

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

3:16-CR-00051-BR

**v.
AMMON BUNDY, et al.,**

**SHAWNA COX RESPONSE TO AND
MOTION FOR JUDICIAL NOTICE
REGARDING OWNERSHIP & CEDING
OF THE MNWR HEADQUARTERS AREA**

Defendants.

COMES NOW DEFENDANT Shawna Cox, and respectfully responds to the GOVERNMENT'S MOTION FOR JUDICIAL NOTICE REGARDING OWNERSHIP OF THE MNWR HEADQUARTERS AREA (dkt #1229), wherein the Court is asked to take "judicial notice" of the fact that the government owns the land on which the MNWR headquarters are situate. We thank the government for recognizing that ownership of those facilities is instrumental in establishing their right to pursue criminal charges based upon the Superseding Indictment (dkt #282). And we understand the importance of that "fact" of "ownership " as being fundamental to all of the actions of the Government, including and subsequent to January 2, 2016.

Suppose one of the Defendants owned land in Harney County. Would that ownership convey jurisdiction, whereby he could charge and prosecute someone who violated his rules, in a Court of his own making?

The Constitution recognizes the authority of the Government to "make all needed Rules and Regulations" (Const. Art. IV, Sec. 3, clause 2), quite simply a degree of jurisdiction, so long as that property is retained by the Government. Once that land enters the private domain, by purchase, exchange, or other means, that jurisdiction transfers to the State in which the property is situate. No documentation beyond the Deed, Patent, or other conveyance is necessary for the jurisdiction to transfer to the State. It is the practice that absent other supportive documentation

establishing concurrent jurisdiction, or other agreement between the Government and the State, all jurisdiction transfers with the land.

For the Government to reacquire jurisdiction, however, the Constitution is clear. In fact, so clear that the jurisdiction, absent agreement to the contrary, is "exclusive" (Art. I, Sec. 8, clause 17). However, to establish such jurisdiction, the land and the jurisdiction must be ceded, in this matter, by the State of Oregon, for any federal jurisdiction to exist.

Otherwise, and we concur in that regard, the government owns the land in question, only to the extent that any private person would. Both are subject to the jurisdiction of the State of Oregon, as well as Harney County.

We would ask that the Court take **judicial notice** that absent properly ceding jurisdiction to the federal Government, the State and County retain absolute jurisdiction over said lands.

And, we will stipulate as to the ownership.

Dated this 12th day of September 2016.

Respectfully submitted,
Shawna Cox,
Pro Se

/S/ *Shawna Cox*

Perhaps another way to understand the limitations of the national government, is to look to a law enacted in **1825**. Article I, section 8, clause 17, grants Congress the power "to exercise exclusive legislation" over lands ceded to the United States by the state in which the land lies.

An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes. (March 3, 1825)

*"That if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is **ceded to, and under the jurisdiction of the United States**, or on a site of any lighthouse, or other needful building belonging to the United States, the sight whereof is **ceded to them [United States], and under their jurisdiction**, as aforesaid, shall, willfully..."*

Now, this law was enacted just 35 years after the first Congress sat under the Constitution. What did they know that we do not know? For them to punish you for crimes against property of the United States, the property had to be on land ceded to the United States, and jurisdiction also ceded to the United States. That means the state had to relinquish its jurisdiction over the property. Can there be any doubt that the Congress, in 1825, understood the limitations of their authority under the Constitution?

EXHIBIT 1