

INSIDE



November 2007 Issue # 3

REPORT

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[Online Newsletter Only]

But no weapon that is formed against you shall prosper, and every tongue that shall rise against you in judgment you shall show to be in the wrong, This [peace, righteousness, security, triumph over opposition] is the heritage of the servant of the Lord [those in whom the ideal Servant of the Lord is reproduced]; this is the righteousness or the vindication which they obtain from Me [this is that which I impart to them as their justification], says the Lord. — Isaiah 54:17



Update on Eddie

This is a monthly online newsletter written by Eddie Ray: Kahn. Request a subscription by emailing FreeEddieKahn@yahoo.com. Donations to support the Free Eddie Kahn Fund are appreciated but are not required. Each issue will give an update on Eddie's current situation and share knowledge that Eddie is learning such as "chinks in the government's armor" during his illegal incarceration as a co-defendant in the Wesley Snipes Tax Case. Please do not email this address and ask for tax advice. This is for information only and should not be construed as legal advice.

Well, the date for our trial (Wesley Snipes, Doug Rosile and myself) has been rescheduled again. Wesley Snipes, one of my co-defendants, fired his five attorneys 20 days before trial and hired Robert Bernhoft to be his new Counsel. The judge was not happy. Reason: I had previously objected to a continuance...unless I was allowed to get out of jail to:

- 1) Better prepare documents to enter into the Court Record that prove I am illegally incarcerated and
- 2) I have tried, unsuccessfully, to hire competent, effective and qualified Assistance of Counsel since June, 2007.

We have currently contacted 40 law firms. Only 4 have responded, all saying no, thanks. I told the judge that, if I were out, I would have a much better chance of hiring Counsel.

Judge Hodges did not want any part of that! He definitely does not want me to have any chance to prevail in this matter and he wants to punish me without a trial.

However, when Wesley hired Bernhoft, Bob and his associates came to see me in jail. They explained that they needed at least 90 more days to properly prepare. I agreed to the request for continuance. In the ensuing Emergency Hearing, the Judge granted the continuance since no one objected. So, the trial is currently scheduled for January 7, 2008.

On a personal level, Kookie is still hanging in there. She is my legal secretary (she just doesn't have the official title or get the big bucks.) She types and files the documents that I am putting into the Court Record. She handles all the email correspondence (which is a

Free Eddie Kahn Fund

Donations are accepted by sending to:

Kookie Kahn
P.O. Box 969
Tavares, Florida 32778

By: Check
Money Order
Cash
PayPal address of
FreeEddieKahn@yahoo.com

**God Bless you for
your help.**

THIS ISSUE:

- Update on Eddie
- Pre Trial Conference

bunch!), a lot of times while bouncing one of her grandbabies on her knee! What a woman! I love her more than words can ever say!!

Which reminds me. Thanks again for your donations. Without them, what has been accomplished would not have been possible. I have no doubt that, with the help of you angels, we will prevail.

As for myself, the U.S. Marshals had moved me from the Lake County jail back to the Marion County jail as it is more convenient for them to have me closer to the Court at trial time. They do not take into consideration that I literally have no access to a law library there and my health problems, which I can easily take care of in the Lake County jail, are almost impossible to deal with in the Marion County Jail. But God is good. When the trial was rescheduled, we were able to get the Marshals (they were *very* reluctant) to move me back to the Lake County jail.

I continue to study. My wonderful friends continue to supply me with information that I could never have gotten in the Law library (even a good one!) God bless you all.

Now to the Nitty Gritty...



Pre Trial Conference

This month we are going to concentrate on something I did at the Pretrial Conference on October 2, 2007.

This pre trial conference was to talk about mundane things like how the seating for the lawyers and their assistants was going to be arranged at trial, who gets to say what to who, how long the trial might last, etc.

Obviously, that was ***not*** what I was there for as there are many jurisdictional and procedural problems with this case. I have timely raised these issues. The Judge, Magistrate and Assistant U.S. Attorneys have all tried to either say they are “frivolous”; “without merit”, etc. or totally ignore them.

The judge acknowledged everyone’s presence, asking if they were ready to proceed with the trial. When he got to me, he asked me how many chairs I would need at my table (I have a copy of the transcript, so I will be quoting.):

THE COURT: Mr. Kahn, you will need two seats, I take it?

DEFENDANT KAHN: No, sir, I don’t need any seats. I am not planning on participating in this trial until I get some jurisdictional and procedural questions answered that I’ve been trying to get for 11

NEWS FLASH!!!

