

JURISDICTION!!

RACKETEERING CONSPIRACY

That which derives its force and authority from the universal consent and immemorial practice of the peopleThe basic jurisdiction of the sovereign The 50 States ex rel Sharon Bridgewater private Attorney General and/or Relator include the right to define and punish crimes. Art. I, section 8, col. 10 of the U.S. Constitution provides that Congress shall have power to define and punish Piracies and Felonies committed on the high Seas, and offenses against the Laws of Nations. Congress may declare criminal under U. S. law, acts that are criminal under international law via legislation(The Racketeered influenced and Corrupt Organization Act and/or Authority:

Pursuant to one or more of the:

RICO, Clayton, Sherman Act] bring to bear the pressure of "private attorneys general" on a serious national problem for which public prosecutorial resources are deemed inadequate; *the* mechanism chosen to reach the objective in one or more of the Clayton, Sherman, Act and RICO is the carrot of treble damages.[Agency Holding Corp. v. Malley-Duff & Associates][107 S.Ct. 2759, 483 U.S. 143, 151 (1987)]

In rejecting a significantly different focus under RICO, therefore, we are honoring an analogy that Congress itself accepted and relied upon, and one that promotes the objectives of civil RICO as readily as it furthers the objects of the Clayton Act. Both statutes share a common congressional objective of encouraging civil litigation to supplement Government efforts to deter and penalize the respectively prohibited practices. The object of civil RICO is thus not merely to compensate victims but to turn them into prosecutors, "private attorneys general," dedicated to eliminating racketeering activity.³ *Id.*, at 187 (citing Malley-Duff, 483 U.S., at 151) (civil RICO specifically has a "further purpose [of] encouraging potential private plaintiffs diligently to investigate"). The provision for treble damages is accordingly justified by the expected benefit of suppressing racketeering activity, an object pursued the sooner the better.[Rotella v. Wood et al., 528 U.S. 549 (2000)]

Private Attorney General

A private citizen who commences *a* lawsuit *to* enforce *a* legal right that benefits the community *as a* whole.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

<http://legal-dictionary.thefreedictionary.com/Private+Attorney+General>

Private Attorney General

A private attorney general is a private citizen who brings a lawsuit considered to be in the public interest, *i.e.*, benefiting the general public and community as a whole. The “private attorney general” concept holds that a successful private party plaintiff is entitled to recovery of his legal expenses, including attorney fees, if he has advanced the policy inherent in public interest legislation on behalf of a significant class of persons. -- USLegal.com

<https://definitions.uslegal.com/p/private-attorney-general/>

While Congress can constitutionally authorize no one, in the absence of an actual *justiciable* controversy, to bring a suit for the judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon government officers, it can constitutionally authorize one of its own officials, such as the Attorney General, to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority, in such a controversy, to vindicate the interest of the public or the government. Instead of designating the Attorney General, or some other public officer, to bring such proceedings, Congress can constitutionally enact a statute^[25] conferring on any non-official person, or on a designated group of non-official persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private Attorney Generals.

Associated Industries v. Ickes, 134 F.2d 694 (2d Cir. 1943)

<http://law.justia.com/cases/federal/appellate-courts/F2/134/694/1479302/>

The "private attorney general" phrase was coined by Judge Jerome Frank in a decision which did not involve an attorney fee at all, but rather a private citizen's standing to sue for vindication of a public objective. (Associate Industries v. Ickes (2d Cir. 1943) 134 F.2d 694, 704; *Comment* (1974) 122 *U.Pa.L.Rev.* 636, 658.)

A *per curiam* opinion of the federal Supreme Court then superimposed Judge Frank's metaphor - without crediting the author -- upon the award of an attorney fee authorized by a federal statute. (Newman v. Piggie Park Enterprises (1968) 390 U.S. 400, 402 [19 *L.Ed.* 2d 1263, 1265-1266, 88 *S.Ct.* 964]; *see* also Bradley v. Richmond School Board (1974) 416 U.S. 696, 719 [40 *L.Ed.* 2d 476, 492-493, 94 *S.Ct.* 2006].)

Judge Frank's apt metaphor attracted appellate opinion writers, for it soon left its restricted statutory mooring and drifted into wider waters, bobbing up in a variety of civil rights and public interest decisions and legal commentaries. (See Fowler v. Schwarzwald (8th Cir. 1974) 498 F.2d 143, 145; Lee v. Southern Home Sites Corp. (5th Cir. 1971) 444 F.2d 143, 147-148; La Raza Unida v. Volpe (*N.D.Cal.* 1972) 57 F.R.D. 94, 98-102; Dawson, *op. cit.*, 88 *Harv. L.Rev.* p. 849 *et seq.*; *Nussbaum, Attorney's Fees in Public Interest Litigation* (1973) 48 *N.Y.U. L.Rev.* 301, 318 *et seq.*; *Notes* (1973) 24 *Hastings L.J.* 933; *Comment* (1974) 122 *U.Pa.L.Rev.* 636, 655 *et seq.*)

Because the *per curiam* opinion in Piggie Park, *supra*, did not credit the author, Judge Frank's unwitting paternity seems to have been overlooked.

Of such stuff are rules of law made.

County of Inyo v. City of Los Angeles, 78 *Cal.App.3d* 82 (1978)
<http://law.justia.com/cases/california/court-of-appeal/3d/78/82.html>

The term private attorney general was coined by Judge Jerome Frank in the context of a challenge to a private persons standing to bring a lawsuit to vindicate the public interest. (County of Inyo v. City of Los Angeles (1978) 78 *Cal.App.3d* 82, 88, *fn. 1*, citing Associated Industries v. Ickes (2d Cir. 1943) 134 F.2d 694, 704.) It is meant to convey the concept that a private citizen may stand in the shoes of the Attorney General, not in the sense of an attorney representing a party in court, but in the sense of a government official advancing the public interest in a lawsuit. Indeed, in most instances, a private attorney general is a private citizen represented by counsel in court.

http://www.fearnotlaw.com/wsnkb/articles/altmann_v_cityofagourahillscity_council-24093.html

Altmann v. City of Agoura Hills City Council
Court of Appeal of the State of California
Second Appellate District, Division Four

Note: The following California State statutes were recently amended by voter approval of Proposition 64. We leave these provisions here, for comparative historical purposes.

Private Attorney General *statutes*,
California Business and Professions Code *Section 17204*. Which can be found at:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=17204.

The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

~~enacted by congress which allows~~