

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

|   |   |   |
|---|---|---|
| <b>United States of America</b>         | ) |   |
| <b>Plaintiff</b>                        | ) |   |
|   | ) |   |
| <b>v.</b>                               | ) | <b>Civil Action No. 4:19-cv-00432-TDD-JFJ</b> |
|   | ) |   |
| <b>Ryan K. Jones and Tarah F. Jones</b> | ) |   |
| <b>Defendant</b>                        | ) |   |

**BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST  
PLAINTIFF'S CLAIMS AGAINST THEM FOR THE YEARS 1999 THROUGH 2003 AND FOR  
PENALTIES AND INTEREST FOR ALL YEARS**

s/Clifford N. Ribner

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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

|   |   |   |
|---|---|---|
| <b>United States of America</b>         | ) |   |
| <b>Plaintiff</b>                        | ) |   |
|   | ) |   |
| <b>v.</b>                               | ) | <b>Civil Action No. 4:19-cv-00432-TDD-JFJ</b> |
|   | ) |   |
| <b>Ryan K. Jones and Tarah F. Jones</b> | ) |   |
| <b>Defendant</b>                        | ) |   |

**BRIEF IN SUPPORT OF DEFENDANTS’ MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST  
PLAINTIFF’S CLAIMS AGAINST THEM FOR THE YEARS 1999 THROUGH 2003 AND FOR  
PENALTIES AND INTEREST FOR ALL YEARS**

Defendants hereby file this their brief in support of their Motion for Partial Summary Judgment against all Plaintiff's claims against them, which they hereby ask be dismissed, for the years 1999 through 2003, and for penalties and interest for all years. In further support thereof, Defendants incorporate by reference *in Toto* their Brief, filed on even date herewith (ECM # 57), in opposition to Plaintiff's Motion for Summary Judgment (“Plaintiff's MSJ”, ECM ##53 and 54), including its Statement of Undisputed Facts which sets out all of the facts on which this Brief, and Defendants' Motion which it supports, are based.

**I. Introduction**

This case presents this Court with the starkest and most basic of questions: do we in fact have a Constitution in this country – or is it simply a relic which courts and politicians refer to opportunistically when convenient to political ends – and otherwise find acceptable to completely disregard? The views of the Founders on these matters, and the history of the complete, 100% inversion of the Constitution into something it most definitely is not – a license for federal officials to assume virtually-unlimited policing powers over citizens and businesses –

leading us to a country which is in the process of [self-destructing](#), the rule of law being replaced by the rule of lawyers, is discussed below.

Since the Constitution itself says, in its Article VI, that it is the Supreme Law of the land (clearly, and necessarily, by its own terms, supreme to all **other** federal laws and actions by federal officials – of all kinds, including judges – as well as all other laws, since those federal laws are created, and can be revoked, pursuant to **its** own provisions contained in **its** Article I § 7, and federal officials only can assume office pursuant to its elective and appointive dictates) if the terms of the Constitution do not, in fact, govern all federal officials, and all decisions by all courts, in every respect, then it is no exaggeration to say that we have become lawless, our Constitution immolated by politicians simply refusing to follow it, that this nation founded on the propositions of establishing the rule of law and of the citizens as a whole, speaking through their elected representatives, **alone** – and not of any king or other man – is simply no longer subject to the rule of law, but subject to the rule of men, the **rule of lawyers** claiming to act in the name of the Constitution – but making it up themselves, picking and choosing which words in it they choose to base their usurped power on, "interpreting" those terms as they choose (like Humpty-Dumpty, making them mean whatever they want), and simply ignoring the rest – including its very purpose and the meaning attributed to it by its creators, the Founders contemporaneously in, among other contemporaneous explications of it, "*The Federalist*."

And if the Constitution rules, how is it to be **enforced** – since it has no enforcement provisions **in it** – and who is to do that? Is this Court not bound to follow the **actual rule of law** – and not simply dictates from men, always capable of errors, sitting on past Supreme Courts, if it can be shown beyond any doubt that those men **got it wrong** and that the Constitution says something **very different** from what they said it says? And, by its terms, it is the Constitution which is the Supreme Law, Supreme Law which can only be amended pursuant to

its Article V, which does **not** permit the Supreme Court, nor even **all three branches** of the federal government **acting together**, to amend it **at all**.

The truth is that the Constitution was written in simple language at a time when lawyers did not have to be licensed by any state, with citizens easily able to understand its very clear provisions, without some priesthood of lawyers being necessary to "interpret" them; but it takes generation after generation of lawyers "reinterpreting" it, particularly since the 1930s, to turn it on its head, as has happened as of now. That is why Plaintiff is able to make its claims against Defendants, and its arguments for summary judgment, claims which this Court should dismiss, and arguments which this Court should reject based on the unambiguous text of the **real** rule of the real law governing this case – the Constitution.