Kookie has been invited to the Justice, Peace and Freedom Conference in Addison, Texas, which a suburb of Dallas. This is being held November 16-18, 2007. It is being hosted by Freedom Law School in Phelan, California. She will be bringing people up to date on my situation. (For those who have been asking about Panama Real Estate or obtaining a Panama Permanent Residence Visa, Kookie will have complimentary handouts at this conference.) Even though it is not perfect, I still believe that Panama is the best place in the world to live if you are a freedom seeking American. In my opinion, it is truly a land of opportunity!

The conference is going to include speakers such as Tommy Cryer, Larry Becraft, Joe Banister and G. Ed Griffin. Also speaking will be William Rodriguez; maintenance worker, hero and last one out of the World Trade Center. He will explain the truth about what really went on Sept. 11, 2001. Come hear 11 other informative and exciting speakers!

The price is reasonable and the information invaluable. For details go to www.livefreenow.org and click on the 2007 Justice, Peace & Freedom Conference.

months.

THE COURT: Well, we're going on with the trial, Mr. Kahn, and I don't know how to interpret your statement.

DEFENDANT KAHN: Well, I can clarify it, if you want me to.

THE COURT: The first thing you need to do is to stand up. How many seats will you need at counsel table? That's my question of you.

DEFENDANT KAHN: One. If there -- If I'm going to be here, it will be one.

THE COURT: All right. You don't want Mr. Nielsen at your elbow?

DEFENDANT KAHN: That's correct. I think I've said that numerous times. I don't.

THE COURT: All right. You've been appointed, Mr. Nielsen, under the Criminal Justice Act and have been serving as what's commonly called standby counsel for Mr. Kahn, I believe.

MR. NIELSEN: Yes, sir. Good afternoon, Your Honor.

THE COURT: Good afternoon. I think it best, Mr. Nielsen, given Mr. Kahn's statement, that you need not join him at counsel table but may take a place — we'll provide a place in the courtroom at least during jury selection, and maybe shortly after that, for us to see how we proceed.

MR. NIELSEN: Yes, sir.

THE COURT: All right.

MR. NIELSEN: Do you want me to move right now, Your Honor?

THE COURT: You may.

MR. NIELSEN: Anywhere in particular, sir?

THE COURT: Anywhere. You can take a seat on the pew at the moment there, Mr. Nielsen.

DEFENDANT KAHN: I have a question regarding that, sir.

THE COURT: I'm sorry?

DEFENDANT KAHN: I say I have a question regarding the standby counsel.

THE COURT: All right. What's your question?

DEFENDANT KAHN: The question is — my feeling is I believe what you're going to try to do is if I say something that you don't like, then you're going to have him just take over. I mean, that's what Gary Jones — Magistrate Jones told me he was going to do. And if that's going to be the case, then I want an opportunity to voir dire him, because I've given him voir dire questions since June to answer regarding competency, effectiveness, qualifications, and he hasn't answered them.

THE COURT: Well, let's — we can do it this way, Mr. Kahn. I don't intend to have Mr. Nielsen take over your defense — I don't think it's going to be necessary — unless you cause a disruption or act disobediently to my instructions or orders, in which event I'm going to have you removed from the courtroom treating your behavior as a waiver of your right to be present under Rule 43 during the course of the trial. And during your absence I will then ask Mr. Nielsen to conduct your defense, whether you like it or not.

DEFENDANT KAHN: That's why I wanted to voir dire him to see if he is competent, effective. You know, why - - why - -

THE COURT: Well, we'll see about that if it becomes necessary.

DEFENDANT KAHN: All right, sir.

At that point, the judge continued on with his "let's get ready for trial" show. I sat quietly, waiting for my next opportunity to put on the Record what I was there for. Judge Hodges finally had to include me in the Hearing again.

THE COURT: Mr. Kahn, I haven't heard from you on any of these matters. You understand you have the right to speak up whenever you wish as long as it's germane to what we're discussing. Have you read the preliminary instructions?

DEFENDANT KAHN: No, sir.

THE COURT: Okay.

DEFENDANT KAHN: And like I said, I've got a real problem because my jurisdictional and procedural questions have never been answered. And until they do, I can't proceed. So I need to know when I'm going to be — have an opportunity to get those done.

THE COURT: To get what done, sir?

DEFENDANT KAHN: The jurisdictional and procedural questions that I have had for 11 months now.

THE COURT: What questions to whom, Mr. Kahn?

DEFENDANT KAHN: Well, in one case -- in this case -- first of all, you do know that I filed a criminal complaint against you -- right? -- a criminal complaint against you and Magistrate Jones and all these guys here at the table, the U.S. Attorneys, and two of your Marshals.

THE COURT: I wasn't aware of that, Mr. Kahn.

