue the United States in the admiralty if the United States were a private party.

**The Bill of Lading Act**<sup>5[5]</sup> is another handy piece of legislation that helps level the playing field, by imposing liability against carriers that misplace, or miss-deliver our cargo(paperwork). Cargo can literally be anything. All manners of things are shipped

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<sup>2[2]</sup> *Benedicts on Admiralty*

<sup>3[3]</sup> Title: 46: U. S. A. Codes, Appendix, Chapter 20 §§ 742-749,

<sup>4[4]</sup> Leonard Tesoro, M.D.

<sup>5[5]</sup> Title: 49: U. S. Codes, Chapter 147 § 14706,

internationally, from cigarette lighters to books. So we are not making any sort of stretch to say our paperwork is cargo. If the bill of lading sufficiently describes the cargo, the carrier is liable for damages caused by miss-delivery. A bill of lading is nothing more than a document given to the shipper that gives instructions where the cargo is to be delivered, and what the cargo looks like. For the bill of lading to be effective, it must describe the cargo being transported sufficiently so that the shipper can identify the cargo enough to be held responsible, when the shipper delivers the cargo somewhere else.

A classic case occurred in the 1800s where an American fruit producer sent many barrels of apples from Georgia for delivery in New York. Since the barrels were not sufficiently identified in the bill of lading, and since the barrels were not adequately marked, the shipper was not held responsible when the apples were delivered to Belgium!

**The Bill of Lading Act includes a criminal penalty, because the losses suffered by the customers of the shippers can be very great. We use a bill of lading in all of our lawsuits. The bill of lading describes the cargo (the lawsuit), and tells the court clerk to carry the suit into the admiralty jurisdiction of the court.<sup>6[6]</sup> The clerk is a public vessel, and the carrier. My bill of lading identifies the cargo as the lawsuit, by describing the suit's postal registry number that I have placed on the front page, by describing the paperwork as having an American flag on the paperwork, etc. The bill of lading creates a liability for which the damaged party can recover in a suit if the documents are diverted into another venue. If a carrier is found wanting in due diligence concerning the delivery of the cargo, the liability attaches at the time of the diversion of the documents. The bill of lading therefore takes away the immunity of clerks and judges, if the cargo is not delivered into the admiralty court, and adds criminal penalties for compliance failures.<sup>7[7]</sup>**

**The Admiralty Extension Act<sup>8[8]</sup> extends the admiralty jurisdiction inland. All states by law have access to the sea. Therefore any land locked country has an easement, so to speak, across other countries in order to get to the sea. All states have an admiralty jurisdiction in all of their courts, and they hate admitting it.**

**The Foreign Sovereign Immunity Act.<sup>9[9]</sup>** Any foreign sovereigns are liable for damages while doing business in the United States. This provision has application since the foreign sovereign — the judges, clerks, etc. — that operate on the behalf of a defacto foreign fiction government. Officials are liable for the damages that they commit while doing business in the country.

**The Public Vessels Act<sup>10[10]</sup> is another of the admiralty provisions that are helpful to the litigants of the Universal-Legal-Technology. Since the libelant has been damaged by a judge, police officer, prosecutor, court clerk, or other public vessel, the libellant is authorized to sue for the damages in the venue of the admiralty jurisdiction. Again, the Public Vessels Act is a law that specifically waives any immunity of the government.**

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<sup>6[6]</sup> Title 49 U. S. Codes, Chapter 801 § 80113

<sup>7[7]</sup> Title 49 U. S. Codes, Chapter 801 §: 80116.

<sup>8[8]</sup> Title 46 U. S. A. Appendix, Ch. 19-A § 740.

<sup>9[9]</sup> Title 28 U. S. codes § 1605

<sup>10[10]</sup> Title: 46: U. S. Codes Chapter: 22:§: 781.

