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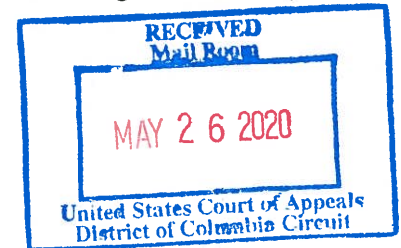
INFORMAL REQUEST BY UNITED STATES ex rel. TO INTERVENE IN USA v. FLYNN: Petition for a Writ of Mandamus**Paul Andrew Mitchell, B.A., M.S.**

Tue, May 19, 2020 at 12:43 PM

<supremelawfirm@gmail.com>

To: mediation@cadc.uscourts.gov, liveaudiorequest@cadc.uscourts.gov

See also:

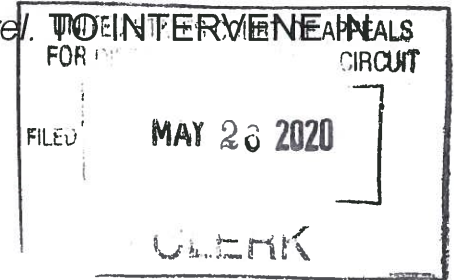
<http://supremelaw.org/authors/mitchell/hoax.on.hoax.htm><http://supremelaw.org/letters/us-v-usa.htm>

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From: **Paul Andrew Mitchell, B.A., M.S.** <supremelawfirm@gmail.com>

Date: Tue, May 19, 2020 at 12:31 PM

Subject: INFORMAL REQUEST BY UNITED STATES ex rel. TO INTERVENE IN USA v. FLYNN: Petition for a Writ of Mandamus



TO:

U.S. Court of Appeals for the District of Columbia
Attention: 3-Judge Panel*IN RE: MICHAEL T. FLYNN*, Petition for Writ of Mandamus<https://sidneypowell.com/wp-content/uploads/2020/05/Petition-filed.pdf>

Greetings Honorable Circuit Court:

The United States *ex rel.* Paul Andrew Mitchell, Private Attorney General, respectfully requests leave of this honorable Circuit Court to intervene for the purpose of posing a question of great constitutional significance, to wit:

After Gen. Flynn "filed motions to withdraw his guilty plea", was this case referred to a Federal Grand Jury, to satisfy the Fifth Amendment?

We will be happy to accept service of the Court's decision via email here (preferred).

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Thank you for your professional consideration.

Cc: Sidney Powell, P.C., Dallas, Texas (via Counsel's website)

--

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S. 
Private Attorney General, Civil RICO: 18 U.S.C. 1964;
Agent of the United States as *Qui Tam* Relator (4X),
Federal Civil False Claims Act: 31 U.S.C. 3729 *et seq.*

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"One Hoax to Cover Another Hoax, and So On!"

by

Paul Andrew Mitchell, B.A., M.S.
Private Attorney General: 18 U.S.C. 1964

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In many ways, it's now approaching comedy in the extreme to witness how very consistently Federal government personnel avoid certain legal questions like a global plague of toxic chemtrails.

Arguably *Numero Uno* in this parade of deliberate distractions is the real identity of "UNITED STATES OF AMERICA".

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This is no idle or irresponsible question, chiefly because that entity has shown as the "Plaintiff" on every single Federal Grand Jury "indictment" we have examined during the past 30 years of litigation and supporting legal research.

We traced it to two Delaware corporations, but both corporate charters were revoked by the Delaware Secretary of State soon after we attempted to serve their Agent for Service of process.

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In order to demonstrate due diligence, we also inquired at the Secretary of State for several other States of the Union, and without exception those offices also confirmed that "UNITED STATES OF AMERICA" never registered to do business as a foreign corporation in any of those other States.

It doesn't appear to be registered with the D.C. office responsible for enforcing corporation laws inside that Federal enclave, either.

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There is an entity registered in Scotland by the name of "THE UNITED STATES OF AMERICA LIMITED"; however, anyone only slightly familiar with the subject of Federal jurisdiction already knows that a "private limited company" with "UK Origin" can NOT be the entity that shows on Grand Jury "indictments" in the USA.

This ongoing controversy would not really warrant all of the keystrokes it has inspired during the past 30 YEARS, were it not for the far-reaching legal implications that arise from Article III in the U.S. Constitution:

The Judicial Power of the United States extends to all cases in which the United States (Federal government) is a Party!

That Clause is supreme Law throughout the USA, not some nebulous ethical goal to be ignored with impunity.

Our BEST THEORY to date, therefore, is that the truly fictitious entity UNITED STATES OF AMERICA shows on all those "indictments"

as a means to circumvent that supreme Law at Article III and to convene a Federal *legislative tribunal* **instead of** a *constitutional court*.

This is not a "conspiracy theory" as certain intelligence agencies like to brand certain ideas. Strictly speaking, it is a valid hypothesis that continues to survive, because no contrary evidence has been forthcoming from anyone responsible for disproving that hypothesis.

One would expect U.S. Attorneys would have disproven that hypothesis long ago: without any powers of attorney legally to represent "UNITED STATES OF AMERICA" as such, those attorneys are thereby rendered liable for numerous felony Federal offenses, like jury tampering, perjury, false arrest, unlawful incarceration, witness retaliation and obstruction of justice.

The primary problem here is that Federal *legislative tribunals* do not enjoy **any** criminal jurisdiction *whatsoever!*

They can't, as long as 18 U.S.C. 3231 confers criminal jurisdiction on the *District Courts of the United States* -- which have originated criminal prosecutions during the "brief" period spanning from the Act of 1789 to the Acts of 1948 -- **only 159 YEARS!**

The general rule here is that statutes like Section 3231 must be STRICTLY CONSTRUED, and that means the *United States District Courts* are NOT mentioned!

In Black's Law Dictionary, Sixth Edition, cf. "*inclusio unius est exclusio alterius*": an irrefutable inference **must be made** that whatever was omitted or excluded from a Federal statute was **intended to be omitted or excluded** by Act of Congress!

What we have termed the "Sea Change" that occurred on June 25, 1948, attempted to convert the Federal Judiciary from Article III *constitutional courts* to Article I *legislative tribunals*.

The mechanism that attempted to authorize such a "Sea Change" was a series of "amendments" to Rules of Court. This, however, was a **FATAL ERROR** chiefly because the U.S. Supreme Court has held -- correctly -- that **Rules of Court may not expand or restrict original jurisdiction which has already been conferred on Federal District Courts by prior Acts of Congress.**

See *Willy v. Coastal Corp.* for dispositive authority on this fundamental point. All *legislative* power is vested in the Congress, not in any Federal courts. See Article I.

Here's an experiment which anyone can try, time permitting: if you live and/or work in one of the 50 States of the Union, we strongly recommend that you make polite contact with your State's Secretary of State, play dumb, and ask the BIG QUESTION:

Is "UNITED STATES OF AMERICA" a corporation registered to do business in your State?

Please share their answer(s) with us!

Further reading:

<http://supremelaw.org/authors/mitchell/systemic.failure.htm>

<http://supremelaw.org/authors/mitchell/congress.conned.htm>

<http://supremelaw.org/authors/mitchell/court.conspiracy.exposed.htm>

Sincerely yours,

/s/ Paul Andrew Mitchell, B.A., M.S.

Private Attorney General, Civil RICO: 18 U.S.C. 1964;

Agent of the United States as *Qui Tam* Relator (4X),

Federal Civil False Claims Act: 31 U.S.C. 3729 *et seq.*

<http://supremelaw.org/support.guidelines.htm> (Policy + Guidelines)

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Dear Friends,

For an entity to become a corporation under federal law, there must be an Act of Congress creating that corporation.

There are no Acts of Congress expressly incorporating either the "United States" or the "United States of America".

In 1871 Congress did expressly incorporate the District of Columbia, but D.C. and the "United States" are not one and the same. In that Act of 1871, Congress also expressly extended the U.S. Constitution into D.C.:

<http://www.supremelaw.org/cc/gilberts/intentm3.filed.htm#1871>

In United States v. Cooper Corporation, 312 U.S. 600 (1941), the Supreme Court wrote:

<http://caselaw.findlaw.com/us-supreme-court/312/600.html>

"We may say in passing that the argument that the United States may be treated as a corporation organized under its own laws, that is, under the Constitution as the fundamental law, seems so strained as not to merit serious consideration ."

Some of the confusion rampant on this subject may have originated in the definition of "UNITED STATES OF AMERICA" in Bouvier's Law Dictionary here:

<http://www.supremelaw.org/ref/dict/bldu1.htm#union>

See Paragraph 5 quoted here:

"5. The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law."

Note that the plural verb "are" was used, providing further evidence that the "United States of America" are plural, as implied by the plural term "States". Also, the author of that definition switches to "United States" in the second sentence. This only adds to the confusion, because the term "United States" has three (3) different legal meanings:

<http://www.supremelaw.org/decs/hooven/hooven.htm#united.states>

However, the decision cited above is Justice Marshall issuing dictum, and it is NOT an Act of Congress. Here, again, be very wary of courts attempting to "legislate" in the absence of a proper Act of Congress. See 1 U.S.C. 101 for the statute defining the required enacting clause:

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<http://www.law.cornell.edu/uscode/1/101.html>

And, pay attention to what was said in that definition here:
"no suit can be brought against the United States without authority of law". That statement is not only correct; it also provides another important clue:
 Congress has conferred legal standing on the "United States" to sue and be sued at 28 U.S.C. 1345 and 1346, respectively:

<http://www.law.cornell.edu/uscode/28/1345.html>

<http://www.law.cornell.edu/uscode/28/1346.html>

Congress has NOT conferred comparable legal standing upon the "United States of America" to sue, or be sued, as such.

Furthermore, under the Articles of Confederation, the term "United States of America" is the "stile" or phrase that was used to describe the Union formed legally by those Articles:

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

**Article I. The Stile of this Confederacy shall be
 "The United States of America."**

Article II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

[end excerpt]

When they came together the first time to form a Union of several (plural) States, they decided to call themselves the "United States of America".

Note also that those Articles clearly distinguished "United States of America" from "United States" in Congress assembled. The States formally delegated certain powers to the federal government, which is clearly identified in those Articles as the "United States".

Therefore, the "United States of America" now refer to the 50 States of the Union, and the term "United States" refers to the federal government.

The term "United States" is the term that is used consistently now throughout Title 28 to refer to the federal government domiciled in D.C. There is only ONE PLACE in all of Title 28 where the term "United States of America" is used, and there it is used

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in correct contradistinction to "United States":

<http://www.law.cornell.edu/uscode/28/1746.html>

Because Title 28 contains statutes which govern all federal courts, the consistent use of "United States" to refer to the federal government carries enormous weight. Title 28 is the latest word on this subject, as revised, codified and enacted into positive law on June 25, 1948. Moreover, the Supremacy Clause elevates Title 28 to the status of supreme Law of the Land.

To make matters worse and to propagate more confusion, the entity "UNITED STATES OF AMERICA" incorporated twice in the State of Delaware:

<http://www.supremelaw.org/cc/usa.inc>

<http://www.supremelaw.org/cc/usa.corp>

The main problem that arises from these questions is that United States Attorneys are now filing lawsuits and prosecuting criminal INDICTMENTS in the name of the "UNITED STATES OF AMERICA" [*sic*] but without any powers of attorney to do so. Compare 28 U.S.C. 547 (which confers powers of attorney to represent the "United States" and its agencies in federal courts):

<http://www.law.cornell.edu/uscode/28/547.html>

They are NOT "United States of America Attorneys", OK?