The **entire** basis of the parts of Plaintiff's case Defendants seek dismissal of in this Motion rests on Plaintiff's claim, which is indeed accurate under the current, clearly-erroneous state of caselaw, that federal courts have been consistently ruling actions by federal agencies lawful if any federal agency simply has a purportedly "rational basis" for any "commercial" requirement of citizens, that is acceptable to the courts – as the result of the courts' "interpretation," and purported application of, the interstate Commerce clause of Article I § 8 of the Constitution, an interpretation which the Supreme Court has imposed (reversing its [previous, correct](#) , [Schechter Poultry Corp. v. United States, 295 U.S. 495 \(1935\)](#), rulings) on that Constitutional provision since the 1930s. The fact that that "interpretation" of that clause – which has the effect of turning the entire Constitution on its head and pretending that it effectively authorizes a police state at the federal level in our government – is literally nonsense, together with the history (because, as shown below, a few minutes of history is worth 1000 pages of logic) of that "interpretation," is shown below.

It is no exaggeration to say that the Supreme Court has been interpreting the interstate Commerce clause in a manner consistent with Plaintiff's position because its then-present members chose, in the 1930s, to impose on it what can only be called a Marxist lens through which to view the Constitution's entirety, a lens under which all businesses in the country are viewed as **inherently-evil**, purportedly requiring – and supposedly, contrary to the Founders' known intentions, **permitting** – the federal government to have, ultimately, absolute control to police them in every way, in all their contracts' terms, in all their interactions with all other businesses and citizens.

In his [veto message to Congress](#) in 1817, James Madison, the Constitution's principal author, made it clear that the interstate "Commerce" clause did not even include the power to build roads ("The power to regulate commerce among the several States cannot include a power to construct roads and canals, and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress").

It is purely because of the Supreme Court's post-1930s "interpretation" of the Constitution – a document which the Founders made clear in *The Federalist* was intended to be **precisely the opposite** of a statist, Marxist document (the very reason why Marxists, [including Karl Marx](#), always viewed America and its founding documents as their **existential enemy**) – a document recognizing that America is a nation of businesses whose freedom within the Common Law and the rules of the market was its most-prized attribute, and its preamble says **explicitly** the very purpose for its creation is to preserve individual "liberty" – the **opposite** of

what Marxism (Karl Marx, "The Communist Manifesto": "In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property") permits – that the otherwise-gratuitous requirement the IRS has been imposing here – of refusing to accept tax returns unless they contain a Social Security number, something which has **nothing whatsoever** to do with computing the amount of a citizen's income or tax liability – is permissible, and is the basis for Plaintiff's claims against Defendants.

The facts of this case show that there is **not even a rational** basis to distinguish between the information regarding his income and taxes which Mr. Jones provided to the IRS and the information available on any tax return and, accordingly it is completely absurd and, as shown below, **unconstitutionally punitive**, for him not to be able to have access to the same statute of limitations (10 years for collection) beginning in 2004 at the latest, as any taxpayer who filed a tax return then, the statute of limitations which would have run long before 2019, when Plaintiff filed this case against him for the years 1999 through 2003.

Additionally, it is clear, under the very terms of the 16th Amendment, that it provided **no** power to Plaintiff above and beyond that of any ordinary creditor to "collect," as it is permitted to do, the income tax it permits; and no other clause of the Constitution gives it any such power; and the 10th amendment expressly **precludes** it from having any inherent powers. Accordingly, **all** the statutes automatically imposing penalties and interest of all kinds on citizens for noncompliance of any tax obligation are clearly unconstitutional, even though they have been present in the Internal Revenue Code since it was first established in 1913.

Only because of nearly a century of massive federal intrusions on, evisceration of, citizens' power/individual liberty (in a zero-sum game, with all, usurped, unconstitutional federal power

taken at the **direct, equal** expense of the citizens), outlined below, that Plaintiff routinely is given such deference in federal courts, that citizens are effectively treated like second-class litigants against it, and the arguments raised by Plaintiff in this case are accorded any legitimacy at all.

## **II. Theodore Roosevelt Began the Real Marxist Damage in America in 1905**

In 1905, after actually winning an election, Theodore Roosevelt began his Marxist [assault on the economy](#), creating, beginning in 1906, entire, massively-intrusive, unconstitutional, **as shown below**, Marxist (i.e., indistinguishable in their power over citizens from the bureaucracies of the USSR) agencies including, in 1908, the [FBI](#), and earlier, the [FDA](#), the idea for which self-admitted Marxists in the Agriculture Division of the actually-Constitutional Patent Office had been promoting for decades, with both of them having essentially-unlimited power to violate the 4th Amendment to the Constitution (all they needed was a judge sometimes to rubberstamp their "Investigations"/assaults, if they even bothered with that), with the FDA having power, with **no** limiting-principle governing it, over all businesses under its supposed jurisdiction (all food at all stages of its production, and all medical products of any kind) giving that agency's unelected bureaucrats a terrifying, and terror-inducing (their very purpose, as Roosevelt admitted, and even [bragged](#)) stranglehold over all aspects of both the agricultural and the manufacturing – and inventing – economies, complete with [threats](#) of endless investigations and prosecutions and other punishments at the whim of the bureaucrats, and genuinely bullying (abusing his "[Bully Pulpit](#)," as he accurately called it) by [threatening prosecutions](#) of a multitude of businesses under the draconian, genuinely-terrifying Antitrust laws, whose previous, actual use against businesses – as opposed to unions, which clearly

violated both it and state tort laws (i.e., tortious interference with business) by their existence – the Supreme Court [had effectively prevented](#).