DEFENDANT KAHN: I'm sorry. I should have --

THE COURT: But that's fine. You can file whatever you wish with whomever you wish. But to the extent you may have posed questions or interrogatories to the Court or to me with respect to jurisdiction over you, you needn't expect any answers because they will not be forthcoming. Can you read and write in the English language?

DEFENDANT KAHN: Yes, sir, I can.

THE COURT: Well, then the preliminary instructions and everything else we've been discussing have been available to you to read.

DEFENDANT KAHN: Yes, sir. But the question I had particularly germane to you is the fact that I was able to get your oath of office through the Freedom of Information Act, and the oath that it has here -- you have two oaths --

THE COURT: What date is on that document, Mr. Kahn?

DEFENDANT KAHN: It's the 28th day of December, 1971.

THE COURT: It's genuine.

DEFENDANT KAHN: Yes, sir. And the question I had was -- it says that you took two oaths: one of them in Title 28, Section 453 and the other one in Title 5, Section 3331. And the 3331 oath is the one I'm particularly interested in. You did take that, right? Correct? That's the civil servant oath?

THE COURT: I'm not a civil servant, Mr. Kahn; I'm an officer of the third branch of government. But my status is not at issue in this case; yours is. And if you keep up with this nonsense, you are surely going to lose in the presence of this jury. My advice to you is that you need to address this case and whether the government can or cannot prove the essential elements of the offenses which are laid out in the preliminary jury instructions that I just asked you whether you had read. You're entirely free to conduct your defense in any way you wish, but my strong advice to you is to abandon the course you have presently set upon.

DEFENDANT KAHN: Well, sir, I just feel like I have the right to ask these questions before the Supreme Court. I have a right to see if whoever is prosecuting this case is acting under their authority. That's what I was trying to do.

THE COURT: Well, you have had every opportunity to do it.

DEFENDANT KAHN: I haven't. No, sir. I have not had an opportunity to do it. I got questions here--

THE COURT: Well, you can keep your question to yourself. I'm not here to answer your question, Mr. Kahn, except as it may relate to the matters that are presently under discussion during this preliminary conference.

DEFENDANT. KAHN: Okay, sir.

THE COURT: Thank you.

Several things came out of that exchange with Judge Hodges:

- 1) It didn't matter to him that I had filed a Criminal Complaint against him, Magistrate Jones and all the U.S. Attorneys prosecuting the case, he was not going to disqualify himself from the case, despite the requirement to do so in 28 USC 455.
- 2) He was not going to prove his status as an Article 3 judge despite the Supreme Court's admonition to all defendants in Federal Crop Insurance Corp. v. Merrill 332 U.S. 380 (1947) that it is up to them to verify that the "public servants" are acting within the bounds of their authority.
- 3) He states that I have had an opportunity to challenge, in Court, the numerous jurisdiction and procedural problems with this case despite my denial. He also states that I am not going to get a chance to challenge them, despite many Supreme Court decisions that say Subject Matter jurisdiction can be challenged at any time, even for the first time on Appeal.

You will notice that he agrees that the Oath of Office I had with his name on it is genuine. However, he vehemently denies taking the 5 USC 3331 Oath that is identified on his Oath of Office Oath. The Judge's problem? Thanks to Attorney Ed Rivera and his students that have thoroughly researched this matter, they have been able to obtain 17 U.S. District Court Judges Oaths. And guess what? All 17 Judges took the 5 USC 3331 Oath! You reckon Judge Hodges is the only USDC Judge in America that did not take the U.S. Civil Service Commission Oath? If you go to 5 USC sec. 3331, 'Oath of Office', it reads:

"An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: 'I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.' This section does not affect other oaths required by law." (Emphasis added)

This is the first oath that must be taken by someone hired to work in the Executive branch of government. It is called Appointment Affidavits. It is printed on Standard Form 61 (see upper left corner of Kelleher's Appointment Affidavit shown below). Underneath that it states: U.S. Civil Service Commission. If that was not enough evidence, read 5 USC sec. 2903. Oath; authority to administer. It reads:

(a) The oath of office required by section 3331 of this title maybe administered by an individual authorized by the laws of the United States or local law to administer oaths in the State, District, or territory or possession of the United

States where the oath is administered.

(b) An employee of an Executive agency designated in writing by the head of the Executive agency, or the Secretary of a military department with respect to an employee of his department, may administer—

(1) the oath of office required by section 3331 of this title, incident to entrance into the executive branch; or

(2) any other oath required by law in connection with employment in the executive branch. (Emphasis added)

After taking that Oath, that is when the Judges take their specific Oath of Office to be a Judge.

I would say, the evidence that “Judge” Hodges is a “Civil Servant” is pretty overwhelming, wouldn’t you? Interestingly enough, in later years, they started using “whiteout” and other devious means to hide the fact that these “judges” are not Article 3 judicial officers, but rather an Administrative Civil Servant appointed by the President to adjudicate the “needful rules and regulations” pertaining to Federal property in the individual States.

So what am I doing with this information? Since I have “Judge” Hodges denial in open court that he is *not* a Civil Servant, I have sent a Freedom of Information Act request back to the FOIA officer who sent me Hodges’ Oath of Office. I am asking him specifically for Hodges’ 5 USC 3331 Appointment Affidavits. I am including in the request a copy of the letter he sent saying he had sent the Oath of Office to me. I am also sending a copy of “Judge” Robert Kelleher’s Oath of Office and his Appointment Affidavits. Reason? Kelleher was appointed in the same year that Hodges was and he can see the specific document that I want. In other words, I am trying to eliminate possible negative responses, as I know they do not want to give that document to me.

What will be the result if I get it? I will be asking Judge Hodges, in open court and on the Record, if this Appointment Affidavit is genuine. Since he knows I can subpoena the FOIA officer into Court to testify that it is his, I don’t think he will deny that he took the Oath and signed the Standard Form 61. (In my opinion this is where you have to be a bulldog. You hang on and don’t let go until you get that confession.) That’s what I plan to do. The Appointment Affidavit will prove Hodges is a Civil Servant, not an Article 3 judicial officer. Therefore, it will prove he lied. It will prove that Hodges is impersonating an Article 3 Judge. It will prove I am illegally incarcerated, as only an Article 3 Judge can deprive you of your liberty. I plan to enter the Appointment Affidavit into the evidence file to prove Hodges is an imposter. I will also send it to the US Attorney General as additional evidence to be included in the Criminal Complaint I filed against Hodges in August.

Since it proves all those things, it should:

- 1) get my case dismissed (my co-defendants would be happy, huh?), unless the government can find a real Article 3 judge to hear the case (what do you think the odds of that are?)
- 2) The other great thing is that this information could help a lot of people in a similar situation.

That’s all for now. Until next month, take care and be strong. Remember, the Bible teaches us that we are to persevere *to the end*.

Warm Regards,

Eddie

Note from Kookie: For those of you wanting to send words of encouragement, Thanksgiving or Christmas Cards, Eddie's address (at least for now!) is: Eddie Ray: Kahn, c/o Lake County Jail, 551 West Main Street, Tavares, Florida 32778. Cards, letters and post cards are fine. In Lake County he can receive up to 5 pictures. No glue, tape, paper clips or staples are allowed. I am sure that he would love to hear from you. Thank you to those who visit him regularly by letters.
~ Matthew 25

Next page: Kelleher's Oath and Appointment Affidavit

S

Form No. G-22
(Ed. 6-29-55)

OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 453 and Title 5, Sec. 16, United States Code)

I, Robert J. Keller, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ~~United States District Judge~~ according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So HELP ME GOD.

Robert J. Keller

Subscribed and sworn to (or affirmed) before me this 29th day of January, 1971

FOIA EXEMPTION b6

s/ ALBERT LEE STEPHENS, JR.

Actual abode [REDACTED]

Chief ~~United States District Judge~~

Official station* Los Angeles

Date of birth March 5, 1913

Date of entry on duty January 29, 1971

NOTE.—The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of Territorial Officers shall be administered in the Territory in which the office is held.
* Title 28, sec. 456 United States Code, as amended.

APPOINTMENT AFFIDAVITS

IMPORTANT.—Before swearing or affirming to these appointment affidavits, you should read and understand the attached information for appointee

United States District Judge December 21, 1970
(Position to which appointed) (Date of appointment)

U. S. Courts Central District of California Los Angeles, Calif.
(Department or agency) (Bureau or division) (Place of employment)

I, Robert J. Kelleher, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

B. AFFIDAVIT AS TO SUBVERSIVE ACTIVITY AND AFFILIATION

I am not a Communist or Fascist. I do not advocate nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

C. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof. I do not and will not assert the right to strike against the Government of the United States or any agency thereof while an employee of the Government of the United States or any agency thereof. I do further swear (or affirm) that I am not knowingly a member of an organization of Government employees that asserts the right to strike against the Government of the United States or any agency thereof and I will not, while an employee of the Government of the United States or any agency thereof, knowingly become a member of such an organization.

D. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

Robert J. Kelleher
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this 29th day of January A.D. 1971.

at Los Angeles California
(City) (State)

[SEAL]

E. G. Hatch
(Signature of officer)

Clerk, U. S. District Court
Central District of California

Commission expires _____
(If by a Notary Public, the date of expiration of his Commission should be shown)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2901. The words "SO HELP ME GOD" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.