## The Post Office and the International Postal Union

**The role of the United States Post Office and the Universal Postal Union became a factor in our lawsuits because of several bankruptcies that the United States has been through over the history of the country. When one declares himself a bankrupt, that person is no longer legally competent to conduct his affairs. The court becomes a fiduciary, and appoints a trustee to oversee the affairs of the bankrupt. It does not matter if the bankrupt is a common man, or a nation; except that a nation still has a right to conduct war. Typically the average person anywhere in the world thinks of their Postal System as a part of, and subservient to, their government. However, the postal system in the United States has a different legal history than one would expect.**

The Post Office and Judicial Courts were established *before* the seat of the Government. On Thursday, Sept. 17, 1789 we find written, “Mr. Goodhue, for the committee appointed for the purpose, presented a bill to amend part of the Tonnage act, which was read the first time. The bill sent from the Senate, for the temporary establishment of the Post Office, was read the second and third time, and passed. The bill for establishing the Judicial Courts . . . , **for establishing the seat of government . . .**”<sup>11[11]</sup> **Other references to the Post Office support my theory of the founding forefather’s views:**

POST OFFICE. A place where letters are received to be sent to the persons to whom they, are addressed.

2. The post office establishment of the United States, is of the greatest importance to the people and to the government. The constitution of the United States has invested congress with power to establish post offices and post roads. Art. 1, s. 8, n. 7.

3. By virtue of this constitutional authority, congress passed several laws anterior to the third day of March 1825, when an act, entitled "An act to reduce into one the several acts establishing and regulating the post office department," was passed. 3 Story, U. S. 1825. It is thereby enacted, 1. That there be established, the seat of the government of the United States, a general post office, under the direction of a postmaster general.<sup>12[12]</sup>

We need to take notice where the commas are placed on that last sentence. “That there be established, the seat of the government of the United States, a general post office, under the direction of a postmaster general.” When I set off a clause with commas, I make sure that the sentence makes sense without that clause. Taking out the set-off clause, we read . . . “the seat of the government of the United States under the direction of a postmaster general.”

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<sup>11[11]</sup> *Gales and Seaton’s History* [H. of R.], p. 928.

<sup>12[12]</sup> Bouvier, John. *Law Dictionary. Adapted to the Constitution and Laws of The United States of America And of the*

*Several States of the American Union, With References to the Civil and Other Systems of Foreign Law.* In the Philadelphia, by the Childs & Peterson. (1856)

The creation of the Post office occurs before the creation of the seat of the government, and is placed in authority *over* the seat of government. What is the effect of these legal techniques? The stated position of an object and the sequence of events play an important role in the Universal-Legal-Technology. The effect is that the Government's later bankruptcies in 1859 and 1929 have no legal effect upon the solvent Post-Office. We can make a case that the formation of the Post-Office before the formation of the government's operations is a stroke of dumb luck. Perhaps it is ingenious, since communication has a higher value than government itself. If any government fails, the people still have a need to communicate with one another to form a new government. And to this day, the Post-Office is still solvent and operational, ready to fulfill its duty to help the people in their communications; to set a new government should a complete break down of the existing governmental structures occur in the United States. Sounds like a very good back up plan.

The formation of the Universal Postal Union in 1874 has another legal effect that is very important to the Universal-Legal-Technology. The Universal Postal Union unites member countries into a single, worldwide postal territory.<sup>13[13]</sup> We have already learned that any litigant is going into international jurisdiction every time he goes to any court. Since the litigant needs to establish that his papers are official, he uses a dollar???? postage stamp on the face of the first page. The stamps also invoke postal statutes and the Universal Postal Union jurisdiction. Currently in the U. S., the stamp of choice is the "fox" (discontinued 22Apr04 or earlier) U. S. dollar postage stamp. The stamp is not drawn in a box, making the forty-five-degree lines unnecessary. **The litigant does, however, need to autograph across the stamp, then date the autograph, for two reasons: to comply with postal regulations concerning private mail carriers, and to make a continuance of evidence that the process (paper work) is mail. The continuation of evidence is less of a factor, since the definitions of "mail" and "delivery" can include a clerk at a grocery store handing a customer a receipt for groceries.** One can see that Sandaring had his shipping clerk wired with the Bill of Lading.

The legal writers were forced to make the definitions wide enough to encompass the private rural carriers, and private advertisers that have placed advertisements on our doorsteps, or in our hands. I have thought about this issue a lot, and I did not find any other better alternative. Any loophole would have devastated many consumers, and caused a plethora of other laws to be enacted to cover the loophole.