But his bullying threats alone, together with his other assaults on, and effectively the STEALING — with the creation of those unconstitutional agencies, and threats of Antitrust prosecution and endless "investigations" – practically-unlimited control over [the entire economy](#), all businesses, from their owners, taking that control— that important **property** – over them without, as the 5th and 14th Amendments **require**, due process or any compensation for that power, just unilaterally claiming that **ultimate control** over all American businesses, all the [commanding heights](#) of the economy, resulted in the Panic of 1907 (began in September, 1906), which, as always, Marxists blamed on their own victims, American businesses.

And American Marxists (calling themselves "Progressives") later used that [Panic of 1907](#), WHICH ROOSEVELT HIMSELF HAD CREATED, as the [pretext](#) for imposing all manner of additional, Marxist institutions, including, most disastrously and tyrannically, creating THE [COMPLETELY-UNCONSTITUTIONAL](#) (as shown below) Fed in 1913.

Yes, the Founders knew all about central government banks and the paper money they create, BECAUSE [THE FRENCH](#) HAD DONE IT A FEW DECADES BEFORE our founding, and that French bank and its paper money ended in [the Mississippi Bubble](#) nightmare disaster — and they wanted nothing of the kind ever to happen here.

Accordingly, although most take for granted its power to do so today, the federal government is, under the plain language of the Constitution, ABSOLUTELY [FORBIDDEN TO PRINT](#) ANY PAPER MONEY AT ALL, even paper backed by gold: the federal government **only** has the powers authorized in the Constitution itself, and is authorized in Article I § 8 of the

Constitution exclusively and ONLY [TO "COIN"](#) (those arguing the Constitution permits federal government paper money rely on manifestly-mistaken analyses of the interstate Commerce clause, of *McCulloch v. Maryland*, 17 U.S. 316 (1819), and a complete misunderstanding of the federal involvement (20% stock ownership!) in the First Bank of the United States whose Constitutionality it addresses, all as discussed and shown below) ANY MONEY it creates ([PRIVATE BANKS ALONE issued all](#) American paper money, [all backed by specie](#) (except briefly during the Civil War) — banknotes — until 1913, with [NEVER A CENT of inflation](#) that entire time!) and, accordingly, the [completely-unconstitutional](#) Fed (under which the Dollar has been inflated so disastrously that In 2021 (and not counting an **additional 2-year's** inflation since then!) it was worth **less than [3% of what it was worth in 1913](#)**) also violates one of the very few — out of a total of [three](#)! — crimes which the federal government is **actually**, Constitutionally-permitted, and even required, to prosecute EVERY SECOND OF ITS UNCONSTITUTIONAL EXISTENCE — the crime of [counterfeiting](#)!— with preventing inflation being **the very purpose** of [criminalizing](#) counterfeiting, as discussed in *The Federalist* #42.

### **III. American Marxists Have Assaulted Individual Liberty and The Economy – And the Constitution**

American Marxists (calling themselves "Progressives") have always made and executed [one attack after another](#) on our economy — on all real markets, the places and things where people enter into contracts voluntarily with each other, buy and sell whatever they want at whatever prices the buyers choose, with BOTH SIDES of each transaction (which, by definition, **both must agree to** voluntarily) experiencing the miracle, the BLESSING of PROFIT (which Marxists, in their completely-idiotic and deranged delusion, consider the [greatest evil!](#)) and, as

[Adam Smith](#) explained, the **nation's wealth increasing** with each such transaction — attacks on individual liberty, on the power of businesses, the power of private property, attacks on [individual ownership](#) of things, and control by citizens over the terms of their own private contracts between each other — and, accordingly, were direct attacks on our wealth and, accordingly, ultimately on all aspects of our power, including, [necessarily, our military power](#), which always ultimately depends on, and arises from, our wealth, individually and as a nation.

And since 1905, one by one, Marxist (knowingly or unknowingly) politicians [have put every major, and even minor](#), sector — every aspect of, every contract, every transaction in — the American economy, forcing all of it completely under the thumb of multiple, federal alphabet policing-agencies, one business sector after another (except, until Obama tried, the Internet, the Internet [which alone has prospered](#) uniquely in America, has become the sole market with real innovation — precisely BECAUSE THEY DID NOT TRY TO CONTROL IT) — and even the rest of life in America (Americans' education, everything we buy — and are forbidden to buy — our health, and all interactions with others!), all property ownership in the country, all [employment](#) and other contracts of all kinds — all, as outlined below, in direct, undeniable violation of the Constitution.

#### **IV. Marxists Have Poisoned and Corrupted Everything in America Through Their Bureaucracies – That's What They Do**

And that [unconstitutional bureaucratic](#) (an unconstitutional **fourth branch** of government, with each bureaucracy possessing **all three powers** of government) control has corrupted our entire country, every aspect of it, everything, each of those bureaucrat-controlled businesses and everything else in the country, everything which is, by those unconstitutional

bureaucracies, [precluded from acting under real, voluntary market decisions](#) and forces (i.e., if you're selling something nobody wants, you go out of business, and if you don't handle your money properly, you go bankrupt) — and the unique constraints contained in [the Common Law](#), AND THE COMMON LAW ALONE, the [law of freemen](#) which we inherited [from Britain](#).

