

WHEN ALL CRIMES ARE COMMERCIAL –

CFR 27 SECTION 72.11

Victimized by our so-called “legal system?”

Reply to: CitizensRightsTaskForce@yahoo.com

Date: 2007-07-16, 1:31PM PDT

Have you or a family member been victimized by our so-called “legal system?”

There is help, however it will not come from an “attorney at law” for they are the problem, not the solution! The Citizen’s Rights Task Force is here to help. Why? Consider the following facts:

- According to the late Chief Justice William H. Rehnquist, 100% of the people that are in Federal or State Penitentiaries are there VOLUNTARILY!!!! Don’t believe it? We have some simple “yes” or “no” questions to prove how one is duped into forfeiting their Rights and trading them for statutory privileges.
- An “attorney at law” is an arm of the state and their FIRST duty is to the court, then the government... NOT to you! Furthermore, whenever any “duty” to you interferes with their first duty, YOU are the one that is to take “back seat.”
- Think you have “attorney/client privilege” where what you say to an “attorney at law” remains private? Ever hear of “discovery?” This is where “your attorney” is ordered to turn over your information to THE STATE that is attempting to incarcerate you.
- 1 in 32 Americans is either in prison or on parole or probation.
- Over 40% of people admitted into prisons in America are “convicted” under the “Political Code” and therefore, by definition, Political Prisoners. Furthermore, since Political Prisoners end up with mandatory longer sentences, the cumulative effect is that they end up being the majority of the population.
- America’s incarceration rate is now 743 per 100k, the highest in the world.
- America locks up more people for “Drug Crimes” than all of Europe locks up for all crimes combined.
- If you go to “trial” in Federal Court, there is a 96% chance of being “convicted.” Do you really believe that only 4% are innocent?
- It is the “government’s” position that if you do not know your Rights, then you don’t have any!
- According to 27 CFR 72.11, burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of weapons; prostitution; extortion; swindling; and many other things, like simple addiction to drugs or marihuana use, are considered and defined as “Commercial Crimes” where you are converted to an object for “commercial use” and Due Process of Law becomes a farce!

So, what is the solution? Learn and exercise your Rights! They are yours, do you know

them? We are here to help you, however in the end it is YOU who must stand up for your Rights! Judge Alger Fee stated it very clearly in the case of US v Johnson, 76 Fed.Supp. 538, that your Rights are “neither accorded to the passive resistant, nor to the person indifferent thereto.” Furthermore Judge Fee stated that your Rights “cannot be claimed by attorney or solicitor” and are only valid “when insisted upon by a BELLIGERENT claimant in person.” His final warning was clear that “one who is persuaded by honeyed words or moral suasion to testify or produce documents... simply loses the protection” of your Rights!

What the Citizen’s Rights Task Force has to offer is NOT for the timid, but for the one who is ready to stand up and FIGHT for their Rights! If you don’t care about your Rights, go get an attorney and GO TO JAIL.

For a free “catalog” of Educational Materials, explaining more about how you can FIGHT for your RIGHTS, send a blank email with the words “Educational Materials” in the subject line to: CitizensRightsTaskForce@yahoo.com and be prepared to be amazed!

Commercial Crimes?!

This is just a quick outline of research cites that I found while trying to understand "commercial crimes" as set out in 27 CFR 72.11 below (in part).

[27 CFR 72.11](#) purports to define some crimes as "commercial crimes":

Sec. 72.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

...

Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

...

I researched the term "commercial crime" and found next to nothing in the legal resources available to me. Some of the information I found may not be exactly on point, but it does raise reasonable questions.

If, maybe, we are all presumed (by silent judicial notice) to be engaged in "commerce" and triable accordingly under "Merchant Law"/"Commercial Law", perhaps the proper administrative forum to start an administrative complaint would be the successors to the Interstate Commerce Commission (ICC):

"Dear [government alphabet-soup agency]: These court folks have the crazy idea that I am somehow involved in commerce. I don't know where they got that idea. I would like a determination of status, or of activity, from you."