**Additionally, on the back of the first page, we authenticate the authority of the Post-Office with an endorsement, and simultaneously authenticate our identity by placing a postage meter stamp, from a postage meter machine that we have purchased in advance, on the lower quarter of the back of the first page. All commercial papers have endorsements to authenticate their authenticity. Again, we autograph across the meter stamp, and date. The postage meter stamp is better than a regular stamp, and stamps are said to have rendered seals**

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<sup>13[13]</sup> 1997 *Encyclopedia Britannica*

**superfluous.** <sup>14[14]</sup> The purchase of a meter machine requires identification in case the meter machine is tampered with or is stolen. The meter number on the meter stamp can be traced back to the owner (litigant), and therefore authenticates the endorser better than any seal.

What are we doing by placing our paper work into the jurisdiction of the Universal Postal Union? To answer that question, we need to look at the structure and finance of that organization. The official aims and purposes of the **Universal Postal Union (UPU) are two: to form “a single postal territory for the reciprocal exchange of correspondence”; and “to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration.”**<sup>15[15]</sup> **“The organization of the circulation of the international mail is based on the freedom of transit, . . . as a result, therefore, only by enduring absolute freedom of transit can the effectual universality of the postal territory be attained. \* \* \* Freedom of transit is guaranteed throughout the entire territory of the union. Administrations may exchange, through the intermediary of one or more of their number, both closed mails and open mail according to the needs of the traffic and the requirements of the service.”** <sup>16[16]</sup>

“Starting in 1878, the union created a category for territories which were recognized as non independent but which were given all the rights of union membership afforded to clearly independent countries.” <sup>17[17]</sup> **So the members of the union have been operating as sovereign, independent countries, and their currency is based on the gold French Franc. Gold is the acceptable form of money in international jurisdictions, or paper backed by gold.** <sup>18[18]</sup> **When we purchase postal money orders, the money order is backed by gold, not the fiat “money” called Federal Reserve Notes. The FRNs, as some call them, are based instead on a promise to pay a debt. The debt is based only upon the “full faith and credit of the United States,” and lacks any intrinsic value.**

“Some of the obligations in the convention can, in some states, be introduced into domestic practice without involving a nation’s legislative process or without even reaching the desk of the chief executive.” <sup>19[19]</sup> The Union also “sets forth the principle that postal administrations are responsible for loss of, theft from, or damage to, insured items, and then goes into detail about exceptions to the principle of responsibility, cessation of responsibility, how the sender is indemnified, and the manner in which

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<sup>14[14]</sup> Collon, Dominique, Editor. *7000 Years of Seals*. In the London, for the Trustees of the British Museum, by the BRITISH MUSEUM PRESS. 1997. p. 153.

<sup>15[15]</sup> *Universal Postal Union*, p. 73.

<sup>16[16]</sup> *Universal Postal Union*, p. 74.

<sup>17[17]</sup> *Universal Postal Union*, p. 80.

<sup>18[18]</sup> The backing of paper does not necessarily have to be gold, it can be anything real at market value like timber, oil, minerals, metals, land, etc.

<sup>19[19]</sup> *Universal Postal Union*, p. 96.

responsibility is apportioned between postal administrations.”<sup>20[20]</sup> **“There was only one instance, according to the Belgium delegate, where the bureau would have any power even approximating the right to intervene in the affairs of administrations, that is in the arbitration of disputes, but in this instance the bureau could act only when requested to do so by an administration.”**<sup>21[21]</sup> **The Functions of the International Bureau for the Universal Postal Union include acting “as a clearinghouse for information concerning postal matters. It also functions as a clearinghouse for international postal accounts and as a conciliator and arbitrator in disputes over postal matters between administrations.”**<sup>22[22]</sup>