Yes, everything here, every market, every institution, every profession, every activity, all property ownership, which is no-longer solely under the policing rules of the market and the Common Law, has been corrupted, poisoned from a combination of unconstitutional, fourth-branch government bureaucrat policing-power over the businesses (and everything else) — coupled with "[regulatory capture](#)," with the regulators themselves inevitably, corruptly, coming under the control to some extent of the businesses they necessarily are intertwined with, the businesses which are "legally" under the bureaucrats' **purely-discretionary**, *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), and [therefore tyrannical](#), as per *The Federalist #47*, thumbs, the incumbent businesses as of the time when the unconstitutional policing power is imposed on the business sector, incumbent businesses which end up being **artificially-favored** over new entrants to the market, the entire market destroyed and corrupted by the presence of the bureaucrats and their unconstitutional, as shown below, power, a market bullied and corrupted instead of being encouraged and fostered, the **very opposite** of what the Founders intended, *The Federalist #42*, harming the public inevitably, benefiting only politicians and bureaucrats and corrupt parasites, harming the nation's wealth and power — and the rule of law.

Knowing all this, all these undeniable, as shown below, facts about the Constitution itself, they attempted to, and did indeed, pass (1) the 16th Amendment, to authorize the hideous,

Karl Marx-inspired Income Tax and the IRS, and (2) they obtained the passage, and later the repeal, of the [18th Amendment](#), passage which THEY KNEW WAS REQUIRED to permit the federal government to impose Alcohol Prohibition – proposing it AT THE VERY SAME TIME that they were just going ahead on their own, COMPLETELY-LAWLESSLY, cynically and grotesquely and willfully violating their oaths of office to uphold the Constitution, and blatantly-unconstitutionally [inventing the FDA](#) to give the federal government [THAT SAME POWER](#) over ALL FOOD AND DRUGS AND MEDICAL DEVICES, not just alcohol, in the country, and inventing the fed with that same power over our currency.

**V. The Constitution EXPLICITLY PRECLUDES ALL Those Bureaucracies, Providing NO Basis for Their Existence – And the Supreme Court Has Erroneously Been Pretending Otherwise**

All of that corrupt, tyrannical – the combination of all three governmental powers being “the very definition of tyranny,” The Federalist # 47 – government policing-power in each of those agencies is EXACTLY WHAT THE CONSTITUTION WAS **INTENDED TO PREVENT** by giving the federal government **NO** POWER WHATSOEVER to do any of that, and EXPLICITLY preserving ALL POWER IT DOESN'T GIVE EXPLICITLY TO THE FEDERAL GOVERNMENT for the people and the states, explicitly spelling that out in plain English in the [9th](#) and [10th](#) Amendments.

The Supreme Court has, since the mid-1930s, and even more so since the 1940s, *Wickard v. Filburn*, 317 US 111 (1942), been erroneously rubber-stamping **all** that grotesque usurpation of policing power by the federal government, by pretending (it's literally the one and **ONLY** Constitutional clause it relies on [to authorize EVERY SINGLE ONE OF](#) THOSE FEDERAL BUREAUCRACIES!— and, amazingly, VIRTUALLY ALL, purported FEDERAL CRIMES — today) that

the Interstate "Commerce" clause of the Constitution supposedly AUTHORIZES EVERY BIT OF IT, [all](#) , *Heart Of Atlanta Motel v. United States*, 379 U.S. 241 (1964), that policing power, all that criminalization of citizens' otherwise-innocent, and often-harmless, behavior, all that policing of America and Americans, by every one of those agencies!

Yes, the Supreme Court has purported TO REST THE ENTIRE WEIGHT OF ALL POWER TO AUTHORIZE ALL THAT ENDLESS, TYRANNICAL, MASSIVE FEDERAL AUTHORITY, power under which the federal government has attempted TO CRIMINALIZE ALL harmless, perfectly normal GENUINE FREE MARKET ACTIVITIES in politicians' lust for unconstitutionally imposing Marxism on the country, criminalizing everything Americans do, criminalizing the use of [cash money!](#) with the Supreme Court resting [every bit of that power](#), all of it on that one, very-weak branch, on that one very, very thin reed, on the supposed authority of THAT ONE CLAUSE, AND THAT ONE CLAUSE ALONE, IN THE CONSTITUTION – a clause which permits absolutely [nothing of the kind](#) – as that Court [knew](#), *Schechter Poultry v. US, Supra*, perfectly well when it first did so – when it did so for [PURELY-POLITICAL](#), cynical reasons – in the mid-1930s, with at least one or two of the then-Justices on the Court knowingly violating their [oaths of office](#) when they did that – violations which have never yet been undone by that Court.