If we could get the alphabet-soup agency to make an administrative determination that, for whatever reason, it does not have jurisdiction because we are not engaged in commerce, then that should end the complaint by removing it from the jurisdiction of a possible "commerce court".

1. From A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS (Bureau of National Literature, Inc., New York, 1911-1914, 1916, 1917) [Vol. XIX] Encyclopedic Index, Commerce Court:

Commerce Court.--The Mann-Elkins act of June 18, 1910, created a new judicial body known as the Commerce Court to review the decisions of the Interstate Commerce Commission on appeal and to expedite rate cases formerly tried in the United States Circuit Courts.

It had the same jurisdiction as Circuit Courts in (1) all cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of a criminal punishment, of any order of the Interstate Commerce Commission other than the payment of money; (2) cases brought to enjoin, set aside, annul or suspend in whole or part any order of the Interstate Commerce Commission; (3) such cases as by section three of the act entitled "An act to further regulate commerce with foreign nations and among the states" approved Feb. 19, 1903, were authorized to be maintained in a Circuit Court of the United States; (4) all such mandamus proceedings as under the provisions of section twenty or section twenty-three of the act entitled "An act to regulate commerce" approved Feb. 4, 1887, as amended, were authorized to be maintained in a Circuit Court of the United States.

The jurisdiction of the Commerce Court over cases of the foregoing nature was exclusive, but the Act did not affect the jurisdiction previously possessed by any circuit or district court of the United States over cases or proceedings of a kind not lying within the above-numerated classes.

The court was abolished Oct. 22, 1913, its jurisdiction transferred to the district courts and its judges were retained as circuit judges.

Commerce Courts> (See Courts.):

Defended, 7755.

Establishment of, recommended. 7442.

2.a. From 15 C.J.S. 1115 (1995), COMMERCE, § 148(1), fn. 59:

...

Former statutes; commerce court

(1) Under provisions of the Interstate Commerce Act, as amended by the act of June 29, 1906, equitable jurisdiction to entertain, hear, and determine suits to annul or to enjoin the enforcement of orders of the Interstate Commerce Commission was conferred on the then circuit courts of the United States.

U.S.--Southern R. Co. v. Tift, Ga., 27 S.Ct. 709, 206 U.S. 428, 51 L.Ed. 1124, 11 Ann.Cas. 846. ...

(2) This jurisdiction was subsequently transferred to, and inhered in, the commerce court, while the act creating that court was in force.

U.S.-- Interstate Commerce Commn. v. Baltimore, etc. R. Co. Com.Ct., 32 S.Ct. 742, 225 U.S. 326, 56 L.Ed. 1107. ...

(3) The commerce court was abolished in 1913 and the powers of the commerce court were conferred on the specially constituted district court.

U.S.-- Brady v. Interstate Commerce Commission, D.C.W.Va., 43 F.2d 847, affirmed Brady v. U.S., 51 S.Ct. 559, 283 U.S. 804, 75 L.Ed. 1424--Standard Oil Co. v. U. S. D.C.Ind., 41 F.2d 836, affirmed Standard Oil Co., Indiana v. U. S., 51 S.Ct. 429, 283 U.S. 235, 75 L.Ed. 999--Chesapeake & O. Ry. Co. v. U.S. D.C.W.Va., 35 F.2d 769, affirmed 51 S.Ct. 337, 283 U.S. 35, 75 L.Ed. 824.

2.b. From DIGEST UNITED STATES SUPREME COURT REPORTS Five Year Supp. 1918-1922, p. 353:

INTERSTATE COMMERCE COMMISSION, 1.