First of all, they do NOT have any powers of attorney to represent Delaware corporations in federal courts; Congress never appropriated funds for them to do so and Congress never conferred any powers of attorney on them to do so either.

Secondly, the 50 States are already adequately represented by their respective State Attorneys General; therefore, U.S. Attorneys have no powers of attorney to represent any of the 50 States of the Union, or any of their agencies, either.

They are "U.S. Attorneys" NOT "U.S.A. Attorneys", OK?

Accordingly, it is willful misrepresentation for any U.S. Attorney to attempt to appear in any State or federal court on behalf of the "UNITED STATES OF AMERICA" [*sic*]. And, such misrepresentation is actionable under the McDade Act at 28 U.S.C. 530B:

<http://www.law.cornell.edu/uscode/28/530B.html>

There are quite a few "activists" running around the Internet claiming that the "United States" and the "United States of

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America" are both corporations. These claims are not correct, for the reasons already stated above.

A similar error occurs when these so-called "activists" cite the federal statute at 28 U.S.C. 3002 as their only "proof" that the "United States" was incorporated by Congress. Here's the pertinent text of that statute:

<http://www.law.cornell.edu/uscode/28/3002.html>

As used in this chapter:

...

(15) "United States" means --

- (A) a Federal corporation;**
- (B) an agency, department, commission, board, or other entity of the United States; or**
- (C) an instrumentality of the United States.**

[end excerpt]

First of all, note well that the stated scope of this definition is limited to "this chapter" *i.e.* CHAPTER 176 of Title 28 – Federal Debt Collection Procedures. Overlooking the limited scope of such definitions is a very common error among many, if not all self-styled experts. At best, this section cannot be used as evidence that the federal government should be treated as a valid corporation for all other intents and purposes. It takes a LOT more text than this one limited definition to create *any* federal corporation! Compare the original Statutes at Large that created the Union Pacific Railroad Company, for example.

Secondly, from the evidence above it should already be clear that the "United States" (federal government) is not now, and never has been, a federal corporation. The statute at 28 U.S.C. 3002 merely defines the term "United States" to embrace all *existing* federal corporations. Because the United States was not an existing corporation when Congress enacted section 3002, that statute did not create and could not have created the United States as a federal corporation in the first instance.

Thirdly, in Eisner v. Macomber the U.S. Supreme Court told Congress that it was barred from re-defining *any* terms that are used in the federal Constitution. "United States" occurs in several places, because it is central to the entire purpose of that Constitution. Therefore, the legislative attempt to re-define "United States" at section 3002 is necessarily unconstitutional, because it violates the Eisner Prohibition.

Fourthly, section 3002 also exhibits 2 subtle tautologies, which render it null and void for vagueness. Here they are, in case you missed them:

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“United States” means ... an agency, department, commission, board, or other entity of the United States;
or
“United States” means ... an instrumentality of the United States.

It is a fundamental violation of proper English grammar to use the term being defined in any definition of that term, and such a violation has clearly happened here. If you don't yet recognize the tautologies, then change one part of this definition to read:

The term “United States” here also embraces any instrumentality of the federal government.

At the very least, this minor change eliminates the tautology and removes the vagueness. Nevertheless, such an attempt to re-define the term “United States” *still* violates the Eisner Prohibition.

For a newspaper-level Press Release which further explores some of the many legal ramifications of these widespread errors, please see this Internet URL:

<http://www.supremelaw.org/press/rels/cracking.title.28.htm>

Sincerely yours,
/s/ Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, Criminal Investigator and
Federal Witness: 18 U.S.C. [1510](#), [1512-13](#), [1964\(a\)](#).
<http://www.supremelaw.org/decs/agency/private.attorney.general.htm>
<http://www.supremelaw.org/index.htm>
<http://www.supremelaw.org/support.policy.htm>
<http://www.supremelaw.org/guidelines.htm>

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TO:

U.S. Court of Appeals
for the D.C. Circuit
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333 Constitution Ave., N.W.
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District of Columbia, USA



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