And it is cases applying that clearly-erroneous, as shown below, reading of that clause in the Constitution which Plaintiff depends on for claiming that the IRS had the right to reject returns offered by Mr. Jones simply because they did not have his Social Security number on them, and **that** is why no statute of limitations purportedly runs for their claims against him.

**VI. Our Politicians, Including Those on The Supreme Court, Have Been Pretending That the Interstate "Commerce" Clause of The Constitution Authorizes EVERY SINGLE ONE Of The Federal Alphabet And Other Bureaucratic Agencies (other than the IRS)**

As everyone in the country knew until the 20th century, and as the Founders made very clear in their own writings on the subject, *The Federalist #42*, the Interstate "Commerce" clause actually primarily authorizes the federal Government to police the **STATES**, to PREVENT STATES [FROM IMPROPERLY HARMING trade](#) involving INTERSTATE BUSINESSES, **NOT to police** citizens and their businesses **at all**.

Its purpose was [to protect Interstate business' property rights](#) and [Liberty of contract](#) (with Madison, himself the principal author of the Constitution, **EXPLICITLY DESCRIBING** the **purpose of that clause** in *The Federalist #42*: “[**bullying by states of other states'** businesses under the Articles of Confederation revealed] The necessity of a superintending authority over the reciprocal trade of confederated states“) guaranteed elsewhere in the Constitution, and **not**, as the Supreme Court has been pretending, authorizing the federal government TO [ASSAULT THOSE RIGHTS](#), permitting the assaulting of those rights possessed by everyone, **all citizens**, all businesses, not just interstate ones.

Yes, the purpose of that clause was to **preserve, not** to destroy for all citizens, interstate businesses' property rights and FREEDOM OF CONTRACT, freedom of contract which, together with the right to Fee Simple Absolute ownership of property were, since Magna Carta, **the singular attributes, the singular freedoms** differentiating Freemen from serfs!, with freedom of contract BEING THE ONE AND ONLY INDIVIDUAL LIBERTY **so important** that it was the **ONLY** such individual right – in that document **explicitly dedicated** to institutionalizing and preserving individual liberty – explicitly preserved [IN THE ORIGINAL TEXT](#) OF THE CONSTITUTION ITSELF,

**not** in the Bill Of Rights amendments. Because, as the Supreme Court was still recognizing, no later than 1897, the right of all citizens to conduct their businesses and engage in all contracts, within the Common Law, freely was **precisely** the "pursuit of happiness" our Founders fought the Revolution against the British to secure, and the 14th amendment protects. Allgeyer v. State of La., 165 U.S. 578, 591, 17 S. Ct. 427, 432, 41 L. Ed. 832 (1897).

Yes, the plain text of the Constitution – including its **entire purpose** of preserving individual liberty spelled out in its Preamble – and *The Federalist* #42 make clear that the interstate "Commerce" clause was, in fact, intended **not** to authorize the endless assault by federal bureaucracies on citizens' freedom of contract which the Supreme Court has, since the 1930s, been rubber-stamping in its name, **not** to permit the **complete destruction** of all individual liberty **including** freedom of contract, complete destruction which the Supreme Court since the 1930s has indeed been authorizing, but rather to do **THE VERY OPPOSITE, to preserve and protect INTERSTATE BUSINESSES'** property rights and freedom of contract from bullying **by other states**, freedom of contract which, since the turn of the 20th century, when law schools were invented, law professors – supposed legal "experts" and, in reality all-too-often, simply self-serving-and-promoting Marxist activists in suits and ties controlling the education of lawyers – knowing full-well that the Constitution is 180°-**antithetical** to each and every one of their Marxist dreams – individual liberty and freedom of contract which those so-called Constitutional "experts" have **endlessly scorned, ridiculed and mocked**; and the Supreme Court, following those supposed "experts'" lead, has, since the 1930s, illegally effectively-stricken from the Constitution!

## **VII. The Constitution Is a Contract Between the People and The States Enforceable, By the Courts, Under the Common Law Of Contracts**

In doing so, the Supreme Court has been ignoring the Constitution's **plain text**, the contemporaneous explications of it in *The Federalist*, common sense and the centuries-old, and clearly-controlling for the Constitution's interpretation and enforcement, Common Law of Contracts.

Because the Constitution is, in addition to being the Supreme Law of the land, a **Contract** between the citizens and the states, as **it explicitly announces** – "We the people...."

And it is under the **then pre-existing** Common Law of Contracts that it has always been **required** to be read, interpreted and **enforced; THAT is why it contains NO ENFORCEMENT PROVISIONS; the Common Law of Contracts ALREADY EXISTED when it was written and ratified**, making any **additional** enforcement provisions in it superfluous. And it is the courts which are **required** (not simply empowered with discretion) to enforce the Constitution, **never** leaving it simply a dead letter:

An act of congress repugnant to the constitution **cannot become a law**. The courts of the U. States are **bound** to take notice of the constitution . . . It is a settled and invariable principle, that **every right**, when withheld, **must have a remedy**, and every injury its proper redress.... There **must then be a jurisdiction somewhere** competent to issue that kind of process. Where are we to look for it but in that court which the constitution and laws have made supreme, and to which they have given appellate jurisdiction?... But the discretion of a court always means a found, legal discretion, not an arbitrary will. ***If the applicant makes out a proper case, the courts are bound to grant it. They can refuse justice to no man....*** The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. *[Emphasis added] Marbury v. Madison*, 1 Cranch 13, 75 U.S. 137, 138, 1803 WL 893, 2 L.Ed. 60 (1803)

As Hamilton stated in the federalist#15:

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there

be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways: by the agency of the courts and ministers of justice, or by military force; by the COERCION of the magistracy, or by the COERCION of arms.

