

1 legislative jurisdiction of the United States?

2 **MR. BECRAFT:** That's what the transcript shows.

3 **MR. HANSEN:** Question 50. Is it true that when Patricia A. Schaffner was asked  
4 to tell the jury what facts made MR. Hall subject to the legislative jurisdiction of the  
5 United States the prosecutor, Assistant United States Attorney Larry Mackey, objected  
6 and the court sustained the objection?

7 **MR. BECRAFT:** True.

8 **MR. HANSEN:** Question 51. Is it true that the Internal Revenue Service is never  
9 required by the federal courts to provide facts to establish --

10 **MR. SCHULZ:** To prove facts.

11 **MR. HANSEN:** Never required by the federal courts to prove facts to establish  
12 whether one is subject to the jurisdiction of the United States?

13 **MR. BECRAFT:** That's true and they don't even consider that point to be an  
14 element of the crime.

15 **MR. HANSEN:** Question 52. Is it true that the United States Department of  
16 Justice and the United States attorneys and their assistants always object when an alleged  
17 taxpayer demands that the government prove that they are subject to the jurisdiction of  
18 the United States and the federal courts always sustain those objections, which means that  
19 the federal courts routinely prohibit the introduction of potentially exculpatory evidence  
20 in tax crime trials?

1 this: In my experience that's proven to be true, but I can't say always.

2 **MR. SCHULZ:** Because you don't have an endless list of clients that you're  
3 representing in court. Thank you. I would like to return, MR. Becraft, to question 49.  
4 Would you define what legislative jurisdiction means as Patricia Schaffner -- in the sense  
5 that she was using it. Just define the term legislative jurisdiction. What does that mean to  
6 you?

7 **MR. BECRAFT:** Well, under the United States Constitution there's a provision,  
8 Article 1, Section 8 lists -- enumerates the various powers of Congress. There are 16  
9 really dispositive powers. But when you get down to the very last one, Article 1, Section  
10 8, Clause 17, you'll find the words to the effect that Congress will have the authority over  
11 forts, magazines, arsenals, stockyards and other needful buildings.

12 **MR. SCHULZ:** Would you go over that slowly. Just repeat what you said but  
13 just more slowly.

14 **MR. BECRAFT:** Article 1, Section 8, Clause 17, which I have studied in great  
15 detail --

16 **MR. SCHULZ:** Would you read from this version of the Constitution, please.

17 **MR. BECRAFT:** If you could throw it to me, please. Thank you, MR. Schulz.  
18 Article 1, Section 8, Clause 17 provides as follows or reads as follows: "To exercise  
19 exclusive legislation in all cases whatsoever over such district not exceeding 10 miles  
20 square as may by section of particular states with the exception of Congress become the

1 provision of the Constitution that we are mentioning right now. Now when I was -- back  
2 in the mid-80s I was doing a lot of study in this particular field and we ran across a  
3 government report and I saw some cases and they referenced this report and I asked  
4 somebody to get the book for me. Eventually the book was obtained. It was hard at the  
5 time to find it. However, MR. Benson went so far as to accurately reproduce the book  
6 and he was selling it. I thought it was a better copy than the original. But this government  
7 report dealt with this entire subject matter of the jurisdiction of Uncle Sam. It was -- the  
8 report took several years to compile, the government asked for and received the  
9 participation of I think every Attorney General of every state. And an extensive amount  
10 of work went into the compilation and the drafting and writing of these two works. And  
11 MR. Benson has also republished those books. And that's what he went up to his room to  
12 get a moment ago.

13 **MR. SCHULZ:** And the title of that report?

14 **MR. BENSON:** The title of that report, MR. Schulz, is entitled "Jurisdiction over  
15 federal areas within the states." As the report of interdepartmental committee for the  
16 study of jurisdiction over federal areas within the state. And it was not only -- there are  
17 two volumes of this work. The two volumes were all written by the agencies of federal  
18 government. Every agency, including the Internal Revenue Service. So every agency was  
19 involved in the authoring of these two books. It wasn't MR. Becraft, it wasn't Joe  
20 Banister, it wasn't mine, it was the federal government that wrote these books in June of

1 the absence of jurisdiction in a state or in the federal government over a criminal act  
2 occurring in an area as to which only the other of these governments has legislative  
3 jurisdiction is demonstrated by the case of "United States v. Tully, 140 federal at 899  
4 CCD and Montana." And it was a case in 1905 and it says that Tully had been convicted  
5 by a state court in Montana of first degree murder and sentenced to be hanged. The  
6 Supreme Court of the state reversed the conviction on the ground that the homicide had  
7 occurred on a military reservation over which exclusive legislative jurisdiction was  
8 vested in the federal government. The defendant was properly indicted in the federal  
9 court but went free as a result of a finding that the federal government did not have  
10 legislative jurisdiction over the particular land on which a homicide had occurred. The  
11 federal Court said -- and I've always been intrigued by what this federal judge had to say.  
12 "It is unfortunate that a murderer should go unwhipped of justice, but it would be yet  
13 more unfortunate if any court should assume to try one charged with the crime without  
14 jurisdiction over the offense." And I found that extremely interesting. And there is  
15 another case that I really went into as jurisdictional situations because I live 22 miles  
16 from the federal building in Chicago and I do a lot of work there in the research libraries  
17 and I got next to one of the attorneys at a building -- at one of the government buildings.  
18 There are two of them. One is at 630 and one is at 622. Where the government officials  
19 are housed, the federal government does have legislative jurisdiction -- exclusive  
20 legislative jurisdiction. In other words, if any crime of any sort is committed in that

1 and he held the Court's personnel at hostage with a pistol. The court police tried to come  
2 to the rescue of everyone but this individual knew all about legislative jurisdiction. He  
3 said you can't come near me because you don't have jurisdiction over this building. That  
4 judge can't do anything to me and you, as a federal officer, can't touch me in this  
5 building.

6 **MR. HANSEN:** MR. Benson, I've got a question for you. Was that a tax trial  
7 that he was upset with when he threatened the judge?

8 **MR. BENSON:** That's correct. But what he had to do was to call the Chicago  
9 Police Department into the federal building to then arrest the individual, not the federal  
10 government. So the federal government could do nothing.

11 **MR. SCHULZ:** MR. Benson, I was remiss. Could you, for the record, tell us  
12 where you live and what your profession has been and what you're doing now.

13 **MR. BENSON:** I live in South Holland, Illinois, and I've lived there for -- in that  
14 area for -- I'm 74 years old now, the 30th of March I'll be 75. I've lived in that area all of  
15 my life. I was a former investigator for the Criminal Investigation Division for the Illinois  
16 Department of Revenue. Uncovered a great deal of corruption within that department.

17 **MR. BECRAFT:** No.

18 **MR. BENSON:** Yeah, a whole lot. And because of that I was fired by the director  
19 of the Internal Revenue Service. He said, "Bill, if you don't remain silent and take the  
20 money like everyone else does," he said, "I'm going to fire you."