1. The Interstate Commerce Commission Act of February 4, 1887 (24 Stat. at L. 383, chap. 104, Comp. Stat. § 8576, 4 Fed. Stat. Anno. 2d ed. p. 448), confers upon the Commission powers of investigation in very broad language, and the Supreme Court has refused by construction to limit it so far as the business of the carriers is concerned, and their relation to the public. Smith v. Interstate Commerce Commission, 245 U. S. 33, 38 Sup. Ct. Rep. 30 [,] 62: [L.Ed.] 135

2.c. However, from U.S.C.A. POPULAR NAME TABLE (2001), p. 859:

ICC Termination Act of 1995

Pub.L. 104-88, Dec. 29, 1995, 109 Stat. 803 (2 § 451: 5 §§ 5314, 5315, 8332 note; 5 App. § 8G; 11 §1162; 15 §§ 18, 21, 26, 1681s, 1691c, 1692l, 5904; 16 § 1247, 1248, 1261, 1261 note; 18 §§ 33, 921, 1992, 6001; 23 §§ 127, 149; 26 §§ 168, 281, 354, 3231, 7701; 28 §§ 1336, 1337, 1445, 2321, 2323, 2341, 2342;...) 3. From BOUVIER'S LAW DICTIONARY, Baldwin's Students Ed. (1946), p. 190:

COMMERCIAL LAW. A phrase employed to denote those branches of the law which relate to the rights of property and relations of persons engaged in commerce.

This term denotes more than the phrases "maritime law," which is sometimes used as synonymous, but which more strictly relates to shipping and its incidents.

As the subjects with which commercial law, even as administered in any one country, has to deal are dispersed throughout the globe, it results that commercial law is less local and more cosmopolitan in its character than any other great branch of municipal law; and the peculiar genius of the common law, in adapting recognized principles of right to new and ever-varying combinations of facts, has here found a field where its excellence had been more clearly shown. The various systems of commercial law have been well contrasted by Leone Levi in his collection entitled "Commercial Law, its Principles and Administration, or the Mercantile Law of Great Britain compared with the Codes and Laws of Commerce of all the Important Mercantile Countries of the Modern World, and

with the Institutes of Justinian;" London, 1850-52; a work of great interest both as a contribution to the project of a mercantile code and as a manual of present use. As to the rule in the Federal Courts, see 16 Pet. 1; id. 711; 107 U.S. 33, where Bradley, J. says, "Where the law has not been settled, it is the right and duty of the Federal Courts to exercise their own judgment, as they also always do in reference to the doctrines of commercial law." See 12 Am. L. Reg. (N. S.) 473; United States Courts.

4. From 15A C.J.S. 2 (1995), COMMERCIAL:

Commercial law. A phrase neither scientific nor accurate which is used to designate the whole body of substantive jurisdiction applicable to the rights, intercourse, and relations of persons engaged in commerce, trade, or mercantile pursuits; that branch of the law which relates to the rights of property and the relations of persons engaged in commerce; a law not peculiar to one state, or dependent upon local authority, but one arising out of the usage of the commercial world, although it has also been stated that there is no such thing as a general commercial law separate from the particular state or government whose authority makes it law.

It has also been described as a system of jurisprudence acknowledged by all maritime nations; and, as foreign commerce is carried on by means of shipping, the term has come to be used occasionally as synonymous with "maritime law"; but, in strictness, the phrase "commercial law" is wider, and includes many transactions or legal questions which have nothing to do with shipping or its incidents.

5. From BOUVIER'S LAW DICTIONARY, Baldwin's Students Ed. (1946), p. 756:

MARITIME LAW. That system of law which particularly relates to the affairs and business of the sea, to ships, their crews and navigation, and to the marine conveyance of persons and property.

Whilst the general maritime law is the basis for the maritime law of the United States, as well as of other countries, it is only so far operative in this, or any country, as it is adopted by the laws and usages thereof. It has no inherent force of its own. 21 Wall. 558. In particular matters, especially such as approach a merely municipal character, the received maritime law may differ in different countries without affecting the integrity of the system as a harmonious whole.

The general system of maritime law which was familiar to the lawyers and statesmen of this country when the constitution was adopted, was intended, and referred to, when it was declared in that instrument that the judicial power of the United States shall extend "to all cases of admiralty and maritime jurisdiction."

This adopted, it became the maritime law of the United States, operating uniformly in the whole country.

The question as to the true limits of maritime law and admiralty jurisdiction is exclusively a judicial question, and no state law or act of congress can make it broader or narrower than the judicial power may determine those limits to be. But what the law is within those limits, assuming the general maritime law to be the basis of the system, depends on what has been received as law in the maritime usages of this country, and on such legislation as may have been competent to effect it.

...

The law of limited liability was enacted by congress as a part of the maritime law of the United States, and, in its operation, extends wherever public navigation extends; 130 U.S.

527; the act of congress of 1886, § 4, extending the limited liability act to vessels used on a river in inland navigation is a constitutional and valid law; 141 U.S. 1. ...

6. From 55 C.J.S. 710 (1995), MARITIME:

Maritime.

...

Maritime transaction. A transaction which is to be rendered or performed on the high seas or navigable waters, or directly connected with navigation on navigable waters. The term "maritime transactions" has been held, under certain circumstances to be synonymous with "commercial transactions" see 15 C.J.S. p 576, note 18. Maritime transactions as subject to admiralty jurisdiction see Admiralty § 24.

7. From 52A C.J.S. 743 (1995), LAW:

Merchantile law, Commercial law, and Law merchant. These terms are substantially equivalent, merchantile law being defined as the system of jurisprudence acknowledged or recognized by all commercial nations, this being practically identical with one of the generally accepted definitions of "commercial law," see the C.J.S. definition Commercial. Merchantile law designates the system of rules, customs, and usages generally recognized and adopted by merchants and traders, and which, either in its simplicity or as modified by common law or statutes, constitutes the law for the regulation of their transactions and the solution of their controversies. For definitions and discussion concerning law merchant see Bills and Notes § 2.

8.a. From 27 Cal Jur 3d (Rev), Part 2, p. 487, DOCUMENTS OF TITLE, § 6 (most footnotes omitted):

State regulation; law merchant

Those provisions of the Uniform Commercial Code governing documents of title are subject to any regulatory statute of this state, tariff classification, or regulation filed or issued pursuant thereto to the extent that they are applicable.[UCC § 7103] As discussed elsewhere, the state is constitutionally empowered to regulate public and private carriers and certain incidents of the carriage of goods incident thereto, as well as those public warehouses regarded as public utilities.

The principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentations, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement the provisions of the Uniform Commercial Code unless displaced by its particular provisions.

8.b. From *Ibid.*, p. 486, § 5 (most footnotes omitted):

The provisions of the Uniform Commercial Code dealing with documents of title are subject to any treaty or statute of the United States.[UCC 7103] Thus, where a document of title is involved in the interstate or international shipment of goods, or where the transaction is otherwise subject to federal regulation, the rights and liabilities of the parties must be governed by applicable federal stateutes as interpreted by federal tribunals.

8.c. From West's Ann.Cal.Comm. Code (2002), § 7103:

To the extent that any treaty or statute of the United States, regulatory statute of this State, or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this division are subject thereto.

9.a. From 48 C.J.S. 9 (1995), INTERNATIONAL LAW, § 5 (footnotes omitted):

The body of rules now known as international law has been of slow growth, and has particularly developed since the early days of the sixteenth century. The chief sources of international law are customs and usages of civilized nations, treaties and other interstate agreements, the decisions of international tribunals, and the decisions of national tribunals.

9.b. From *Ibid.*, § 3 (footnotes omitted):

International law is differentiated from "municipal law," which is the other branch of positive law and which governs the internal affairs of a sovereign state.

9.c. From *Id.*, § 2 (footnotes omitted):

International law applies on all the seas and coasts of the world, and its settled principles should not be subverted by the exigencies, perhaps temporary, of a single nation on a particular coast. ...

As to source, international law has been divided into customary and conventional, or diplomatic. As to subject matter, international law is divided into public international law and private international law, the latter comprising that body of jurisdiction now generally referred to by the name "conflict of laws."

9.d. From *Id.*, § 4 (footnotes omitted):

International law is a part of the law of the United States, and as such is the law of all states of the Union. Nonetheless, the rules of international law are subject to express acts of Congress, and the courts are bound to recognize applicable treaties, statutes, and constitutional provisions as superior to the canons of international law. The federal district courts are bound to apply provisions of acts of Congress even if they are found to be inconsistent with the views of international law....

Thus, international law does not affect a state in its reasonable regulation of conduct within its territorial limits.

BOUVIER'S LAW DICTIONARY, Baldwin's Students Ed. (1946), p. 674:

LAW MERCHANT. The general body of commercial usages in matters relating to commerce. Blackstone calls it the custom of merchants, and ranks it under the head of the particular customs of England, which go to make up the great body of the common law. 1 Bla. Com. 75. Since, however, its character is not local, not its obligation confined to a particular district, it cannot with propriety be considered as a custom in the technical sense. 1 Steph. Com. 54. It is a system of law which does not rest exclusively on the positive institutions and local customs of any particular country, but consists of certain principles of equity and usages of trade which general convenience and a common sense of justice have established, to regulate the dealings of merchants and mariners in all the commercial countries of the civilized world. 3 Kent 2.

These usages, being general and extensive, partake of the character of rules and principles of law, not of matters of fact, as do usages which are local or special. They constitute a part of the general law of the land, and being part of that law, their existence cannot be proved by witnesses, but the judges are bound to take notice of them *ex officio*; Winch 24; and this application is not confined to merchants, but extends to all persons concerned in any merchantile transaction. ...

11.a. From 15A *Am.Jur.2d* 367 (1998), COMMERCE, § 36:

What constitutes subjects of commerce.

Although, generally speaking, anything that can be bought and sold is a subject of

commerce, things which are injurious to the public lose the benefit of protection as articles of commerce and are within the police power of the state. ...

11.b. From *Id.*, 368, COMMERCE, § 36:

... while it has been said that, speaking generally, persons are not subjects of commerce [New York v. Miln, 36 US 102, 9 L Ed 648], the transportation of persons for immoral purposes has been held within the power of Congress to regulate under the commerce clause.

11.c. In New York v. Miln, the Supreme Court of the United States held:

But how can this apply to persons? They are not the subject of commerce; and, not being imported goods, cannot fall within a train of reasoning founded upon the construction of a power given to Congress to regulate commerce, and the prohibition to the States from imposing a duty on imported goods.

...

The object of this clause, in all probability, was to enable the government of the United States to form an accurate estimate of the increase of the population by emigration; but, whatsoever may have been its purpose, it is obvious that these laws only affect, through the power over navigation, the passengers whilst on their voyage, and until they shall have landed. After that, and when they have ceased to have any connection with the ship, and when, therefore, they have ceased to be passengers, we are satisfied that acts of Congress, applying to them as such, and only professing to legislate in relation to them as such, have then performed their office, and can, with no propriety of language, be said to come into conflict with the law of a State, whose operation only begins when that of the laws of Congress ends; whose operation is not even on the same subject, because although the person on whom it operates is the same, yet having ceased to be a passenger he no longer stands in the only relation in which the laws of Congress either professed or intended to act upon him.

New York v. Miln (1837), 36 U.S. 102, 9 L.Ed 648, 661-662.

11.d. From 15A Am.Jur.2d, 368-369 (1998), COMMERCE, § 36:

In view of the Supreme Court's refusal to fix an arbitrary rule as to what constitutes commerce subject to the power of Congress, it is not surprising that there are some inconsistencies in the cases dealing with the question as to what constitutes a subject of commerce. Thus, there is a possible conflict between earlier cases holding certain matters not to be subjects of interstate commerce and later cases holding related matters to be subjects of interstate commerce, although the earlier cases have not necessarily been specifically overruled. For example, while it was formerly held that insurance transactions when carried on across state lines did not constitute interstate commerce, a later decision held that the business of insurance when transacted between an insurer and an insured in different states did constitute interstate commerce. ...

THINK

Here is something to really make you think about what the IRS does with its criminal statutes. I am going to give you two examples that prove that the IRS has not a leg to stand on in court if you properly bring forth what I am about to show you. You have to remember that a penalty statute cannot be applied unless you violate another statute that specifically states that penalty statute.

Example #1

Title 18 USC Section 842. This section starts out with "(a) It shall be unlawful for any person---." It is so long that you have to read it for yourself as it is four columns in Title 18. However, I will quote Title 18 USC 844 which states:

"Penalties.

(a) Any person who violates subsections (a) through (i) of section 842 of this chapter shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

(b) Any person who violates any other provision of section 842 of this chapter shall be fined not more than \$1,000 or imprisoned not more than one year or both."

It continues on for three more columns. Here is the statute that you must violate, laid out in the Penalty Statute describing the statute you must violate. Does any of the other penalty statutes in Title 26 come even close to this? Yes, and I will provide it for you.

Example #2

"Chapter 72 Licensing and Registration.

Sec. 7001. (a) All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Secretary and shall be subject to the regulations enabling the Government to obtain information required under subtitle A (relating to income taxes) as the Secretary shall prescribe.

(b) Penalty for failure to obtain license.
For penalty for failure to obtain the license as provided for in this section, see section 7231."

Wow, what an admission that the **regulations** must be present that enables the Government to do what they have to do. Not only that, I ask the question, What is a bill of exchange? The federal Reserve note is a "bill of exchange" in commercial law and you can find a multitude of books of commercial law on this subject proving it to be so.

Now section 7231 is in Chapter 75 Crimes and forfeitures. So knowing that the statute you violated has no penalties it tells you to "see section 7231." Does 26 USC 6001, 6011, 6012 have these words directing you to the penalty statute? NO! So here is 7231:

"Sec. 7231. Failure to obtain license for collection of foreign items. Any person required by section 7001 (relating to collection of certain foreign items) to obtain a license who knowingly undertakes to collect the payments described in section 7001 without having obtained the license therefore, or without complying with the **REGULATIONS** prescribed under section 7001, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both."

I emphasized REGULATIONS because that is what is needed. So looking at the Parallel Table of authorities we see the following:

26 U.S.C.	CFR
§ 6901	27 Part 70
§ 7011	27 Parts 19, 22, 25, 70, 194, 270, 285, 290
§ 7025	27 Part 197

There is no Statute 7001 nor a regulation, yet the statute specifically states a regulation shall be promulgated. Why doesn't 6001, 6011 and 6012 say there must be a promulgated regulation like the above statute? If the prosecution would bring forth the regulation when demanded what would it show? Would it show that there is none? Would it show, that if it was, it was sandwiched between all BATF Title 27 Statutes? Would the simple asking of the court that the prosecutor must produce the regulation destroy the case against you because under the Statutes, 6301, 6331-6343, 6651, and all the penalty statutes in the 7000 series sections are all AFT Title 27 CFR regs as listed in the LSA and the parallel Table of Authorities?

Remember this is to make YOU think, not me because I already know the answers. Notice all seem to be connected to commercial activity of a specific nature. So I leave you with this section of Subpart B--DEFINITIONS. Section 72.11

"Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; * * * and use of marihuana will be treated as if such were commercial crime."

Notice how nicely "revenue laws" is defined as a commercial crime. Do you have a contract or "license" such as stated in 7001 to be charged with an "income tax" crime in Chapter 75? Is that ever brought up in a tax case? This will definitely make you think, I hope.