The absolute necessity of the courts intervening to impose the Constitution on other public officials and branches of the government was further noted by Hamilton in *The Federalist* #78 as follows:

By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.... It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law.... If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.... Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former.

And similarly, in *The Federalist* #15, Hamilton described the absolute need for the courts to impose the enforcement of the Constitution, as follows: "The majesty of the national authority must be manifested through the medium of the courts of justice." And in *The Federalist* #22 "Laws are a dead letter without courts to expound and define their true meaning and operation."

Instead of applying common sense and the Common Law of Contracts in interpreting the plain language of the Constitution, the Supreme Court has, since the 1930s, been completely abrogating its duty to impose the Constitution as the supreme law governing everything all officials, all officials' actions, in the country, and pretending that the Constitution is a "living"

document whose clear, plain, **explicit** language they can **simply ignore**, whose terms **they**, the justices on the Court, and not the Founders who wrote it, and the then-centuries-old Common Law of Contracts – the Common Law of Contracts which the Founders unambiguously intended that the courts apply as its **exclusive** interpretation and enforcement-mechanism – pretending unconstitutionally, just like unconstitutional statutes they are required to strike, that **they, judges alone**, and **not** the text of the Constitution itself, were the supreme law of the land!, that they were empowered to impose a **rule of lawyers**, and not of law, that **they** were authorized to **ignore** its plain text, and its obvious meaning, as described in *The Federalist* #42, and so **weaponized** their “interpretation” of the (otherwise relatively-minor) interstate “Commerce” clause to literally **TURN THE ENTIRE REST OF THE CONSTITUTION ON ITS HEAD, deploying it to supposedly authorize** (in a zero-sum game of the state versus the individual) the **abolition** of individual liberty by the central, federal government, instead of instituting individual liberty, as the Constitution's preamble states is its very purpose, the purpose which was and is always to be born in mind by the courts in interpreting each of its provisions, illegally claiming that they, judges on the Supreme Court, could **repudiate** the Common Law of Contracts they have always been required to apply in interpreting it, that they could **repudiate the Constitution's plain** text itself, and unconstitutionally effectively **strike** freedom of contract, the 9th, 10th and 14th amendments, and the **actual meaning** and purpose of the interstate Commerce clause – and the language of the 16th Amendment, which authorizes **no penalties for noncompliance, no** collection powers beyond those of any creditor – from the Constitution!

Specifically, the Supreme Court has been claiming that ALL – YES, EVERY SINGLE ONE – of those federal bureaucracies, those endless (no one knows how many hundreds, or thousands

even, of them there are!) alphabet and other federal agencies, that **all** of those federal agencies policing individuals and businesses, [are Constitutional](#) based **EXCLUSIVELY** on the [following Constitutional clause](#) whose **actual** purpose was described by Madison in *The Federalist* #42 in the language quoted above, the clause which authorizes the central, federal government to regulate

"Commerce [i.e., trade] with foreign Nations, and among the several States, and with the Indian Tribes..."

Yes, that's the **ONE CLAUSE IN THE CONSTITUTION** which the Supreme Court has been relying on **EXCLUSIVELY** to justify the supposedly-(according to them)-Constitutional existence OF EVERY SINGLE ONE of those federal bureaucracies, those citizen-policing agencies!

Just as a textual/grammatical matter: does anyone reading THE ACTUAL WORDS of that entire clause seriously think that those words permit the federal government to regulate/police Indian **tribes** and foreign **nations!?**, let alone INDIVIDUAL INDIANS AND CITIZENS of foreign nations, THEMSELVES — along with American citizens and their individual businesses — with the regulation/policing of individual citizens and their businesses being **PRECISELY** what the Supreme Court has been pretending that that clause permits since the mid-1930s? The question answers itself.

**VIII. Even the Supreme Court Itself Recognized in the 19th Century That the Interstate "Commerce" Clause Does NOT Permit the Federal Policing Powers That Court Has Been Pretending It Permits Since The mid-1930s.**

Even the Supreme Court itself has never pretended that that clause permits the federal government to regulate/police foreign nations, or foreign individuals, and Indian tribes or individual Indians THEMSELVES — as would textually be required if it actually permitted

regulating/policing American citizens and businesses, as the Supreme Court has been ruling it does since the mid-1930s.

And yes, we have multiple written documents by the Founders – Hamilton, Jefferson, Monroe, Madison – including the above-quoted *The Federalist* #42, who wrote, and wrote about, that clause and the powers of the federal government, making very clear that neither that clause, nor any other, in the Constitution was ever intended to permit the federal government TO POLICE PRIVATE PROPERTY, PRIVATE TRANSACTIONS AND PRIVATE CITIZENS AND BUSINESSES at all.

And yes, that's exactly what the Supreme Court itself confirmed explicitly in one of the three cases in which it addressed any aspect of this issue, and discussed that very clause, during the 19th century, [\*Gibbons v. Ogden\*](#), 22 U.S.1(1824).

Specifically, in a very, very long opinion by Chief Justice John Marshall, in what would now be called its "Syllabus," he explicitly confirms THE COMPLETE AND ABSOLUTE **NONEXISTENCE** IN THE INTERSTATE "COMMERCE" CLAUSE OF ANY DELEGATION to the federal government OF ANY POLICING POWERS over American citizens and their businesses: "State **inspection** laws, **health** laws, and laws for regulating **the internal commerce of a State** [i.e., citizen-policing laws], and those which respect turnpike roads, ferries, &c. are **not** within the power granted to Congress [in the interstate commerce clause] [Emphasis added]."

**IX. The Entire Legal Profession – Which Has Excessive Power in America – Has Been Poisoned for Generations by Fraud About This Very Issue in The Textbooks Law Students Are Trained with In Law Schools**

For decades now, Constitutional Law [textbooks](#) used in American law schools — which always include part, BUT NEVER ALL (of course: it's too long!), of Marshall's opinion in *Gibbons v. Ogden* — have invariably, completely [MISREPRESENTED](#) the meaning and import of *Gibbons v. Ogden*, ON THIS EXISTENTIALLY-IMPORTANT ISSUE, by Obfuscating, or even LEAVING OUT, deliberately omitting, the few critical words, quoted above, in their purported presentations of the case, that [tiny portion](#) of the text of that case, quoted above, WHICH UNAMBIGUOUSLY CONFIRMS what I'm saying here about that case, what it says about the Interstate "Commerce" clause, and its complete [NONDELEGATION of the citizen-policing power](#) the Supreme Court has been pretending, since the mid-1930s, it delegates to the federal government.

In so doing, the Marxist Constitutional Law textbook Professor/authors have literally been **miseducating** the entire legal profession, generation after generation, about this very subject, tricking generation after generation of lawyers — and, therefore, the entire legal profession! — into accepting the Supreme Court's "reading" of the Constitution, a "reading" which literally TURNS THE ENTIRE CONSTITUTION COMPLETELY UPSIDE DOWN, completely on its head, tricking them into believing that, yes, notwithstanding the [Revolution](#) the Founders fought to [establish individual liberty](#), as stated in the Declaration of Independence and the preamble to the Constitution, and against intrusive, overtaxing, over-demanding-from-citizens central government tyranny, the Revolution they fought to preserve the life, liberty, property, freedom of contract and the right to the pursuit of happiness of every American citizen, notwithstanding all that, according to the false presentation of that case in those textbooks, John Marshall, in the 19th century — himself a Founder — supposedly pretended that the Constitution itself, in the Interstate "Commerce" Clause, legitimizes the federal government to turn this country into

a fascist state, a country in which citizens and their businesses can be under the complete, purely-discretionary policing power and control of unelected federal agencies, agencies **each** with **more** – possessing **ALL THE COMBINED** legislative, executive and judicial POWERS OF GOVERNMENT – power than what any of the **actual**, Constitutional branches have, agencies REMARKABLY UNMENTIONED in the actual Constitution, tricking law students, and then lawyers and judges, into believing that there was indeed **some**, pre-20th century authority, the authority of John Marshall himself! supporting the absolutely and undeniably-false position the Supreme Court took in the mid-1930s, actual authority about THIS ABSOLUTELY CRITICAL ISSUE, tricking them into thinking that the Supreme Court did not **massively err** since the 1930s when it pretended that freedom of contract [is by no means guaranteed](#) in the Constitution, and that the Interstate “Commerce,” AND THAT CLAUSE ALONE, ALL BY ITSELF remarkably, indeed authorizes the federal government to impose discretionary, bureaucratic tyranny on the American people, to police the citizens and businesses of America – the **very opposite** of what the entire [Constitution guarantees](#) would never happen!

**X. Our Founders, [Jefferson https://www.battlefields.org/learn/primary-sources/jeffersons-opinion-constitutionality-national-bank-1791](https://www.battlefields.org/learn/primary-sources/jeffersons-opinion-constitutionality-national-bank-1791), and [Hamilton, https://avalon.law.yale.edu/18th\\_century/bank-ah.asp](https://avalon.law.yale.edu/18th_century/bank-ah.asp), Authored Memoranda For President Washington Unambiguously Precluding Any Of The Federal Policing Powers Which The Supreme Court Has Been Pretending, Since The 1930s, The Constitution Permits**

But even before that case arose, three of our greatest Founders discussed the issue of the extent of federal policing or other power over any aspect whatsoever of the economy, over any business, let alone any individual, in America, and they unanimously showed that there is **absolutely none** (other than the crimes specified in Article I §8 of the Constitution itself –

[counterfeiting, piracy on the high seas](#), and treason, [as limited by Article III](#) of the Constitution from its Common Law definition and, of course, applying the Common Law in the [District of Columbia](#)).

Indeed, they viewed it as AN [EXTREMELY CLOSE QUESTION](#) whether the federal government was even allowed to issue a charter for a bank (the first Bank of the United States, which was nothing even remotely like the Fed) and to own 20% of its stock!

Can you imagine that question even being debated today by our government? It's only because of the hubristic usurpation of vastly — by endless orders of magnitude — more power over us, over all businesses, over all citizens and our economy, over so long a period of time by the federal government that that question now would be literally laughed at by anyone in our federal government — after decades of its rulings on the subject of federal policing power over the citizenry (in reality, the federal government has virtually NONE under the Constitution).

Yes, President Washington had our Founders, Alexander Hamilton, his Secretary of the Treasury, and his Secretary of State Thomas Jefferson, write memoranda to him on that precise, Constitutional issue, on the Constitutionality of the federal government simply chartering that bank and owning 20% of its stock and, among those Founders themselves, even **that** — which didn't even come close to questioning whether the federal government could POLICE INDIVIDUALS AND/OR THEIR BUSINESSES — was itself a very, very close question (the very reason Washington even asked for the memoranda!).

[JEFFERSON](#) SAID that the federal government chartering that bank and owning 20% of its stock WAS ABSOLUTELY UNCONSTITUTIONAL and forbidden, because nothing in the Constitution **permitted it explicitly**, and the 9th and 10th Amendments — which [he had particularly authored](#)

and demanded – **precluded** any power that was not explicitly given to the federal government in the Constitution, reserving any such powers to the citizens and the states; [Hamilton](#) said it was permitted — but in no way relied on the Interstate "Commerce" clause as any supposed authority by itself for doing so.

And **neither** of them pretended that the Interstate "Commerce" clause **alone**, as the courts have been claiming, could ever permit that, let **alone any policing power over the citizenry and its businesses**, under any circumstance.

So, the Founders themselves doubted the Constitutionality under any clause of the Constitution permitting even that mere chartering of a bank (80% owned by private citizens), coupled with 20% ownership of it by the federal government.

And none of that even came close in any way to creating one federal agency, let alone endless numbers of entire, monstrous ones, all owned exclusively by the federal government and engaged in WRITING THEIR OWN "LAWS" and policing the actions of, indeed ALL THE ACTIONS OF, businesses and citizens as individuals, in the country whatsoever – as each and every one of those alphabet agencies do every single day, every minute of each of their unconstitutional existences.

And if, as we know for a fact from both Jefferson and Hamilton, the Interstate "Commerce" clause could not provide Constitutional support for **that minimal activity** by the federal government, there is ZERO chance it could support the legitimacy of a single one of those federal citizen-policing agencies, or any of the citizen-policing the federal government does in the name of that clause, including prosecuting all **crimes not specifically authorized in the Constitution**, including, of course, its amendments (the [13th](#), [14th](#), [15th](#), and [19th](#) are the

only ones which authorize any criminal enforcement, now that the [18th](#), which alone, even arguably, permitted the FBI to exist, has been [repealed](#)).

So we know for a fact (from the above-mentioned Founders' writings and a multitude of [others](#), [all](#) of which are absolutely-consistent with what I have shown here about these) that the Founders, WHO WROTE THE CONSTITUTION — and knew far more about it than any judge who has ever sat on any court, or any law school professor — would have considered all claims by anyone, particularly including the Supreme Court, that that clause, the Interstate "Commerce" clause, authorizes and legitimizes ANY, LET ALONE ALL (as the Supreme Court has pretended it does, since the 1930s), of these federal bureaucratic policing agencies, to be the purest of pure nonsense – an insult to the Constitution, and to the intelligence and dignity of the American public – and to the Founders and to the incredibly-bloody, dangerous and difficult Revolution they fought against far-less tyranny from the British than is imposed on us by each and every one of those agencies.

And since it is that manifestly-erroneous, expansive reading of the interstate Commerce clause on which the cases Plaintiff relies on are based in claiming it had the power to reject the tax returns offered to it by Mr. Jones because they had no Social Security number on them, all its claims against him for the years 1999 through 2003 are barred by the Internal Revenue Code's own, § 6501, statute of limitations; and since the 16th amendment provides **no** power for the federal government to impose penalties on citizens for noncompliance, other than those available to any ordinary creditor, the penalties and interest of all kinds which Plaintiff seeks to impose on Defendants have no Constitutional basis, and the statutes which provide for

them must be stricken as unconstitutional, and Defendants are entitled to summary judgment against Plaintiff on all those claims against them.

dated: April 20, 2023

Respectfully submitted,

s/Clifford N. Ribner

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CERTIFICATE OF SERVICE

I, Clifford N. Ribner, hereby certify that on April 20, 2023, the foregoing **BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST PLAINTIFF'S CLAIMS AGAINST THEM FOR THE YEARS 1999 THROUGH 2003 AND FOR PENALTIES AND INTEREST FOR ALL YEARS** was filed through the Court's CM/ECF system, which served electronic notice on all registered parties.

s/Clifford N. Ribner

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