dorceant luckenson
[redacted]
FCI Loretto [Low]
P.O. Box 1000
Cresson, PA 16630

March 27, 2020

Clerk of Court
U.S. District Court
In And for the Eastern District of Pennsylvania
601 Market St
2609 U.S. Courthouse
Phila, PA 19106-1797

To whom it may Concern:

I recently extended a 28 U.S.C § 2241(c) / Affidavit to this Court dated March 25, 2020, The gist of this letter is to inform you that there were four [4] pages from the above said motion that were not Included. Due to the Covid-19 epedimic. Please add the 4 pages to the motion for me, but in its numerical order.

I thanks you for your time and assistance Vis-à-Vis the aforementioned matter.

Sincerely,

Name: dorceant luckenson
Federal Register Number: [redacted]
Federal Correctional Institution Loretto (Low)
P.O. Box 1000
Cresson, PA 16630

Petitioner/propria persona

UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF PENNSYLVANIA

dorceant luckenson, Petitioner vs. UNITED STATES OF AMERICA, Respondent	Case No. 10-cr-47-JD Civil Case No: _____ AFFIDAVIT HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241(c) 1. JURISDICTION/10TH AMENDMENT VIOLATION/DUE PROCESS VIOLATION 2. QUORUM CLAUSE VIOLATION/THE BILL VOTE CLAUSE VIOLATION/DUE PROCESS VIOLATION

COMES NOW, he, who goes by the appellation dorceant luckenson, hereinafter petitioner. Petitioner being unschooled in law and who has no bar attorney, knowingly and willingly declares and duly affirms, in accordance with law, in good faith, having firsthand knowledge of the facts are true, correct, certain and not misleading to the best of petitioner's understanding, knowledge and belief, and given to the penalty of perjury as articulated by the Creator and enumerated in the laws of the United States of America [Title 28 U.S.C. sec. 1746(1)].

1.) "Indeed no more than affidavit is necessary to make a prima facie case." United States v. Kiss, 658 F. 2d 526, 536 (7th

Cir. 1981). "Moreover the threshold of relevance is a low one and the burden is therefore on the Respondent who must come forward with special facts to support a lawfully/legally sufficient rebuttal or defense."

2.) That, should you, the United States District Attorney Assistant, hereinafter respondent, located in Philadelphia, PA, choose to respond or rebuttal each point (i.e. statement of facts) herein, then you must swear or affirm under the penalty of perjury that your statement of facts in your documental response is true, correct and certain, taking complete liability for your statements with at least two [2] natural people as witnesses, that witness, and affirm, and attest, under the penalty of perjury with their autograph and seal as a natural Man or Woman that they witnessed you respondent execute your autograph and personal seal under the penalty of perjury.

3.) PROCEDURAL BACKGROUND

On April 7, 2010, the petitioner was charged by indictment with one count of conspiracy to possess with intent to distribute cocaine in violation of 21 U.S.C. § 846, 841(a)(1) and 841(b)(1)(B)(ii) and conspiracy to import cocaine in violation of 21 U.S.C. § 943, 952(a), 960(a)(1), and 960(b)(2)(B)(ii). DE 9. Petitioner was subsequently found guilty of both counts by a jury. DE 48. He was later sentenced to 360 months imprisonment on each count running concurrently followed by four years of supervised release on each count running concurrently. DE 80.

The petitioner filed a direct appeal with the First Circuit Court of Appeals in United States v. Luckenson Dorceant,

No. 11-1358. On May 1, 2012 the First Circuit per curiam affirmed petitioner's conviction and mandate was entered on August 22, 2012. The attorney representing petitioner at the time of his conviction and sentence was James A. Gleason.

On August 5, 2013, petitioner filed his Title 28 U.S.C. § 2255 Motion; subsequently was denied on February 13, 2015 without a (COA). Petitioner filed for a (COA) application but was denied one. Petitioner filed for an en banc hearing and was also denied.

4.) TIMELINESS

Habeas corpus is an appropriate remedy to attack jurisdiction, there is no time limit for attacking such judgment. See Boot v. United States; Ex Parte Seidel, 39 S.W. 3d 221, 224, 225 at n. 4.

Therefore this appeal is timely.

5.) FACTUAL BACKGROUND

On or about the 10th day of March 2010, petitioner was within the circuit court for West Palm Beach County located around Forest Hill City in Florida, family court when he was approached by unknown men in plain clothes, who identified themselves as agents/officers of Homeland Security. They were there to apprehend petitioner on the behalf of the United States District Attorney's Office of New Hampshire. Petitioner was then physically seized against his will and removed from the above said circuit court by armed force with handcuffs placed on him and taken to an unmarked vehicle, placed inside the vehicle against his will and taken to a house at an undisclosed location for interrogation, that lasted more or less 3 hours. Thereafter,

the agents/officers took petitioner to Hillsboro County Jail, until the next day which was the 11th of March 2010, in which petitioner was removed from said jail and taken to the United States District Court located in West Palm Beach/Florida, and federally arraigned for a federal criminal complaint filed against petitioner, for an alleged crime committed against the United States of America, within New Hampshire internal land boundaries. After the federal arraignment petitioner was sent back to Hillsboro County Jail. On the 12th day of March 2010, petitioner was taken back to United States District Court to determine whether he wanted to proceed with the criminal proceeding in Florida or in New Hampshire where the allegation was pending. Petitioner's assigned attorney told petitioner to go to New Hampshire in order to resolve the pending allegation and there was nothing that can be done in the state of Florida, therein petitioner concurred to his attorney's volition. Upon the completion of the session petitioner was taken back to Hillsboro County Jail.

On the 14th day of March 2010, petitioner was taken from Hillsboro County Jail to Metropolitan Detention Center Miami, and thereafter taken to Miami International Airport and flown to New Hampshire.

6.) That, fraud and deceit may rise from silence where there is a duty to speak the truth, as well as from speaking an untruth, or when an inquiry left unanswered would be intentionally misleading.

7.) That, agent(s) and officer(s) for the court have no

immunity when in violation of the people's right(s) that are enforced and protected in the Constitution (i.e. 10th Amendment) of the United States, for they are held liable and are deemed to know the law.

8.) That, an unconstitutional act of the United States Congress protects none, and that any and all agent(s) and officer(s) of the United States District Court that act under the unconstitutional act or statute (i.e. Title 18 USC/Jurisdiction) does so at his or her own will, and must take all civil and criminal liability of their actions.

9.) That, in order for herein petitioner to be held liable for any breach of contract, agreement or said documentary evidence pertaining to a contract or agreement, then you, respondent, must produce the real and true commercial contract or agreement bearing the mutual obligations and consent of both parties' (i.e. alleged herein petitioner and respondent) autographs, signature or seals for inspection as documentary evidence displaying full disclosure and transparency in order to prove that petitioner breached a duty or obligation.

It is of great importance that he/she who claims to have committed an act under the United States within the internal land boundaries of a state by the exercise of law and authority show and prove the law and authority. If he/she claims an authority of law, then what law? And if a law how it came to be a law? Somehow and somewhere it must have an origin.

a. That, your failure to answer is your tacit agreement to petitioner's allegations and of their verities.

10.) JURISDICTION/10TH AMENDMENT VIOLATION/ DUE PROCESS VIOLATION

The United States Assistant Attorney in and for the District of New Hampshire misrepresented the jurisdiction of the United States[1], by launching prosecution for a crime committed in the internal land boundaries of New Hampshire in violation of the 10th Amendment. That is an offense against the peace and dignity of the state[2] alone. Hence, its trial and punishment can be

1. United States, (U.S., US). "United States" "United States" means--(A) a federal corporation... 28 USC § 3002(15), ch. 176. It is clear that the United States...is a corporation... 534 FEDERAL SUPPLEMENT 724. The United States of America is a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh Dec. 177, 181. Bouvier's Law Dictionary, Fifth Edition. This term has several meanings. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in family of nations, it may designate territory over which sovereignty of United States extends, or it may be a collective of the states which are united by and under the Constitution. Black's 6th. The United States government is a foreign corporation with respect to a state. 19 Corpus Juris Secundum § 884, In re: Merriam's Estate, 36 N.Y. 479, Affirmed in U.S. v. Perkins, 173 U.S. 625. What is included in the terms 'United States' and 'Possession of the United States'--Hawaii and Alaska are included in 'United States.' Puerto Rico, the Virgin Islands of the United States, the Philippine Archipelago, Guam, Tutuila and Manua and other islands of the Samoan Group west of longitude 171 west of Greenwich, and the canal zone are included in 'Possessions of the United States'... "UNITED STATES CONSTITUTION" means the bylaws of the municipal corporation of District of Columbia and all political subdivisions established under the authority of the municipal corporation of the District of Columbia, adopted under the authority of action of the Forty-First Congress SESS 111 ch. 61 and 62 A.D. 1871 commonly referred to as the federal Constitution.

2. A state has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits, as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States. No one will deny that a state has a right to punish any individual found within its jurisdiction who shall have committed an offense within its jurisdiction against its criminal law. The right to punish, or to prevent crimes within the state internal boundaries belong exclusively to the state not the federal government. Simply that being within the territory and jurisdiction of the State of New Hampshire makes that individual liable to the laws of that state, and among others, to its criminal laws. The states were before the Constitution, and subsequently, their legislative powers antedated the Constitution. Those who framed and those who adopted that instrument mean to carve from the general mass of legislative powers, possessed by the states, only such portions as it was thought wise to confer upon the federal government; and in order that there should be no uncertainty in respect of

conducted only in state tribunals and nowhere else. As a general rule, the power of the United States to criminally prosecute is for the most part, confined to offenses committed within "its jurisdiction." The United States has territorial jurisdiction only in Washington, D.C., the federal enclaves within the states, and in the territories and insular possessions of the United States. However, it has no territorial jurisdiction over non-federally owned areas inside the territorial jurisdiction of the states within the North American Union. As is established in the Constitution for the United States of America.

It was the duty of the United States Assistant Attorney and the US Court[3] before which petitioner was brought to, to determine whether petitioner's charges were offenses committed at a land, fort, place located in New Hampshire subjected to the exclusive legislative jurisdiction of the United States. Without proof of the requisite ownership or possession of the United States, the crime has not been made out, against petitioner. The Constitution creates a federal Government of enumerated powers, see Art. I § 8. ("The powers of the legislature are defined[4], and

what was taken and what was left, the national powers of legislative were not aggregated but enumerated with the result that was not embraced by the enumeration remained vested in the states without change or impairment. See Munn v. Illinois.

3. In Kempe's Lessee v. Kennedy, 9 U.S. 5 Cranch, 173, 185 [3:10], Chief Justice Marshall, after observing that the words "Inferior Court" apply to courts of special and limited authority, erected on such principles that their proceedings must show jurisdiction, said: "The courts of the United States are all of limited jurisdiction, and their proceedings are erroneous of the jurisdiction be not shown upon them.

"If the jurisdiction be not alleged in the proceedings, their judgments and degrees are erroneous. The general rule that, unless the contrary appears from the record, a cause is deemed to be without the jurisdiction of a Circuit or District Court of the United States--their jurisdiction being limited by the Constitution and Acts of Congress."

limited; and those limits may not be mistaken, or forgotten, the Constitution is written.") As with its powers generally, Congress has only limited authority over crime. The Government[5] possesses broad general authority in territories and federal enclaves. See Art. I § 8, cl. 7 ("Conferring power of exclusive legislation" over the District of Columbia); Art. IV, § 3 cl. 2 ("The congress shall have power to dispose of and make all needful Rules and Regulations respecting the territory or other property belonging to the United States"). But its power over crimes committed in the state is very different.

The Constitution expressly delegated to Congress authority over only four specific crimes:

A. Counterfeiting of securities and current coins (Art. I sec. 8)

B. Piracies and felonies committed on the high seas (Art I sec 8)

C. Treason against the United States (Art. III, sec. 3)

D. Offenses against the law of nations (Art. I, sec. 8)

Congress cannot punish felonies generally. See Cohens v.

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4. The commerce clause vests in Congress the power "to regulate commerce with foreign Nations, and among the several states, and with the Indian Tribes." The function to be exercised is that regulation. The exercising of the authority conferred by this clause of the Constitution, Congress is powerless to regulate anything which is not commerce.

5. UNITED STATES OF AMERICA (U.S.A., USA). The republic whose organic law is the Constitution adopted by the people of the thirteen states that declared their independence of the government of Great Britain on the fourth day of July... If the nation comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws of commerce that govern individuals therein. It assumes the position of ordinary citizen and it cannot recede from the fulfillment of its obligations. Bouvier's 8th. A federal republic formed after the war of independence and made up of 48 conterminous states, plus the states of Alaska and the District of Columbia in North America plus the state of Hawaii in the Pacific. Black's 7th, "of or pertaining to, or founded upon and organized by a compact or act of union between separate sovereign states, as a league for common interest and defense as regards external relations, the internal sovereignty of each member remaining unimpaired..."

Virginia, 19 U.S. 264, 6 Wheat. 264, 428, 5 L. Ed. 257 (1821) Marshall, C.J. Congress has "no general right to punish murder committed within any of the states" for example, and no general right to punish the many crimes that fall outside of Congress' express grants of criminal authority. Id., at 426, 5 L. Ed. 257. "The Constitution," in short, "withholds from Congress a plenary police power."

Here, the federal government is claiming exclusive jurisdiction pursuant to 18 U.S.C. § 3231[6]; which is correct, only not within New Hampshire internal land boundaries. Thereby the federal government violated the 10th Amendment. Nowhere in the complaint filed against petitioner, grand jury minutes or during trial did the USA establish jurisdiction to prosecute petitioner. Where did the alleged crime occur, i.e. in a fort, land, dock, territory or D.C.??? Crime can only be based on place or contract. Here the alleged crime occurred in a private motel within the internal land boundaries of New Hampshire and the death occurred within the internal land boundaries of Massachusetts in a private hospital, not within the U.S. jurisdiction. Nor did the federal government show cession of jurisdiction by the state of New Hampshire. If the government contends for the power to criminally prosecute for an offense committed outside "its jurisdiction," it must prove an extra-

6. 18 U.S.C. 3231 statute invades the governmental powers of the several states reserved by the Tenth Amendment. A state may enter into contracts; but a state cannot, by contract or statute, surrender the execution, or a share in the execution, of any of its governmental powers (e.g. criminal prosecution) either to a sister state or to the federal government, any more than the federal government can surrender the control of any of its governmental powers to a foreign nation.

territorial application of the statute in question as well as a constitutional foundation supporting the same. Absent this showing, no federal prosecution can be commenced for offenses committed outside "its jurisdiction."

Where can Congress find the right to assume power to define crimes if the permission was not specifically granted by the U.S. Constitution???

11.) "The article which describes the judicial power of the United States is not intended for the cession of territory or of general jurisdiction... Congress has power to exercise exclusive jurisdiction over this district, and over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazine, arsenals, dock-yards, and other needful buildings.

"It is observable that the power of exclusive legislation (which is jurisdiction) is united with cession of territory, which is to be free act of the state. It is difficult to compare the two sections together, without feeling a conviction, not to be strengthened by any commentary on them in describing the judicial power, the framers of our Constitution had not in view any cession of territory; or which is essentially the same, of general jurisdiction." Bevans, Id., at 388.

12.) In June 1957, the United States government published a work entitled Jurisdiction over federal area within the states: Report of the interdepartmental committee for the study of jurisdiction over Federal Areas within the states, part II, and this report is the definitive study on this issue. Therein, the

committee stated: "The Constitution gives express recognition to but one means of federal acquisition of legislative jurisdiction --by state consent under Article I, section 8, clause 7...Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place." Id., at 41.

"It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by the Federal acquisition of land with state consent, or (2) by cession from the state to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the state, the Federal Government possesses no legislative jurisdiction over any area within a state, such jurisdiction being for exercise by the state, subject to non-interference by the state with Federal function," Id., at 45.

"On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various crimes, jurisdiction over which is retained by the states under our Federal system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," Id., at 107.

"The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government."

Thus, in addition to this lengthy and definitive government treatise, the "jurisdiction of the United States" is identified as a very precise and carefully defined portion of North America.

Therefore, in a federal criminal prosecution involving jurisdiction type crimes, the government must prove the existence of federal jurisdiction by showing U.S. ownership of the place where the crime was committed and state cession of jurisdiction.

13.) The proposition that there are legislative powers affecting the nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the Amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinctive things. This natural construction of the original body of the Constitution is made absolutely certain by the Tenth Amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread assumption that the national government might, under the pressure of a supposed general welfare, attempt to exercise powers which have not been explicitly granted to it. With equal determination the framers intended that no such assumption should ever find in the organic act, and that if the future further powers seemed necessary they should be granted by the people in the manner they provided for amending that act.

14.) It is obvious today that the federal government violated the 10th Amendment of the U.S. Constitution by

prosecuting all crimes that are or were committed outside their jurisdiction. There is no constitutional issue here. The command of the Constitution is plain. There is no moral issue. It is wrong--deadly wrong to permit the federal government to exceed the perimeter set by the Constitution.

Come, then, to the inquiry, most discussed whether the prosecution or exclusive jurisdiction to prosecute all crimes committed within the states' internal boundaries is a constitutional power vested in Congress??? The answer to that question is a vehement "no."

CONCLUSION

I have a picture of Thomas Jefferson which adorns my cell in FCI Loretto. It says: "Difference of opinion leads to enquiry, and enquiry to truth." The truth is the federal government violated the 10th Amendment by launching prosecution against petitioner and convicted him for a crime committed within the state of New Hampshire internal land boundaries. Therefore, petitioner's conviction must be overturned. The continuation of this violation and condition is, however, the direct responsibility now of every man who occupies a position authorized to right the wrong. You are such men or women, Your Honor. To you I appeal as justice demands. And because I truly believe that the vault of justice is not bankrupt.

15.) QUORUM CLAUSE VIOLATION/THE BILL VOTE JOURNAL CLAUSE VIOLATION AND DUE PROCESS VIOLATION

That, fraud and deceit may rise from silence where there is a duty to speak the truth, as well as from speaking on

untruth, or when inquiry left unanswered would be intentionally misleading.

The acts of omissions of the respondent and the elected Members of the 80th Congress supported by documents attached hereto show that they have been depriving petitioner of his liberty without due process of law in violation of the Constitution or when:

a. They acted in execution of the commitment order issued by a court acting without competent jurisdiction under 18 U.S.C. § 3231, that only applies in the insular possessions of the United States and the District of Columbia [D.C.] and does not have any general or original jurisdiction to prosecute offenses against the United States anywhere within the internal land boundaries of New Hampshire. For a bill that was not passed or signed in the presence of a quorum[7], which caused petitioner to be fraudulently arraigned and unlawfully sentenced, and taken into the custody of the Federal Bureau of Prisons [FBOP]. Which resulted in petitioner's unlawful incarceration.

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7. Where the enrolled bill does not state on its face or in its enacting clause, that it was passed by a majority vote in the presence of a Quorum from both Houses, or where the enrolled bill shows on its face that the presiding officers of both Houses signed it on a date that both Houses of Congress were not "sitting in regular or extraordinary session" in the absence of a Quorum; and where the journal of the House does not show the names of the members sufficient to make a Quorum, or that a majority or Quorum of its members were present when the bill was passed, as required "by the Constitution, Jefferson's Manual and Rules of the House of Representatives, §§ 52-55." House Doc. No. 769, 79th Cong., 1st. sess (G.P.O. 1947); and "Hinds' Precedents of the House of Representatives of the United States," Vol. IV, §§ 2895, 2904, 2932, 2962, 2963. House Doc. 355, 59th Cong., 2d sess. (G.P.O. 1907). Thereby rendering H.R. 3190 as Public Law 80-772, void ab initio and no law of the United States of America.

Notwithstanding the fact that the H.R. 3190 bill had been met with opposition and caused a division in the House. (See H. Journ. 343, 344, 346; and 93 Cong. Rec. 5049.)

Wherein at Article I, § 7 clause 2 it prescribes expressly that "in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of persons voting for and against the Bill shall be entered on the journal of each House respectively." Thereby imposing a mandatory duty upon both Houses of Congress "in the case of a Bill" to enter "the names of the persons voting for and against the Bill" on their journal respectively. The Bill Vote Journal Clause (article 1 § 7) which is clear that, in respect to the particular mode in which, or with what fullness, shall be kept the proceeding of both houses relating to the names of the persons voting for and against a bill, are expressly required to be entered on the journals. Article I, § 5 cl. 1 of the Constitution provides that a majority of each [House] shall constitute a quorum to do business, "its capacity to transact business is then established." When 80-772/ H.R. 3190 bill was passed on May 12, 1947 by a 38 to 6 vote, a majority as created by the Constitution's own definition of a Quorum was not present and those 44 House members were without any authority to act upon any measure of the H.R. 3190 bill business. Where there were 435 members chosen, sworn, living and enrolled in the U.S. House of Representatives on May 12, 1947, the U.S. Constitution (article I § 5 cl. 1) required at least 218 of them to be present in order for that H.R. 3190 bill voting business to be legally done.

a. Therefore, it is competent to introduce the House Journal and an Internal Memorandum by Harley G. Cappin quondam Director of the Federal Bureau of Prisons, for Public Law 80-772

to be valid the journals of Houses must show that it was passed in the presence of a quorum. See United States v. Balin, Joseph & Co, 144 U.S. 1, 3 (1892). The clerk of the House states that the May 12, 1947 vote was a "voice vote but the parliamentation of the House states that the voice vote is only valid when the journal shows that the quorum is present and it's unlawful for the speaker of the House to sign any enrolled bill in the absence of a quorum." Emphasis added... On May 12, 1947, a presence of 218 members in the Hall of the House was required to be entered in the Journal in order for the 44 members, 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to the Public Law 80-772.

b. A letter from Karen C. Haas of the House, dated September 11, 2008, in which she stated: "After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill." And Mrs. Karen C. Haas is currently employed in the House of Representatives.

c. A letter by Nancy Erickson to Wayne E. Matthews dated March 9, 2009, in which she stated, "I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on 80-772/H.R. 3190 bill prior to the December 19, 1947 sine die adjournment." Emphasis added... And she found no record of any names for the May 12, 1974 vote. Then, how did Public Law 80-772

become law, if the Senate on December 19, 1947 sine die adjourned??? Provide proof of otherwise???

And congressional record as proof that Public Law 80-772/ H.R. 3190 Bill Act was not passed according to the Quorum, vote and journal requirements of the U.S. Constitution and they established the fact and irrefutable evidence that a majority of the House was not present when H.R. 3190/Title 18 was passed in the absence of a quorum by a majority vote on May 12, 1947. The Supreme Court held in United States v. Ballin, Joseph & Co., 36 L. Ed. 321, 144 U.S. 1 (1892) that (1) "when a law is found in the Secretary of State's office," (2) "properly authenticated," (3) the journal of the House shows that a majority or quorum of its members were present when the bill was passed, (4) "and that the presence of a quorum was determined in accordance with a valid rule of the House," (5) and that a majority of the quorum voted in favor of the bill, it legally passed the House, and the law is beyond challenged. However, the Ballin court overlooked the fact that in the case of a bill, the Constitution of the United States provides an independent journal clause, see Article I § 7 cl. 2. Therefore even without going beyond the documents deposited in the National Archives and Records Administration's own registered entries as maintained by the Secretary of State, Public Law 80-772 is unconstitutional on its face, because 62 Stat. 1435-36, June 20, 1948, shows that no quorum was present on June 25, 1948 due to the undisputed fact that Congress was not sitting in regular, extraordinary, special, nor emergency session on June 25, 1948. (See 94 Cong. Rec. 9348, 9349, 9354, 9365,

9367.)

The men who framed (the quorum vote and journal clauses) were great men high in literary acquirement--high in their sense of honor, and incapable of asserting principles inconsistent with those on which they were acting. They perfectly understood the meaning of the language used, and how it would be understood by others; and if they did not want those who would come after them to look to the journals of both Houses respectfully as the ultimate proof as to whether they followed the procedures which they prescribed in the Constitution for the United States of America to make a bill become law, then they would have not prescribed the general journal clause and the bill vote journal clause mandates. Wherein they used mandatory language to describe their intent. The United States Constitution does not allow the signatures of the presiding officers or any other power to cure such an omission. The Constitution as the supreme law of the land expressly prohibits Congress from legislatively amending any of its provisions except in the manner prescribed in Article V and that only those laws made in pursuance of the Constitution shall be law of the United States, as prescribed in Article VI para. 2.

See Eisner v. Mocomber, 252 U.S. 206, 64 L. Ed. 521 (1920), in which Justice Pitney stated Congress cannot by legislation alter the Constitution from which alone it derives its power to legislative and within those limitations alone that power can be lawfully exercised. An act of Congress passed in violation of the Constitution, or in disregard to its mandatory provisions, is to the extent of such repugnance absolutely void,

e.g. Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803); United States v. Germaine, 99 U.S. 508, 510 (1879).

Quoting Justice John Marshall, saying: "Clearly...for a secondary law to come in conflict with the supreme law was illogical, for certainly the supreme law would prevail over all other laws, and for any law to come in conflict would be null and void of law. It would bear no power to enforce. It would bear no obligation to obey, for unconstitutionality would date from the enactment of such a law, not from the data branched in open court of law. No courts are bound to uphold it and no citizen(s) are bound to obey it. It operates as a mere nullity or fiction of law." Ref: Marbury v. Madison [5 U.S. 137, et seq. (1803)].

AVERMENTS OF THE CLAIMS

FIRST CAUSE OF ACTION

The acts and omissions of the USA and the elected Members of the 80th Congress as set forth in the aforewritten statement of facts and supporting documents attached hereto show that they violated the quorum clause mandate prescribed in Article I, § 5, cl. 1 of the U.S. Constitution when:

a. the vote taken by 38 yeas and 6 nays shows that no Quorum had voted during the May 12, 1947 vote in H.R. 3190;

b. the journal of the House failed to show that a majority or Quorum of its members were present when the H.R. 3190 bill was passed;

c. the presence of a Quorum was not determined in accordance with a valid rule of the House;

d. the names of members present but not voting (if any),

were not entered on the journal as part of the yea-and-nay vote on the H.R. 3190 bill;

e. the names of the persons voting for and against the H.R. 3190 bill were not entered on the journal;

f. the Speaker of the House signed the enrolled H.R. 3190 in the absence of a Quorum;

g. the H.R. 3190 bill was signed by the presiding officers and presented to the President of the United States while both Houses of Congress were not sitting in regular or extraordinary session; and

h. they were placed on notice that the H.R. 3190 bill was put into effect as law without being passed by a Quorum or in the presence of a majority of both Houses, but failed or refused to investigate the origin of, or to disregard Public Law 80-772.

SECOND CAUSE OF ACTION

The acts and omissions of the USA and the elected Members of the 80th Congress as set forth in the aforewritten statement of facts and supporting documents attached hereto show that they violated the appropriations clause mandate prescribed in Article I, § 9, cl. 7 of the U.S. Constitution when:

a. the journal of the House failed to show that a majority or Quorum of its members were present when 18 U.S.C. § 4007 was passed or signed by the presiding officers of both houses; and

b. they allowed money to be drawn from the Treasury under 18 U.S.C. § 4007, a law that was put into effect without being duly enacted and without equal representation in Congress.

THIRD CAUSE OF ACTION

The acts of omissions of the USA and the elected Members of the 80th Congress as set forth in the aforewritten statement of facts and supporting documents attached hereto show that they have been depriving petitioner of his liberty without due process of law in violation of the Fifth, Ninth and Fourteenth Amendments to the Constitution where or when:

a. they acted in execution of the commitment order issued by a court acting without competent jurisdiction under 18 U.S.C. § 3231, which was not passed or signed in the presence of a quorum and took petitioner into the custody of the FBOP for the service of his sentence;

b. they used money paid out of the Treasury of the United States for the expenses attendant upon his confinement, as well as upon the execution of his sentence pursuant to 18 U.S.C. § 4007 (June 25, 1948, c. 645, 62 Stat. 848), which was not passed in the presence of a Quorum;

c. H.R. 3190 was signed by the Speaker of the House in the absence of a Quorum, while Congress was not sitting in regular or extraordinary session;

d. they placed limitations on his detention and controlled him under 18 U.S.C. § 4001 (June 25, 1948, c. 645, 62 Stat. 847), which was not passed in the presence of a Quorum;

e. they denied him a parole date that he is entitled to under the 1940 predecessor;

f. they were placed on notice that the H.R. 3190 bill was put into effect as law without being passed by a Quorum or in the

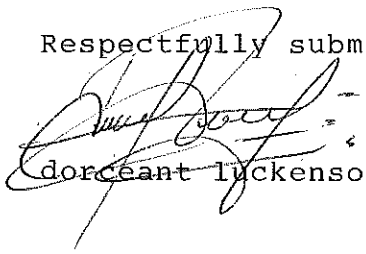
presence of a majority of both Houses, but failed or refused to investigate the origin of, or to disregard Public Law 80-772; and etc...

RELIEF SOUGHT

To release petitioner immediately from custody for the underlying criminal conviction and sentence. And expungement of record.

Any other further relief just, fair and constitutional.

Respectfully submitted,



Sergeant Luckenson

Harley G. Lappin

From: "Harley G. Lappin" <harley.lappin@usdoj.gov>
Sent: Monday, July 27, 2009 3:17 PM

Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau's authority to hold or classify them under 18 U.S.C. §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed in the presence of a Quorum or Majority of both Houses of Congress as required by Article 1, § 5, Clause 1 of the Constitution. Although most courts have, thus far, relied on Field v. Clark, 143 U.S. 649(1892) to avoid ruling on the merits of these claims, however, there have been some which have stated that they were not bound by the Field case, but those cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the House of Representatives to learn that there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong.Rec. 5049), and the record is not clear as to whether there was any Senate vote on the H.R. 3190 Bill during any session of the 80th Congress. There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum. See United States v. Ballin, Joseph & Co., 144 U.S. 1, 3 (1892). The Clerk of the House states that the May 12, 1947 vote was a 'voice vote,' but the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772. "Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory," according to the Supreme Court in the case of Thunder Basin Coal Co. v. Reich, 510 U.S. 200, 215 (1994). Therefore, the Bureau under the advise of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Requests by stating that only the Congress or courts can repeal or declare a federal statute unconstitutional.

Harley G. Lappin
Director, Federal Bureau of Prisons

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

September 11, 2006

Thank you for contacting the Office of the Clerk.

After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill, although pages 343-344 of the Journal of the House of Representatives from the 1st Session of the 80th Congress indicates that the bill was amended, purportedly passed, and transmitted to the Senate for concurrence. The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment.

Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore by counting the total yea and nay vote a quorum was not present.

According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote. I hope this information has answered your questions.

Sincerely Yours,

Karen L. Haas

Karen L. Haas
Clerk, U.S. House of Representatives

NDA MARIANO
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PHONE NO. : 7048952899

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NANCY

PAGE 02

NCY ERICKSON
ecretary

SUITE S-212
THE CAPITOL
WASHINGTON, DC 20510
(202) 224-3511

United States Senate

OFFICE OF THE SECRETARY

March 9, 2009

Mr. Wayne E. Matthews
713 Bonnie Meadow Lane
Ft. Washington, MD 20744

Dear Mr. Matthews:

Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80th Congress.

I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R. 3190 prior to the December 19, 1947 *sine die* adjournment. I have enclosed relevant pages from the *House Journal* and *Congressional Record* for your reference.

Sincerely,

Nancy Erickson
Secretary of the Senate

NE:wp

Enclosures

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 80th CONGRESS, SECOND SESSION

SENATE

MONDAY, JULY 26, 1948

The Senate reassembled this day in its Chamber at the Capitol, in the city of Washington, in pursuance of the proclamation of the President of the United States of the 15th day of July 1948.

ARTHUR VANDENBERG, President pro tempore, called the Senate to order at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of infallible wisdom, we have entered upon days which are fraught with perplexing problems and heavy responsibilities, but also with glorious opportunities and possibilities.

We pray that we may have the interpreting light and the clear and confident leading of Thy spirit in all our deliberations and decisions.

May the ideals and principles of our blessed Lord not only stir our emotions but our wills, and may every lofty God-inspired sentiment be translated into action and achievement.

Grant that it may be the goal of all our aspirations to glorify Thy great and holy name and to build Thy kingdom of peace and good will among men and nations.

Hear us for the sake of the Christ. Amen.

The PRESIDENT pro tempore. The proclamation of the President reconvening the Congress will be read by the clerk.

The Chief Clerk (Edward E. Mansur, Jr.) read the proclamation, as follows:

CONVENING THE CONGRESS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

Whereas the public interest requires that the Congress of the United States should be convened at 12 o'clock noon on Monday, the 26th day of July 1948, to receive such communication as may be made by the Executive;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene at the Capitol in the city of Washington on Monday, the 26th day of July 1948, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as Members thereof are hereby required to take notice.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of the United States.

Done at the city of Washington this 15th day of July, in the year of our Lord 1948, and of the independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN.

By the President:
G. C. MARSHALL,
Secretary of State.

CALL OF THE ROLL

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hickenlooper	O'Daniel
Baldwin	Hill	O'Mahoney
Barkley	Hoey	Pepper
Brewster	Holland	Reed
Brooks	Jenner	Revercomb
Butler	Johnson, Colo.	Robertson, Va.
Byrd	Johnston, S. C.	Robertson, Wyo.
Cain	Kem	Russell
Capehart	Kilgore	Saltonstall
Capper	Knowland	Smith
Connally	Langer	Sparkman
Cooper	Lodge	Stennis
Cordon	Lucas	Stewart
Donnell	McCarthy	Taft
Downey	McClellan	Taylor
Eastland	McFarland	Thomas, Okla.
Ecton	McGrath	Thomas, Utah
Ellender	McMahon	Thye
Feazel	Magnuson	Tobey
Ferguson	Martin	Umstead
George	Maybank	Vandenberg
Green	Millikin	Watkins
Gurney	Moore	Wherry
Hatch	Murray	Wiley
Hawkes	Myers	Williams
Hayden	O'Conor	Young

Mr. WHERRY. I announce that the Senator from Minnesota (Mr. BALL), the Senator from Ohio (Mr. BRICKER), the Senator from Delaware (Mr. BUCK), the Senator from South Dakota (Mr. BUSHFIELD), the Senator from Vermont (Mr. FLANDERS), the Senator from Oregon (Mr. MORSE), and the Senator from Iowa (Mr. WILSON) are necessarily absent.

The Senator from New Hampshire (Mr. BRIDGES) is detained on official business.

The Senator from Idaho (Mr. DWORSHAK) is absent on official state business.

The Senator from New York (Mr. IVES) is absent because of illness in his family.

The Senator from Nevada (Mr. MALONE) is absent on official committee business of the Committee on Public Works.

Mr. LUCAS. I announce that the Senator from New Mexico (Mr. CHAVEZ) is unavoidably detained.

The Senator from Arkansas (Mr. FULBRIGHT), the Senator from Nevada (Mr. MCCARRAN), the Senator from Tennessee (Mr. MCKELLAR), the Senator from Maryland (Mr. TYDINGS), and the Senator from New York (Mr. WAGNER) are necessarily absent.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

THE JOURNAL

Mr. WHERRY. Mr. President, I ask unanimous consent that, without reading, the Journal of the proceedings of the Senate for the calendar days Friday, June 18, Saturday, June 19, and Sunday, June 20, 1948, be approved.

The PRESIDENT pro tempore. Without objection, the order is made.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER ADJOURNMENT

Subsequent to the adjournment of the Senate on June 20, 1948, the President pro tempore, under the authority of House Concurrent Resolution 219, signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 165. An act for the relief of Doris E. Snyder;

S. 418. An act to provide for water-pollution-control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes;

S. 595. An act to provide that the rates of compensation for disabilities incurred in active military or naval service other than in a period of war service shall be equal to 80 percent of the rates payable for similar disabilities incurred during active service in time of war;

S. 1243. An act to provide for the payment of revenues from certain lands into the tribal funds of the Confederated Tribes of the Warm Springs Reservation of Oregon, and for other purposes;

S. 1260. An act to create a commission to hear and determine the claims of certain motor carriers;

S. 1322. An act to provide a Federal charter for the Commodity Credit Corporation;

S. 1683. An act to confer jurisdiction on the State of New York with respect to offenses committed on Indian reservations within such State;

S. 1715. An act for the relief of Archie Hamilton and Delbert Hamilton;

S. 1717. An act for the relief of the estate of William R. Stigall, deceased;

S. 1969. An act to amend the Philippine Rehabilitation Act of 1946 in connection with the training of Filipinos as provided for in title III;

S. 2217. An act conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the joint claims of Silas Mason Co., Inc.; Walsh Construction Co.; and Atkinson-Kier Co.;

S. 2242. An act to authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes;

relating to crimes and criminal procedure.

A bill similar to this passed the House unanimously in the closing days of the Seventy-ninth Congress but was not acted upon in the other body. I believe that I should make a brief statement explaining the method of drafting the bill and its scope.

The work on this revision was commenced under the supervision of the former Committee on Revision of the Laws in 1944. That committee engaged the services of the West Publishing Co. and the Edward Thompson Co., two law-publishing companies that have assisted in the preparation of the original United States Code and every supplement and new edition of that code. These companies have worked continuously and closely with the Committee on Revision of the Laws and, since the beginning of this Congress, with the Committee on the Judiciary, and counsel for the committees. In turn, the companies supplemented their regular editorial staffs by engaging the services of a reviser who was long familiar with the operation and administration of these laws. In addition they assembled an outstanding group of men as an advisory committee who labored unselfishly toward achieving the best revision of the criminal laws. A number of these men—members of the bench and bar of the country—appeared before the Committee on the Judiciary and testified that in their opinion this bill is eminently worthy of favorable action by the Congress. The Department of Justice also designated a representative of the Criminal Division to cooperate in the preparation of this revision.

Several preliminary drafts of the revision were studied most carefully, word for word and line for line, by these various groups, culminating in the bill now up for consideration.

At the last Congress the Committee on the Revision of the Laws, through its chairman, appeared before a subcommittee of the Judiciary Committee and, in a number of sessions, pointed out and explained every change in substantive law made by the bill which had been reported by that committee. After full discussion the Committee on the Judiciary unanimously endorsed the then pending bill, which is similar to the bill before us today, and that bill was passed unanimously by the House on July 16, 1946, in the closing days of the session. The bill had received the endorsement of the Department of Justice and the Section on Criminal Law of the American Bar Association. I believe that I am not engaging in overstatement when I say that no bill of this magnitude ever came to the House with such a background of careful and painstaking preparation and critical appraisal by so many leaders in this branch of the law.

So much for the method of preparation—and I want to express our appreciation to the learned members of the bench and bar who contributed so much of their talent and time toward this work.

Now as to the scope of the bill.

This bill is a restatement of the Federal laws relating to crimes and criminal procedure in effect on April 15, 1947. Most of these laws are now set forth in title 18 of the United States Code and are based upon the 1909 Criminal Code—which was the last revision of criminal laws enacted by the Congress—and subsequent laws on the subject. Of course, title 18 of the United States Code is only prima facie evidence of the law which is contained in numerous volumes of the Statutes at Large. Upon the enactment of this bill it will no longer be necessary to have recourse to those numerous volumes. All the law will be set out in one place and amendments in the future will be facilitated because of the orderly arrangement of the laws within one title.

Just a year ago with the adoption of the Federal Rules of Criminal Procedure many statutes became obsolete or superseded, but, of course, were not specifically repealed. These together with other obsolete, superseded, redundant, and repetitious statutes are repealed by this bill, and the effect of the rules is clearly set forth in the revision.

The law is restated in simple, clear, and concise language. Many sections of existing statutes are consolidated to facilitate finding the law. The advantages of codes are too well known to require any lengthy exposition on my part at this time.

You will find no radical changes in the philosophy of our criminal law in this bill. There is no attempt made here to coddle criminals and wrongdoers. Nor is this bill a subject of partisanship. Its predecessor which passed the House unanimously in the Seventy-ninth Congress had been reported unanimously by the Committee on the Revision of the Laws and had received the unanimous endorsement of the Committee on the Judiciary. This bill has also been reported unanimously by the Committee on the Judiciary.

Favorable action by the House today will constitute a big step toward an orderly and systematic code of laws and will prove a boon to the bench and bar and the public generally.

Mr. COLE of New York. Mr. Speaker, I rise in opposition to the amendment only for the purpose of suggesting that to some extent the gentleman's amendment is in violation of the understanding on which these bills were submitted to the House for passage today. It was understood that they were simply codifications of existing law and undertook to make no changes in existing law.

I understand that probably the gentleman's amendment has considerable merit, and I see several members of the Committee on the Judiciary on the floor. I certainly am not in a position and have no desire to raise any criticism of procedure or objection to it, but it does seem to be a violation of the understanding under which these bills were submitted.

Mr. ROBSION. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. ROBSION. I pointed out when I made my statement with reference to the first five bills that we considered, that they were purely a codification. But there are some changes in this bill (H. R. 3190), I mean, for instance, when we were considering this bill the Philippine Islands were a part of the United States. We had many laws applicable to the Philippine Islands when she was a part of the United States that are no longer in force because the Philippines are no longer a part of the United States. Those laws we cut out.

We also found going through criminal law with the Department of Justice, the bar association, and the representatives of the Federal courts that Congress has passed many acts almost identical. In some of them the penalty was fixed at 5 years and in others, fixed at 6 months. We thought it wise to clarify and harmonize these.

Mr. COLE of New York. Mr. Speaker, so long as these distinguished gentlemen of the Judiciary Committee are satisfied with this procedure and with this bill, I shall not use the time of the House further.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Michigan.

Mr. MICHENER. Mr. Speaker, I hold in my hand a copy of the committee report which I wish the Members would look at carefully. Where there is any indication of change every one of these questions is fully explained in the report. If we start to amend now we are liable to get into trouble. I favor the bill suggested by the gentleman from Pennsylvania but I hope it will not be interjected here because it will upset the procedure which must be followed if we ever hope to accomplish this purpose.

Mr. COLE of New York. Is the amendment offered by the gentleman from Pennsylvania in the report accompanying this bill to which he has referred?

Mr. MICHENER. No; it is not.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER].

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 38, noes 6.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. STEVENSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a report to his constituents.

REVISION OF TITLE 28, UNITED STATES CODE

The Clerk called the bill (H. R. 3214) to revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CURTIS. Mr. Speaker, reserving the right to object, this bill H. R. 3214 deals with the judiciary and judicial procedure and I wish to call attention merely to one part of it. That is the part

App. 1

or a lesser amount of excessive profits than that determined against him. The proceeding was declared to be a trial de novo. They are heard and decided, as in tax cases, on the issues drawn and pleaded by the pleadings filed.

The above history clearly indicates that Congress created a court and made it quite obvious that the creation of a court was intended.

Mr. KEATING. Mr. Speaker, this bill so forcefully presented by the distinguished gentleman from Kentucky [Mr. ROBSION], who has labored extensively and ably in the field of codification of the laws, deserves the support of this body.

The most important change in existing law is to make the Tax Court a judicial rather than an administrative body. The hearings before the Committee on the Judiciary, especially the testimony of the present presiding judge of the court, convince me beyond a doubt that this change should be made.

I am happy that the committee has accepted an amendment at the end of section 2560 to provide as follows:

No qualified person shall be denied admission before such court because of his failure to be a member of any profession or calling.

Considerable doubt has been raised that the conversion of this body to a court of record might prevent practice before it by anyone other than a member of the bar. As a lawyer, I would be the last to contend that a legal training is not highly desirable for a practitioner before the Tax Court. In all fairness, however, we must recognize that the litigation which comes before that court is often of a peculiarly technical character which circumstances may dictate can best be presented by a certified accountant, or in part by a lawyer and in part by one skilled in figures. To compel membership in the bar is a condition precedent to practice in this court would be a departure from precedent which I do not feel prepared to take.

In many of these important cases it is desirable and in the interests of the litigant for lawyers and accountants to associate in the prosecution of the case. It would be a mistake, in my judgment, for Congress to interfere with this practice. The situation regarding this court seems to be quite different from other judicial bodies in this respect. To deprive accountants by legislative enactment of the right to practice before the Tax Court after it becomes a judicial body, while perhaps advantageous to lawyers, would deprive qualified nonlawyers of a valuable right without a showing of correlative advantage to the litigants, who in good conscience should be the object of our chief concern in the consideration of this legislation.

I urge support of this amendment and this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. DINGELL) there were ayes 91, noes 12.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 342, nays 23, not voting 65, as follows:

[Roll No. 100]

YEAS—342

Abernethy	Dondero	Keogh
Albert	Donohue	Kersten, Wis.
Allen, Calif.	Dorn	Kilday
Allen, Ill.	Drewry	Kirwan
Allen, La.	Elliott	Klein
Almond	Ellis	Kunkel
Andersen, H. Carl	Ellsworth	Landis
Andresen, August H.	Elsaesser	Lane
Andrews, Ala.	Engel, Mich.	Larcade
Angell	Engle, Calif.	Latham
Arnold	Evins	Lea
Auchincloss	Fallon	LeCompte
Bakewell	Feighan	LeFevre
Banta	Fenton	Lemke
Barrett	Fernandez	Lewis
Bates, Ky.	Fisher	Lodge
Battle	Flannagan	Love
Beall	Fletcher	Lucas
Beckworth	Fogarty	Lusk
Bell	Poote	Lyle
Bennett, Mo.	Fulton	McConnell
Bishop	Gallagher	McCormack
Blackney	Gamble	McCowen
Blatnik	Gary	McDonough
Boggs, Del.	Gathings	McDowell
Boggs, La.	Gavin	McGarvey
Bonner	Gillette	McGregor
Boykin	Gillie	McMahon
Bradley	Goff	McMillan, S. C.
Bramblett	Goodwin	McMillen, Ill.
Brehm	Gordon	Macy
Brooks	Gore	Madden
Brophy	Gorski	Mahon
Brown, Ga.	Gossett	Maloney
Brown, Ohio	Graham	Manasco
Bryson	Granger	Mansfield, Mont.
Buchanan	Grant, Ala.	Marcantonio
Buck	Griffiths	Martin, Iowa
Buckley	Gwinn, N. Y.	Mathews
Buffett	Gwynne, Iowa	Meade, Md.
Bulwinkle	Hagen	Merrow
Burke	Hale	Meyer
Burleson	Hall, Leonard W.	Michener
Busbey	Halleck	Miller, Calif.
Byrne, N. Y.	Hand	Miller, Conn.
Canfield	Hardy	Miller, Md.
Carroll	Harless, Ariz.	Miller, Nebr.
Carson	Harness, Ind.	Mills
Case, N. J.	Harris	Monroney
Case, S. Dak.	Harrison	Morgan
Celler	Havenner	Morris
Chadwick	Hays	Morrison
Chapman	Hedrick	Morton
Chelf	Heffernan	Muhlenberg
Chenoweth	Herter	Mundt
Chiperfield	Heselton	Murdock
Church	Hess	Murray, Tenn.
Clason	Hill	Murray, Wis.
Clements	Hinshaw	Nixon
Clevenger	Hobbs	Nodar
Clippinger	Hoeven	Norblad
Coffin	Hoffman	Norrell
Cole, Kans.	Holifield	O'Brien
Colmer	Holmes	O'Hara
Combs	Horan	O'Konski
Cooley	Howell	O'Toole
Corbett	Huber	Pace
Cotton	Jackson, Calif.	Passman
Cox	Jackson, Wash.	Patman
Cravens	Jarman	Patterson
Crawford	Javits	Peterson
Crosser	Jenkins, Ohio	Phillips, Tenn.
Crow	Jenkins, Pa.	Pickett
Cunningham	Jennings	Ploeser
Curtis	Jensen	Poage
Dague	Johnson, Calif.	Potts
Davis, Ga.	Johnson, Ill.	Poulson
Davis, Tenn.	Johnson, Ind.	Preston
Davis, Wis.	Johnson, Tex.	Price, Fla.
Dawson, Utah	Jonkman	Price, Ill.
Deane	Judd	Priest
Delaney	Karsten, Mo.	Rabin
Devitt	Kearney	Rains
D'Ewart	Kearns	Ramey
Dirksen	Keating	Rankin
Dolliver	Keefe	Rayfiel
Domengeaux	Kefauver	Redden
	Kennedy	Reed, Ill.
Rees	Scott, Hardie	Thomas, Tex.
Reeves	Scott, Hugh D., Jr.	Thomason
Rich	Seely-Brown	Tibbott
Richards	Sikes	Tollefson
Riehlman	Simpson, Ill.	Towe
Riley	Simpson, Pa.	Trimble
Rivers	Smathers	Twyman
Rizley	Smith, Kans.	Vail
Robertson	Smith, Maine	Van Zandt
Robsion	Smith, Va.	Vursell
Rockwell	Smith, Wis.	Walter
Rogers, Fla.	Snyder	Weichel
Rogers, Mass.	Somers	Wheeler
Rohrbough	Spence	Whitten
Rooney	Springer	Whittington
Ross	Stanley	Williams
Russell	Stefan	Wilson, Ind.
Sabath	Stevenson	Wilson, Tex.
Sadlak	Stigler	Winstead
Sadowski	Stockman	Wolcott
St. George	Stratton	Wolverton
Sanborn	Sundstrom	Wood
Sarbacher	Taber	Woodruff
Sasscer	Talle	Worley
Schwabe, Mo.	Teague	Youngblood
Schwabe, Okla.	Thomas, N. J.	Zimmerman
Scoblick		

NAYS—23

Anderson, Calif.	Folger	Knutson
Byrnes, Wis.	Forand	Lynch
Camp	Gearhart	Mason
Cannon	Grant, Ind.	Owens
Cooper	Hull	Phillips, Calif.
Dingell	Jenison	Reed, N. Y.
Doughton	Kean	Wigglesworth
Eberharter	King	

NOT VOTING—65

Andrews, N. Y.	Gifford	MacKinnon
Arends	Gregory	Mansfield, Tex.
Barden	Gross	Meade, Ky.
Bates, Mass.	Hall, Edwin Arthur	Mitchell
Bender		Norton
Bennett, Mich.	Hart	Peden
Bland	Hartley	Pfeifer
Bloom	Hébert	Philbin
Bolton	Hendricks	Plumley
Butler	Hope	Powell
Clark	Johnson, Okla.	Rayburn
Cole, Mo.	Jones, Ala.	Scrivner
Cole, N. Y.	Jones, N. C.	Shafer
Coudert	Jones, Ohio	Sheppard
Courtney	Jones, Wash.	Short
Dawson, Ill.	Kee	Smith, Ohio
Douglas	Kelley	Taylor
Durham	Kerr	Vinson
Eaton	Kilburn	Vorys
Elston	Lanham	Wadsworth
Fellows	Lesinski	Welch
Fuller	Mack	West

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Arends with Mr. Sheppard.
Mr. Bates of Massachusetts with Mr. Bloom.
Mr. Hope with Mr. Courtney.
Mr. Hartley with Mr. Gregory.
Mr. Jones of Washington with Mr. Hébert.
Mr. Gifford with Mr. West.
Mr. Mitchell with Mr. Jones of North Carolina.
Mr. Eaton with Mr. Vinson.
Mr. Mack with Mr. Hendricks.
Mr. Shafer with Mr. Kee.
Mr. Jones of Ohio with Mr. Kerr.

Mr. RANKIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. ROBSION. Mr. Speaker, I ask unanimous consent that the printing of the bill in the RECORD be dispensed with but that the amendments be printed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

App. 2

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1940—Continued						
Mar. 28	73		54	80	18	97
Apr. 17	101		54	110	26	421
Apr. 30	161		54	171	18	86
Do	176	1–3	54	176, 176	18	733, 733a, 733b
June 6	241		54	234	18	466
June 8	276		54	249	28	217a
Do	295		54	258, 266	18	412a
June 11	323		54	304	18	461
Do	326	1–3	54	306	18	409–471
June 13	350		54	391	18	203
June 25	426		54	671, 672	18	706
June 28	439	1–6	54	670, 671	18	9–13
June 29	445		54	688	18	687
Do	440	1–6	54	692, 696	18	641, 718, 719, 733c, 763k
Do	468		54	696	13	588b
July 10	567		54	747	18	557
July 19	640	1, 3, 5, 6	54	767, 773	18	61a, 81j, 81m–1, 611
Oct. 8	783		54	1021	18	203
Oct. 9	777	6	54	1026	18	353–355
Do	785	1–8	54	1038, 1040	18	876, 876a–876d
Oct. 14	873		54	1144	18	196a
Do	878	246 (a–h), (i), 247	54	1163–1166	8	746 (a–h), (i), 747
Oct. 17	897	1–6	54	1201–1204	18	14, 14 note 15–17
Nov. 30	926		54	1220, 1231	50	101, 104–106
1941—May 31	188	1 (part)	55	[4] 220	18	647
June 14	204		55	262	18	783f
June 21	213		55	264, 266	18	746a, 746b
June 25	251	10	55	265	13	1731 (d)
July 9	283		55	291	18	196a
July 11	287		55	363	18	518a
Aug. 18	366	1–6	55	631, 633	18	419a, 419b, 419c, 419d
Aug. 21	385		55	656	50	104
Oct. 21	443		55	743, 744	18	783f
Nov. 15	473	1, 2	55	763, 764	18	106, 107
Nov. 21	493		55	779	18	699
Dec. 23	615		55	863	18	821
Dec. 31	643	1–9	55	876, 877	18	603, 603, note, 604
1942—Mar. 7	160		56	141	18	261
Mar. 10	173	1 (part)	56	[4] 188	18	647
Mar. 21	191		56	173	18	97a
Mar. 27	199	1104	56	184	50 App.	641a
May 9	266	1	56	271, 272	18	683
Aug. 24	554	1, 2	56	747, 748	18	800a
Sept. 16	661	[5] 314			50	344
Dec. 24	833	1, 2, 3	56	1057	18	420f, 420g, 420h
Do	834		56	1067, 1085	50	101
1943—June 30	179	1 (part)	57	[4] 268	18	647
Nov. 22	301		57	301	18	87
1944—Mar. 4	83	1, 2, 3, 4	58	111	18	473, 473, 474
Apr. 1	141		58	189, 180	18	262a
Apr. 6	163		58	188	18	609
July 1	368	18 (a), (d), (e)	58	667, 668	41	[5] 118
Do	244	19 (b)	58	667	18	800a
Sept. 27	432		58	743	18	284
Oct. 3	479	26	58	781	18	800a
Dec. 20	633	4	58	837	12	1180c
Dec. 23	706	1, 2, 3	58	904, 916	18	61, 62a, 62b
1945—Apr. 30	101		59	101	18	97b
May 14	126		59	164	18	618a
June 8	178	1, 2, 3	59	234, 234	18	241, 241a, 242
July 31	339	9	59	514	31	804b
Sept. 24	383	1, 2, 3	59	586	18	608
1946—May 16	268		60	183	18	618a
July 3	477		60	420	18	17 note
					13	420a–420a–1
					30	52 note, 101 note, 181 note
July 10	547		60	534, 535	12	641
July 24	606		60	656	18	609–611
Aug. 2	734		60	799	18	608a
Aug. 14	964	[6] 3	60	1, 064	7	1, 026
1947—Apr. 16	39		61	52	18	611
May 16	73		61	97	18	744h–1
June 21	111		61	134	18	244
June 23	130	304	61	149	7	281

[1] First proviso, only, appearing on this page.
[2] First proviso, only, appearing on this page.
[3] As added by Act, Apr. 1, 1941, ch. 150 (part), 55 Stat. 148.
[4] Second proviso, only, appearing on this page.
[5] First, second, third, and sixth paragraphs, only, of this section of title 41 of the United States Code, 1940 edition.
[6] Only the provisions amending section 43 of Act, July 22, 1937, ch. 517, title IV, 50 Stat. 531, 532.

Speaker of the House of Representatives.

President of the Senate pro tempore.

Approved June 25 1948
Harry S. Truman
12:23 P.M. E.D.T.

App. 4

HISTORY OF BILLS ENACTED INTO PUBLIC LAW (80TH CONG., 2D SESS.)—Continued

Title	Bill No.	Date introduced	Committees—hearings		Date reported		Report No.		Page of Congressional Record of passage		Date of passage		Public law	
			House	Senate	House	Senate	House	Senate	House	Senate	House	Senate	Date approved	No.
To amend the Railroad Retirement Act of 1937, to increase certain annuities, and the Railroad Unemployment Insurance Act with respect to taxes levied thereunder.	H. R. 6766 (S. 2782)	June 1.....	IFC*	LPW	June 2.....	June 9.....	2154	1574	7436	7933	June 8.....	June 12.....	June 23	744
Amending District of Columbia Code, relative to admissibility of testimony.	S. 1266	May 12, 1947.	DC	DC	June 3.....	May 29, 1947.	2188	212	7455	7010	June 8.....	June 16, 1947.	June 24	745
To increase salary of Coordinator of Federal Agencies in Puerto Rico.	S. 2508	Apr. 15.....	PL	IIA	June 4.....	May 12.....	2208	1279	8484	6294	June 16.....	May 24.....	June 24	746
Permitting mining locations under United States mining laws within the game sanctuary of the Harney National Forest.	H. R. 2867	Mar. 31, 1947.	PL	IIA	July 14, 1947.	June 11.....	912	1597	9596	7944	July 21, 1947.	June 12.....	June 24	747
To amend Veterans Regulation No. 1 (a), pts. I and II, to establish a presumption of service connection for chronic and tropical diseases.	H. R. 3889	June 18, 1947.	VA	Fin*	July 8, 1947..	June 7.....	808	1536	9609	7924	July 21, 1947.	June 12.....	June 24	748
To amend the Food and Drug Act, to authorize seizure of adulterated or misbranded products.	H. R. 4071	July 2, 1947..	IFC	IFC*	July 8, 1947..	Apr. 30.....	807	1221	134	8239	Jan. 13.....	June 15.....	June 24	749
To permit free entry of crude or broken limestone to be used in manufacture of fertilizer.	H. R. 5275	Feb. 4.....	WM	Fin	Feb. 23.....	Apr. 15.....	1415	1129	1610	8238	Feb. 24.....	June 15.....	June 24	750
Conferring jurisdiction over Fort Des Moines Veterans' Village upon the State of Iowa.	H. R. 6188	Apr. 12.....	PW*	PW	Apr. 15.....	June 10.....	1747	1585	5199	7941	May 3.....	June 12.....	June 24	751
Relative to admission of Filipinos to the U. S. Naval Academy.	H. R. 6698	May 25.....	AS*	AS	June 8.....	June 17.....	2258	1766	8489	8755	June 16.....	June 18.....	June 24	752
Navy appropriations for 1949.....	H. R. 6772	June 2.....	App*	App*	June 2.....	June 14.....	2135	1621	7073	8301	June 3.....	June 15.....	June 24	753
To ratify contract for purchase of certain mineral land from the Choctaw and Chickasaw Indians.	S. J. Res. 203 (H. J. Res. 363)	Apr. 2.....	PL	IIA	May 5.....	May 10.....	1868	1266	8214	6290	June 14.....	May 24.....	June 24	754
Providing for a National Institute of Dental Research.	H. R. 6726 (S. 176)	May 27.....	IFC*	LPW	June 2.....	July 7, 1947..	2158	436	7415	7934	June 8.....	June 12.....	June 24	755
To provide for the issuance of free passes on railroads to official watch inspectors.	S. 2192	Feb. 20.....	IFC	IFC	June 17.....	June 8.....	2394	1538	8954	7924	June 18.....	June 12.....	June 24	756
To increase certain benefits payable under the Longshoremen's and Harbor Workers' Compensation Act.	S. 2237 (H. R. 6647)	Feb. 27.....	EdL	LFW*	June 1.....	May 17.....	2095	1315	7397	6302	June 8.....	May 24.....	June 24	757
To clarify the position of Air Force Secretary and to authorize Secretaries of Army, Navy, Air Force, and Secretary of Defense to establish certain positions in professional and scientific service.	S. 2505	Apr. 15.....	POCS	AS	June 11.....	May 26.....	2306	1408	8494	6778	June 16.....	June 1.....	June 24	758
Selective Service Act of 1948.....	S. 2655 (H. R. 6401)	May 12.....	AS	AS*	May 7.....	May 12.....	1881	1268	8828	7681	June 18.....	June 10.....	June 24	759
To authorize lease of certain space in Lafayette Building in the District of Columbia by FWA.	S. 2706	May 19.....	.....	PW	.....	June 12.....	.....	1614	8947	8721	June 18.....	June 18.....	June 24	760
Relative to consolidation of the Lighthouse Service with the Coast Guard.	H. R. 239	Jan. 3, 1947..	MMF	IFC	Apr. 23, 1947.	June 11.....	294	1594	5055	7942	May 12, 1947.	June 12.....	June 24	761
Providing pensions for certain widows of Spanish-American War veterans.	H. R. 4962	Jan. 14.....	VA	Fin	June 11.....	June 17.....	2316	1747	8495	8754	June 16.....	June 18.....	June 24	762
To authorize Marine Band attendance at 1948 national assembly of the Marine Corps League.	H. R. 5036 (S. 2064)	Jan. 20.....	AS*	AS	June 2.....	June 8.....	2150	1541	7414	7926	June 8.....	June 12.....	June 24	763

Case 2:20-cv-02570-CDJ Document 1 Filed 05/27/20 Page 32 of 39

the Chickamauga and Chattanooga Military Park, Ga., and Tenn.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	June 11.....	[illegible]	[illegible]	5995	7984	May 18.....	June 12.....	June 24	764
To amend the Standard Time Act relative to placing a certain portion of the State of Idaho in the third time zone.	H. R. 6318 (S. 2547)	Apr. 22.....	IFC*	IFC	May 12.....	May 13.....	1948	1287	6010	8239	May 18.....	June 15.....	June 24	765
National military appropriations for 1949...	H. R. 6771	June 2.....	App*	App*	June 2.....	June 17.....	2135	1763	6957	8618	June 2.....	June 17.....	June 24	766
To extend for 1 year the terms of two additional Assistant Secretaries of State.	H. R. 6822 (S. 2869)	June 7.....	FA	FR	June 8.....	June 15.....	2257	1683	8489	8727	June 16.....	June 18.....	June 24	767
To provide annuities for certain surviving spouses of annuitants retired prior to Apr. 1, 1948.	H. R. 6641 (S. 2740)	May 20.....	POCS	POCS	June 11.....	June 15.....	2309	1685	8494	8728	June 16.....	June 18.....	June 25	768
To authorize free entry of certain railroad equipment under certain conditions from France.	H. J. Res. 433	June 18.....	WM	.....	.....	.....	.....	.....	9222	9098	June 19.....	June 19.....	June 25	769
Confirming certain oil contracts negotiated by Treasury.	H. R. 4659 (S. 1857)	Dec. 8, 1947..	Jud	BC	May 28.....	June 9.....	2077	1560	7390	7930	June 8.....	June 12.....	June 25	770
To codify Title 3 of the United States Code, entitled "The President."	H. R. 6412	Apr. 30.....	Jud	Jud	May 10.....	June 14.....	1898	1623	6000	8722	May 18.....	June 18.....	June 25	771
To codify Title 18 of the United States Code entitled "Crimes and Criminal Procedure."	H. R. 3190	Apr. 24, 1947.	Jud	Jud	Apr. 24, 1947.	June 14.....	304	1620	5048	8722	May 12, 1947.	June 18.....	June 25	772
To codify Title 28 of the United States Code, entitled "Judicial Code and Judiciary."	H. R. 3214	Apr. 25, 1947.	Jud	Jud	Apr. 25, 1947.	June 9.....	308	1559	8392	7930	July 7, 1947..	June 12.....	June 25	773
To authorize admission of displaced persons.	S. 2242 (H. R. 6396)	Mar. 2.....	Jud*	Jud	May 4.....	Mar. 2.....	1854	950	7888	6916	June 11.....	June 2.....	June 25	774
To provide for military justice within the Air Force.	S. 2401 (H. R. 5937)	Mar. 29.....	AS	AS	June 8.....	June 8.....	2263	1542	8492	7925	June 16.....	June 12.....	June 25	775
To amend the Organic Act of Puerto Rico...	S. 2675	May 17.....	PL	IIA	June 4.....	May 27.....	2210	1418	8484	6782	June 16.....	June 1.....	June 25	776
Fixing the rank of the assistant to the Chief of Engineers in charge of river and harbor and flood-control improvements.	S. 2770 (H. R. 6751)	May 28.....	AS	AS	June 8.....	June 2.....	2256	1451	8498	7696	June 16.....	June 10.....	June 25	777
Increasing the sum to $30,000 for statue of Commodore John Barry for presentation to Eire.	H. J. Res. 297	Jan. 15.....	FA	FR	May 18.....	June 17.....	1972	1760	7381	8754	June 8.....	June 18.....	June 25	778
Relative to pay of jurors in the United States courts.	H. R. 945 (S. 19)	Jan. 14, 1947.	Jud	Jud*	June 2.....	June 7.....	2162	1510	7418	7945	June 8.....	June 12.....	June 25	779
Relative to probation system in United States courts.	H. R. 2766	Mar. 25, 1947.	Jud	Jud	May 11.....	June 8.....	1923	1544	6007	7926	May 18.....	June 12.....	June 25	780
Authorizing certain expenditures from appropriations of the Public Health Service.	H. R. 4114	July 8, 1947..	IFC	LPW	May 11.....	June 9.....	1927	1578	6008	7933	May 18.....	June 12.....	June 25	781
Army-civil functions appropriations for 1949.	H. R. 5524	Feb. 24.....	App*	App*	Feb. 24.....	Apr. 23.....	1420	1167	1772	6096	Feb. 26.....	May 19.....	June 25	782
To amend the Nationality Act of 1940 relative to petition for citizenship.	H. R. 5886	Mar. 17.....	Jud	Jud	Apr. 6.....	June 15.....	1661	1641	6012	8723	May 18.....	June 18.....	June 25	783
Providing that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives.	H. R. 6293	Apr. 21.....	POCS	POCS	May 11.....	June 15.....	1938	1687	7380	8727	June 8.....	June 18.....	June 25	784
Second deficiency appropriations for 1948....	H. R. 6935	June 15.....	App*	App*	June 15.....	June 19.....	2348	1769	8461	9054	June 16.....	June 19.....	June 25	785
Authorizing the Coast Guard to maintain aids to navigation.	S. 1853	Dec. 10, 1947.	MMF	IFC*	May 7.....	Mar. 31.....	1878	1043	5996	4288	May 18.....	Apr. 12.....	June 26	786
Relating to yachts belonging to yacht clubs..	S. 2186	Feb. 20.....	MMF	IFC	June 17.....	May 27.....	2397	1415	8957	6781	June 18.....	June 1.....	June 26	787
Acceptance of statue of Gen. Jose Gervasio Artigas from Uruguay.	S. 2591	Apr. 30.....	HA	PW	June 18.....	June 2.....	2402	1439	8837	7693	June 18.....	June 10.....	June 26	788
Authorizing the printing and binding of Cannon's House Procedure.	H. J. Res. 190	May 6, 1947..	HA	RAdm	May 14, 1947.	June 19.....	382	1770	5279	9056	May 14, 1947.	June 19.....	June 26	789
To authorize an emergency fund for the Bureau of Reclamation to assure the continuous operation of its irrigation and power systems.	H. R. 3218	Apr. 25, 1947.	PL	IIA	July 10, 1947.	June 4.....	860	1493	317	7701	Jan. 19.....	June 10.....	June 26	790
Authorizing permanent appointment in each the Regular Army and Regular Air Force of one officer in the grade of general.	H. R. 6039	Mar. 30.....	AS	AS	Apr. 14.....	June 17.....	1734	1764	4644	8755	Apr. 20.....	June 18.....	June 26	791

*Printed hearings.

App. 6

The Speaker [1] overruled the point of order on the ground that when the order was made the absence of a quorum was not disclosed by any proceeding in the House and did not appear in the Journal of the House, and that the statements of Members on the subject were merely expressions of their individual opinions.

2962. The absence of a quorum should appear from the Journal if a legislative act is to be vacated for such reason.—On June 9, 1856,[2] Mr. George W. Jones, of Tennessee, moved that the Journal of the preceding legislative day be amended by striking out the notice of a bill filed by Mr. Edwards, there being no quorum present on that day.[3]

It was objected in opposition to this motion that the Journal of that day did not show the absence of a quorum; but Mr. Jones urged that it was a matter of common knowledge that there was no quorum present. This was not denied.

Various attempts to dispose of the motion were made, but failed for lack of a quorum until June 20, when Mr. Jones's motion was laid on the table, yeas 89, nays 38.

2963. When a vote taken by yeas and nays shows that no quorum has voted it is the duty of the Chair to take notice of that fact.—On June 5, 1884,[4] the House having under consideration a bill forfeiting certain land grants, the yeas and nays were ordered and taken on the passage of the bill. After the vote had been taken the Speaker [5] announced that no quorum had voted and that the bill had not passed.

Upon the question being made by Mr. Poindexter Dunn, of Arkansas, that no Member had made the point that a quorum had not voted, the Speaker decided that when a vote was taken by yeas and nays it would be entered on the Journal of the House, and it was the duty of the Chair to take notice of the fact that a quorum had not voted and that the bill had not passed by a constitutional vote.

2964. The previous question having been ordered on a bill by unanimous consent in the absence of a quorum, the Speaker on the next day ruled that the action was null and void.—On February 19, 1873,[6] pending the demand for the previous question on the bill of the House (No. 2354) to provide for the recomputation of the accounts between the United States and the several States growing out of moneys expended by the States in the war of 1812, a quorum failed to vote and a call of the House was ordered. After the roll had been called, the doors closed, and excuses offered, on motion of Mr. Leonard Myers, of Pennsylvania, by unanimous consent, this order was agreed to.

Ordered, That all further proceedings under the call be dispensed with, that the previous question shall be considered as seconded, and the main question ordered, upon the bill of the House (H. R. 2354) to provide for the recomputation of the accounts between the United States and the several States growing out of moneys expended by said States in the war of 1812, and that the House shall now adjourn.

The House accordingly, at 12 o'clock m., adjourned.

On the next day, the Journal having been read, Mr. Nathaniel P. Banks, of Massachusetts, made the point of order that the main question on the bill of the

[1] Charles F. Crisp, of Georgia, Speaker.
[2] First session Thirty-fourth Congress, Journal, pp. 1079, 1095; Globe, pp. 1378, 1427.
[3] Formerly bills were introduced by leave, and a previous notice was required.
[4] First session Forty-eighth Congress, Journal, p. 1385.
[5] John G. Carlisle, of Kentucky, Speaker.
[6] Third session Forty-second Congress, Journal, p. 447; Globe, p. 1518.

Objection having been made, the following resolution was offered by Mr. John Dalzell, of Pennsylvania, and agreed to by the House:

Ordered, That the clerk be directed to return to the Senate the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, with the information that the House has considered the request of the Senate that the House vacate the action of the Speaker in signing said enrolled bill, and that the unanimous consent necessary to enable such action to be taken was refused.

3458. The Speaker may not sign an enrolled bill in the absence of a quorum.—On May 20, 1826,[1] Mr. Jacob Isacks, of Tennessee, from the Joint Committee for Enrolled Bills, reported that the committee had examined an enrolled bill entitled "An act making appropriations for the public buildings in Washington, and for other purposes," and had found the same to be duly enrolled.

When, a quorum not being present, objection was made by a Member to signing the said bill by the Speaker.[2]

And thereupon the House adjourned.

3459. Proceedings in correcting an error where the Speaker had signed the enrolled copy of a bill that had not passed.—On March 14, 1864,[3] the Speaker stated to the House that—

the Secretary of the Senate having inadvertently, on Friday last, announced the passage by the Senate of the Court of Claims bill No. 116, instead of the bill of the House (H. R. 116), and having since corrected said error by certifying to the bill which actually did pass, the Speaker, with the consent of the House, will cause the Journal of that day to be amended by the insertion of the title of the bill which actually passed, in lieu of the one originally announced; and when reported by the committee he will sign the proper enrolled bill, canceling his signature of H. R. C. C. 116.

The unanimous consent of the House was given to the course indicated by the Speaker.[4]

3460. It is a common occurrence for one House to ask of the other the return of a bill, for the correction of errors or otherwise.—On April 11, 1810,[5] the House proceeded to consider the amendments of the Senate to the bill entitled "An act regulating the Post-Office Establishment."

Mr. Ezekiel Bacon, of Massachusetts, moved that the following words, "Section 25, lines 2 and 3, strike out the words 'each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight,'" appearing to have been an interpolation in the amendments sent from the Senate after the same were received by this House, be expunged therefrom.

Pending consideration a message was received from the Senate requesting the return of the bill and amendments,

it having been discovered that an inaccuracy had taken place in stating the amendments of the Senate.

The House ordered the bill returned, and the same day a message from the Senate returned to the House the corrected amendments.

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[1] First session Nineteenth Congress, Journal, p. 639.

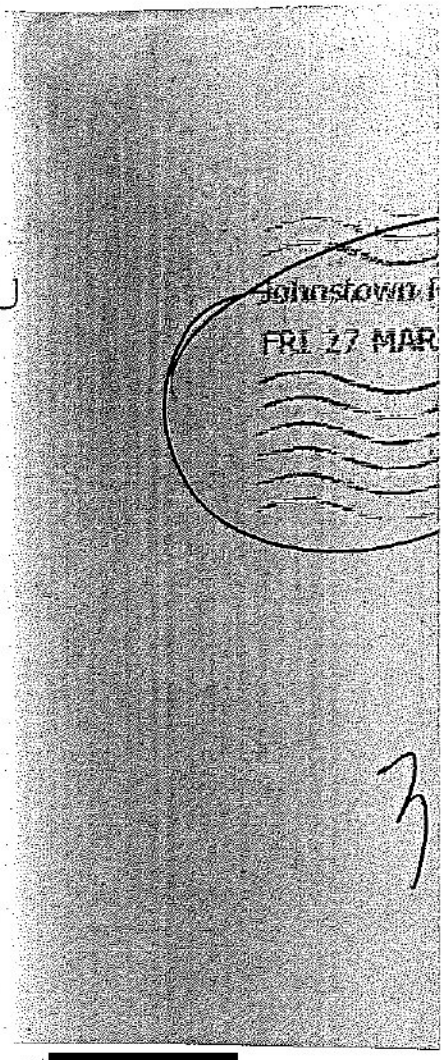
[2] John W. Taylor, of New York, Speaker.

[3] First session Thirty-eighth Congress, Journal, p. 377; Globe, p. 1096.

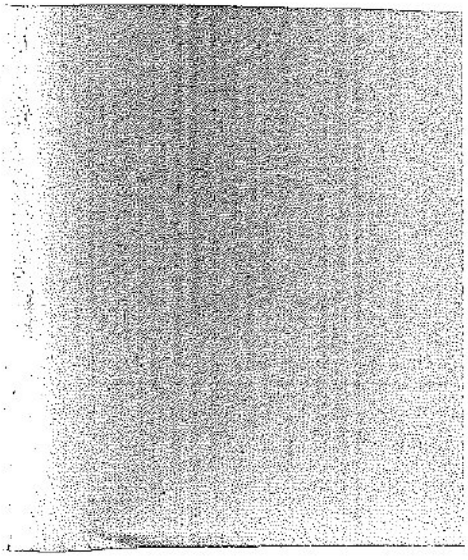
[4] Schuyler Colfax, of Indiana, Speaker.

[5] Second session Eleventh Congress, Journal, pp. 355, 356 (Gales and Seaton ed.); Annals, pp. 650 (Vol. I) and 1769 (Vol. II).

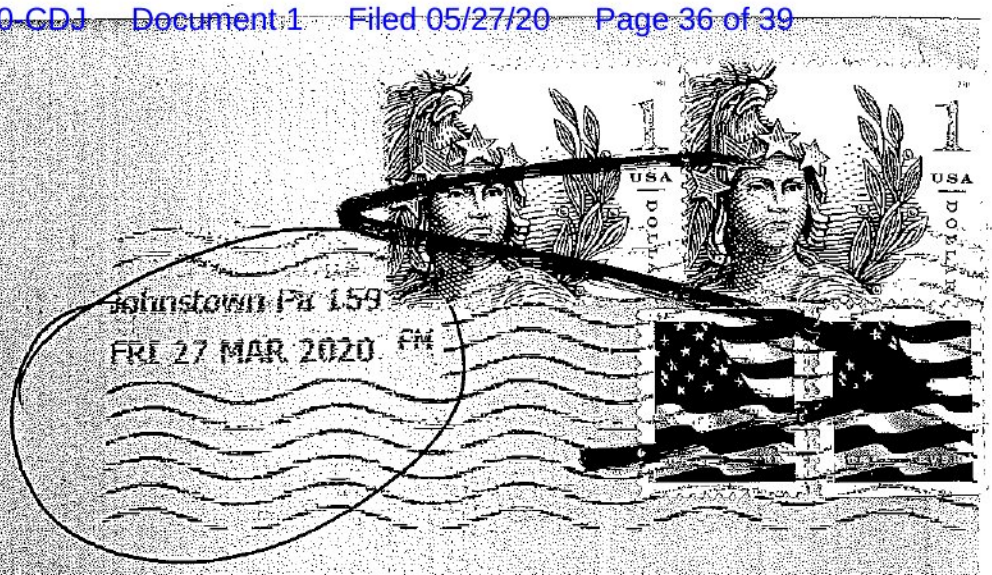
dorceant luckenson
#73681-004
Federal Correctional Institution Low
P.O. Box 1000
Cresson, PA 16630



[redacted]
U S District Court
Clerk of Court
601 Market ST
2609 u.s. Courthouse
Phila, PA 19106-1797
United States



Legal Mail



3/21/20

[redacted]

U S District Court
Clerk of Court
601 Market ST
2609 u.s. Courthouse
Phila, PA 19106-1797
United States

Federal Correctional Institution
PO Box 1000,
Cresson, Pa 16630

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DATE: 3-26-20

Case 2:20-cv-02570-CDJ Document 1 Filed 05/27/20 Page 38 of 39

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PO Box 1000,
Cresson, Pa 16630

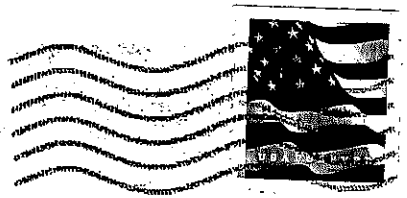
"The enclosed letter was processed through special Mailing procedures for forwarding to you. The letter has neither been open nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, Please return the enclosure to the above address."

DATE: 4-1-2020

Case 2:20-cv-02570-CDJ Document 1 Filed 05/27/20 Page 39 of 39

Dorceant Luckenson
#73681-004
Federal correctional Institution Loretto
P.O. Box 1000
Cresson, PA 16630

JOHNSTOWN PA 159
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⇔73681-004⇔
U S District Court
Clerk of Court
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