So what we are doing, by placing the postage stamp on our admiralty paperwork and endorsement on the back of the first page, is using the authority of the sovereignty of the longest surviving, solvent, governmental authority in the United States. Through the admiralty, we are taking the Post-Office and the judicial system back some two hundred years, and simultaneously creating a new territory with all the rights of union membership afforded to clearly independent countries. We are establishing the laws in this new territory with the paper work that we have filed. As we will see later, we are also correcting the errors of the founding forefathers; in that we are also bringing the equal rights that they neglected to give to all the people in the United States. We are eliminating all of the legal deficiencies that handicap the sovereign status of us, the people, within the court. **We are guaranteed that all of the parties in the case: the clerk, judge, bailiff, and litigants have the freedom of transit in the admiralty court. If the clerk, judge, or other official fails to deliver our documents as directed, or delay them, or obstruct them, that person is faced with several penalties within the postal statutes and admiralty statutes. The final advantage is that if we are obstructed, because of the transitory nature of the action, we are in the admiralty and can take the case offshore for adjudication in any court in the world.**

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## **Bill of Lading Act**

## **Admiralty Extension Act**

The Public Vessels Act

## **Suits in Admiralty Act**

## **Foreign Sovereign Immunity Act**

False Claims Act , *see* 31 U.S.C. § 3729(a)(7)

Lanham Act , *see* 15 U.S.C. § 1125(a)

Postal Reorganization Act

Federal Tort Claims Act

Administrative Procedure Act

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<sup>20[20]</sup> *Universal Postal Union*, p. 103.

<sup>21[21]</sup> *Universal Postal Union*, p. 186.

<sup>22[22]</sup> *Universal Postal Union*, p. 195

## Postal Accountability and Enhancement Act:

(Old H.R. 4970 from the last Congress)

Established in 1874, the Universal Postal Union (UPU), with its Headquarters in the Swiss capital of Bern, is the second oldest international organization after the International Telecommunications Union

[http://www.hmsso.gov.uk/acts/acts1992/Ukpga\\_19920050\\_en\\_1.htm](http://www.hmsso.gov.uk/acts/acts1992/Ukpga_19920050_en_1.htm) ← WEB SITE FOR BELOW

### Carriage of Goods by Sea Act 1992 (c. 50) ← UK

jurisdictional statement needs to reference 28 U.S.C. 1333 or 1337

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#### Sec. 1333. - Admiralty, maritime and prize cases

The district courts shall have original jurisdiction, exclusive of the courts of the States, of:

(1)

Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.

(2)

Any prize brought into the United States and all proceedings for the condemnation of property taken as prize

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#### Sec. 1337. - Commerce and antitrust regulations; amount in controversy, costs

(a)

The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies: Provided, however, That the district courts shall have original jurisdiction of an action brought under section [11706](#) or [14706](#) of title [49](#), only if the matter in controversy for each receipt or bill of lading exceeds \$10,000, exclusive of interest and costs.

(b)

Except when express provision therefore is otherwise made in a statute of the United States, where a plaintiff who files the case under section [11706](#) or [14706](#) of title [49](#), originally in the Federal courts is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to

which the defendant may be adjudged to be entitled, and exclusive of any interest and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.

(c)

The district courts shall not have jurisdiction under this section of any matter within the exclusive jurisdiction of the Court of International Trade under chapter [95](#) of this title

28 U.S.C. 2461 and 2463 for referencing tax cases

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### **Sec. 2461. - Mode of recovery**

(a)

Whenever a civil fine, penalty or pecuniary forfeiture is prescribed for the violation of an Act of Congress without specifying the mode of recovery or enforcement thereof, it may be recovered in a civil action.

(b)

Unless otherwise provided by Act of Congress, whenever a forfeiture of property is prescribed as a penalty for violation of an Act of Congress and the seizure takes place on the high seas or on navigable waters within the admiralty and maritime jurisdiction of the United States, such forfeiture may be enforced by libel in admiralty but in cases of seizures on land the forfeiture may be enforced by a proceeding by libel which shall conform as near as may be to proceedings in admiralty.

(c)

If a forfeiture of property is authorized in connection with a violation of an Act of Congress, and any person is charged in an indictment or information with such violation but no specific statutory provision is made for criminal forfeiture upon conviction, the Government may include the forfeiture in the indictment or information in accordance with the Federal Rules of Criminal Procedure, and upon conviction, the court shall order the forfeiture of the property in accordance with the procedures set forth in section 413 of the Controlled Substances Act ([21 U.S.C. 853](#)), other than subsection (d) of that section

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### **Sec. 2463. - Property taken under revenue law not repleviable**

All property taken or detained under any revenue law of the United States shall not be repleviable, but shall be deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof