

FILED

SEP 25 2006

Phil Lombardi, Clerk
U.S. DISTRICT COURT

In The District Court of the United States,
For the Northern Federal District of Oklahoma

We the people, et al.)
Plaintiff,)
Vs.)
UNITED STATES, et. al.)
Defendants)

case number: 06-cv-460-TCK-PJC

Memorandum of law in support of Angela S. Andrews'
Motion for summary judgment against W.A. Drew Edmondson

18 USC Sec. 1001

01/19/04 TITLE 18 - CRIMES AND

PUNISHMENTS CRIMINAL PROCEDURE PART I - CRIMES CHAPTER 47 -

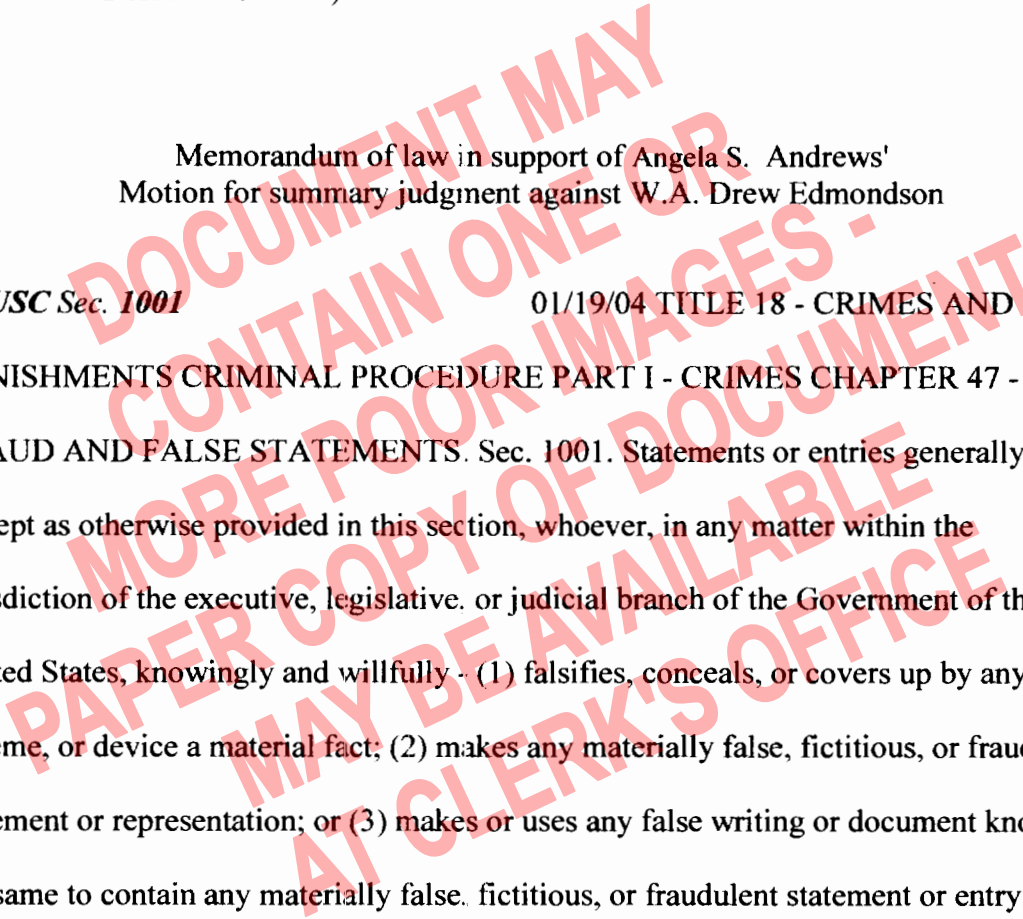
FRAUD AND FALSE STATEMENTS. Sec. 1001. Statements or entries generally(a)

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully - (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

© With respect to any matter within the jurisdiction of the legislative branch, subsection

(a) shall apply only to - (1) administrative matters, including a claim for payment, a



matter related to the procurement of property or services; personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or (2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

18 USC Sec. 1341

01/19/04 TITLE 18 - CRIMES AND

CRIMIANL PROCEDURE PART I - CRIMES CHAPTER 63 - MAIL FRAUD Sec.

1341. Frauds and swindles Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Services, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the

violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 USC Sec 1961

01/19/04 TITLE 18 - CRIMES AND

CRIMINAL PROCEDURE PART I - CRIMES CHAPTER 96 - RACKETEER

INFLUENCED AND CORRUPT ORGANIZATIONS Sec. 1961. Definitions as used in this chapter - (1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1461-1465 (relating to obscene matter), section 1503 (relating to

obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1591 (relating to peonage, slavery, and trafficking in persons), (1) section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phone records, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing

counterfeit marks), section 2341 -2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic),

(C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds),

(D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States,

(E) any act which is indictable under the Currency and Foreign Transactions Reporting Act,

(F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens), section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or

(G) any act that is indictable under any provision listed in section 2332b(g)(5)(B); (2)

"State" means any State of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, any territory or possession of the United States, any

political subdivision, or any department, agency, or instrumentality thereof; (3) "person"

includes any individual or entity capable of holding a legal or beneficial interest in

property; (4) "enterprise" includes any individual, partnership, corporation, association,

or other legal entity, and any union or group of individuals associated in fact although not a legal entity; (5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter of the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity; (6) "unlawful debt" means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate unenforceable under State or Federal law, where the unenforceable rate is at least twice the enforceable rate; (7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter; (8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in violation of this chapter or any final order, judgment, or decree of any court of the United States, duly entered in any case proceeding arising under this chapter; (9) "documentary material" includes any book, paper, document, record, recording, or other material; and (10) "Attorney General" includes the Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may

use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

18 USC Sec. 1962

01/19/04

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE PART 1 - CRIMES CHAPTER
96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.

Sec.1962. Prohibited Activities

(a) It shall be unlawful for any person who has received an income derived, directly or indirectly, from a pattern of "racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, an part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issue, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.


(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any

interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a),(b), or (c) of this section.

RICO criminalizes repeated "predicate acts," defined to include specified existing state and federal crimes. Thus, RICO itself has no separate *mens rea* requirement. The statute is to be liberally construed to effectuate its remedial purposes. The United States Supreme Court has consistently rejected restrictive interpretations of RICO. See Understanding White Collar Crime. J. Kelly Strader, Lexis Nexis, at page 267. A RICO enterprise is not limited to "legal entities" such as corporations and partnerships. Strader at page 270. to prove an ongoing organization, some sort of structure must exist within the group for the making of decisions whether it be hierarchical or consensual. Strader at page 274. See also *Handeen v. Lemaire*. 112 F.3d. at 1351, quoting *United States v. Kragness*, 830 F.2d. 842, 856 (8th Cir 1987). Any association of individuals can satisfy the enterprise requirement. Strader at page 277. The burden of proof in RICO actions is preponderance of the evidence. Strader at page 294. See also, *United States v. Local 560, International Brotherhood of Teamsters*, 78 F.2d 267, 279 n.12 (3rd Cir. 1985), and *Sedima, s.p.r.l. v. Imrex Co.*, 473, U.S. 479, 491 (1985).

Prepared and submitted by: 


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CERTIFICATE OF SERVICE

I, Angela S. _ hereby certify that on Sept 25 , 2006, I sent a copy of the foregoing Plaintiff motion, PLAINTIFF'S BRIEF TO STRIKE DREW EDMONDSON MOTION TO DISMISS/ The Constitutional Mandate to end judicial crime - three areas. Angela S. Andrews SUBMITS THIS BRIEF IN THE OPPOSITION TO THE MOTION TO DISMISS. **ALL12 (B)(6) CLAIMS.**

To: Linda Soper
4545 N Lincoln Blvd
Suite 260
Oklahoma City, OK
73105-3498

, to the last known address by certified mail postage paid.
Rod Class, Carl Weston, Dwight L. Class, Richard Andrews, Maria Janet Moffitt,
Sherwood T. Rodrigues, Eddie Andrews
, the last known address, by way of United States mail or courier with postage paid.


Signature 9-25-06

Dated signed
Angela S. Andrews
P.O. Box 1132
Catoosa, ok 74015
(918) 408-7465

Court Cites You Need To Know

"One who interferes with another's liberty does do at his peril."

University of Pennsylvania Law Review, Vol. 75, p. 49, April 1927

"Every confinement of the person is an imprisonment, whether it be in a common prison, or in a private house, or in the stocks, even by forcibly detaining one in the public streets."

Fox v. McCurnin, 205 Iowa 752; 218 N.W. 499, 501 (1928)

Sergeant v. Watson Eros. Transp. Co., 244 Iowa 185; 52 N.W. 2d 86, 93 (1952)

"Anyone who assists or participates in an unlawful arrest or imprisonment is equally liable for the damage caused."

Cook v. Hastings, 150 Mich. 289; 114 N.W. 71, 72 (1907)

"Any seizure or arrest of a citizen is not reasonable, or 'due process,' merely because a Legislature has attempted to authorize it. These phrases [due process provisions] are limitations upon the power of the Legislature as well as upon that of the other departments of government, or their officers."

Ex Parte Rhodes, 202 Ala. 68; 79 So. 462, 464 (1918)

"These are rights which existed long before our constitution, and we have taken just pride in their maintenance, making them a part of the fundamental law of the land."

Pinkerton v. Verberg, 78 Mich. 573; 44 N.W. 579, 582-3 (1889)

Larson v. Feeney, 196 Mich. 1; 162 N.W. 275, 276-77 (1917)

"The carrying of arms in a quiet, peaceable, and orderly manner, concealed on or about the person, is not a breach of the peace. Nor does such an act, of itself, tend to a breach of the peace."

Wharton's Criminal Law and Procedure, 12th Edition, Volume 2, "Breach of the Peace", 803, p. 660 (1957)

Judy v. Lashley, 50 W.Va. 628; 41 S.E. 197, 200 (1902)

On Burden of Proof - "The plaintiff needs to plead and to prove one of two things, wither (1) that the defendant made an arrest or imprisonment, or (2) that the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment."

Burlington Transp. Co. v. Josephson, 153 Fed. 2d 372, 276 (1946)

The "invalidity of the arrest" will render "the search invalid and the evidence obtained inadmissible."

State v. Matrian, 285 Minn. 51, 56-57; 171 N.W. 2d 695 (1969)

"As is the case of illegal arrest, the officer is bound to know these fundamental rights and privileges, and must keep within the law at his peril."

Thiede v. Town of Scandia Valley, 217 Minn. 218, 231; 14 N.W. 2d 400 (1944)

"What of the resistance to the arrest? The authorities are in agreement that since the right of personal property is one of the fundamental rights guaranteed by the Constitution, any unlawful interference with it may be resisted and every person has a right to resist an unlawful arrest. ...and, in preventing such illegal restraint of his liberty, he may use such force as may be necessary."

City of Columbus v. Holmes, 152 N.E. 2d 301, 306 Ohio App. (1958)

"An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery."

State v. Robinson, 145 Me. 77; 72 Atl. 2d 260, 262 (1950)

"The offense of resisting arrest, both at common law and under the statute, presupposes a lawful arrest. It is axiomatic that every person has the right to resist an unlawful arrest. In such case the person attempting the arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self-defense."

State v. Mobley, 240 N.C. 476; 83 S.E. 2d 100, 102 (1954)

"[T]here is no justification for the taking of fingerprints, photographs and other measurements in advance of conviction."

McGovern v. Van Riper, 43 A.2d 514, 524; 137 N.J.Eq. 24 (1945)

"The general rule of law is that an arrest made on Sunday or other holiday, or at night, except in cases of pressing necessity, ...is regarded as oppressive and without justification. The reason underlying this principle of law is due to the difficulty in making bail at such times. So an arrest made on Sunday, legal holiday, or at night, upon either civil process or a criminal warrant for a misdemeanor which said warrant does not involve a breach of peace [still in progress], subjects the officer to liability as for false imprisonment."

Anderson, Treatise on Sheriffs, Coroners and Constables, Vol. I, S. 131, p. 126 (1941)

"It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizens be subject to easy arrest."

Henry v. United States, 361 U.S. 98, 104 (1959)

legislature,³⁴ and the whole people of the United States, governing and restraining their acts and conduct, whether exercised by their representatives in the Federal Congress or by their representatives in state conventions and state constitutions.³⁵ Every part of the Constitution is as binding on the Congress as on the people,³⁶ and acts of Congress which are not consistent with its provisions are invalid.³⁷

No public policy of a state can be allowed to override the positive guaranties of the Federal Constitution.³⁸

All courts, federal and state alike, take judicial notice of the provisions of the United States Constitution.³⁹

§ 71. —Effect of emergency.

It is sometimes argued that the existence of an emergency allows the existence and operation of powers, national or state, which violate the inhibitions of the Federal Constitution. The rule is quite otherwise. No emergency justifies the violation of any of the provisions of the United States Constitution. An emergency, however, while it cannot create power, increase granted power, or remove or diminish the restrictions imposed upon power granted or reserved, may furnish the occasion for the exercise of power already in existence, but not exercised except during an emergency.⁴⁰

enforce rights secured by Constitution and laws of United States when such issues are involved in proceedings before them. *Betts v Easley*, 161 Kan 459, 169 P2d 831, 166 ALR 942

34. *State v Cudahy Packing Co.*, 85 Mont 179, 82 P 833

35. *Dodge v Woolsey*, 59 US 331, 15 L Ed 401; *Homestead Cases*, 63 Va 266

The Federal Constitution is the supreme law of the land and all its applicable provisions are binding upon all within the territory of the United States. *Southern R. Co. v Greene*, 216 US 400, 54 L Ed 586, 30 S Ct 287.

The Constitution and laws of the United States are the supreme law of the land and to them every citizen of every state owes obedience, whether in his individual or official capacity. *Ex parte Siebold*, 100 US 371, 25 L Ed 717.

The Constitution is the mandate of a sovereign people to its servants and representatives which no one of them has a right to ignore or disregard. *John F Jelke Co. v Emery*, 193 Wis 311, 214 NW 369, 53 ALR 463.

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. *L. N. Dantzler Lumber Co. v Texas & P. R. Co.*, 119 Miss 328, 80 So 770, 4 ALR 1669

36. *Seranton v Wheeler*, 179 US 111, 45 L Ed 126, 21 S Ct 48; *Sinking-Fund Cases*, 99 US 700, 25 L Ed 496, 25 L Ed 504; *Gunn v Barry*, 82 US 610, 21 L Ed 212; *Mavor v Cooper*, 73

US 247, 18 L Ed 851; *State v Williams*, 146 NC 618, 61 SE 61, *Homestead Cases*, 63 Va 266.

37. *United States v Germaine*, 99 US 508, 25 L Ed 482; *Worcester v Georgia*, 31 US 515, 8 L Ed 483; *Marbury v Madison*, 5 US 137, 2 L Ed 60; *State v Williams*, 146 NC 618, 61 SE 61.

The Constitution of the United States is the supreme law of the land to which all statutes must conform. *Railroad Retirement Board v Alton R. Co.*, 295 US 330, 79 L Ed 1468, 55 S Ct 755.

The Federal Constitution is the supreme law of the land, ordained and established by the people, and all legislation must conform to the principles it lays down. *United States v Butler*, 297 US 1, 80 L Ed 477, 56 S Ct 312, 4 Ohio Ops 401, 102 ALR 914.

Statutes enacted by Congress and treaties made by the President and the Senate must yield to the paramount and supreme law of the Constitution. *United States v Wong Kim Ark*, 169 US 649, 42 L Ed 890, 18 S Ct 456.

38. *Hill v Woodward*, 100 Miss 879, 57 So 291; *State ex rel. Cleveringa v Klein*, 63 ND 514, 249 NW 118, 86 ALR 1523; *Kintz v Hainger*, 99 Ohio St 240, 124 NE 168, 12 ALR 1240 (overl on other grounds) *Taplin Rice-Clerkin Co. v Hower* 124 Ohio St 123, 10 Ohio L Abs 478, 177 NE 203, 81 ALR 1117

39. See 29 Am Jur 2d, EVIDENCE § 32.

40. *National League of Cities v Usery*, 426 US 833, 49 L Ed 2d 245, 96 S Ct 2465, on remand

§ 72. —Supra

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The Constitui... grave emergency... federal governm... power of the st... light of emerge... emergency. First... 84, 277 NW 762.

As to emergen... infra.

41. *Gunn v Bai... Hall v Hall*, 43... Va 266

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As to continui... ties during war... WAR § 20.

42. *Horn v Lu... 657; Lutes v Hur...*