

# ROBERT C. BALLEW

Tuesday, January 11, 2005

## PERSONAL AND PRIVATE

The Honorable Charles Grassley  
135 Hart Senate Office Building  
Washington DC 20510  
(202) 224-3744

Attention: Chad Groover  
chad\_groover@judiciary.senate.gov  
(202) 224-3744

Dear Mr. Groover,

I contacted your office today by telephone. I called about the U.S. Department of Justice's Civil Division's Commercial Litigation Branch's (DOJ) recurring fraudulent misrepresentation, concealment and conversion of False Claims Act fraud recovery "proceeds of the action or settlement of the claims."

I talk to other relators on a regular basis and try to help them endure and survive their FCA experience. Their plights have cause me to finally take action to stop the DOJ's destructive and self-serving actions and their subsequent rapes of the taxpayers' public fisc. It is my personal opinion the DOJ has become the most extensive warehouse of secret information on defective hardware, software and services systems in the world. Concealing this information by either illegal or legal methods is never in the public's best interest.

I was the filing Plaintiff in the 1990 FCA lawsuit recognized as the largest FCA settlement recovery in history up to that time. I have first-hand experience and was credited with saving the government over \$60 million dollars... a small amount to the government but immense to the working man. What the DOJ didn't say was that I had identified, to the DOJ, a fully documented \$1.6 billion in fraud against the U.S. Government. Their internal documents prove that they hid the vast majority of it.

I've spent the last decade researching and documenting the DOJ's and defrauded agencies' successful efforts to covertly "...leave the tip and walk the check." I have now found and documented where and how the DOJ and USCG hid the rest of it from restoration to the Treasury account. I have their documents as my "best evidence."

The DOJ and defrauded agencies repeatedly conspire to evade the requirement to identify the FCA recovery to the courts, the Treasury Department and the Congress. This intentionally and knowingly evades Legislative and Judicial Branch oversight and sanctions. It also effects a hidden, windfall budget increase for the defrauded agencies. Less is restored to Treasury than is owed; a new reverse false claim is generated and then hidden by the DOJ and defrauded agency personnel.

Please visit [www.pacchips.com](http://www.pacchips.com). Government documents are posted as "best evidence."

It is a fact of FCA law that neither the DOJ, the FBI nor the defrauded agencies prevented, identified, stopped, investigated nor litigated the FCA fraud unilaterally. If

# ROBERT C. BALLEW

they had done any one of the items... any one of them... there could not be a "Whistle Blower." Any qui tam filing Plaintiff would always be disqualified.

Legal history uses the terms "Plaintiffs" and "Defendants". In FCA lawsuits, identification is achieved by use of the terms "filing Plaintiff" and "other Plaintiffs." Is there an obvious motive for the DOJ's recurring use of the terms "Whistle Blower", bounty hunter, informer and snitch? I think you'll agree with me that there is.

They knowingly conspired to and attempted to take these actions. It is, in every case, the taxpayers' money. The DOJ and defrauded agencies are caretakers, not owners, of the taxpayers' money.

Please insist that the Treasury Department issue "Distress Warrants" (as described in 31 USC §§ 3302(b), 3501, and 3502 Diversion of Public Fisc Assets) against members of the armed services, defrauded agency personnel and DOJ employees that have conspired, attempted and aided in the recurring fraudulent misrepresentation, concealment, and conversion of taxpayer dollars and the absolute rape of our public fisc.

Finally, please extend my sincere appreciation to Congressman Grassley and Congressman Berman for their long history of successful efforts on the behalf of American taxpayers. All of your actions speak for themselves. Keep Well.

Respectfully,



Robert C. "Bob" Ballew  
bob@ballew.com  
C: (817) 244-3647

Cc: The Honorable Howard L. Berman  
2221 Rayburn House Office Building  
Washington, D.C. 20515  
(202) 225-4695  
**PERSONAL AND PRIVATE**

The Honorable Kay Bailey Hutchinson  
284 Russell Senate Office Building  
Washington DC 20510  
(202) 224-5922  
**PERSONAL AND PRIVATE**

The Honorable Kay Granger  
435 Cannon HOB  
Washington, DC 20515  
202-225-5071  
**PERSONAL AND PRIVATE**

The Honorable John Cornyn  
517 Hart Senate Office Bldg.  
Washington, DC 20510  
202-224-2934  
**PERSONAL AND PRIVATE**

# ROBERT C. BALLEW

## TREASURY DEPARTMENT DISTRESS WARRANTS

31 USC §§ 3302(b), 3501, and 3502. Diversion of Public Fisc Assets.

Title 31, Subtitle III, Chapter 33, Subchapter I, Money And Finance, Financial Management, Depositing, Keeping, And Paying Money Deposits And Depositories.

### Custodians of money:

"...an official or agent of the Government **receiving money for the Government from any source shall deposit the money in the Treasury...**" 31 U.S.C. § 3302(b)

"...An official or agent not complying with subsection (b) of this section may be removed from office..." 31 U.S.C. § 3302(b)

Title 31, Subtitle III, Chapter 35, Subchapter IV, Money And Finance - Financial Management Accounting and Collection

### Distress warrants:

"...When **an official receiving public money before it is paid to the Treasury... does not... pay the money as prescribed by law**, the Comptroller General shall make the account for the official and certify to the Secretary of the Treasury the amount due the Government..." 31 USC § 3541(a)

"...The Secretary **shall issue a distress warrant against the official** stating the amount due from the official and any amount paid. The warrant shall be directed to the marshal of the district in which the official resides..." 31 USC § 3541(b)

### Carrying out distress warrants:

"...A marshal... **shall seize the personal property of the official and sell the property...** If the property does not satisfy the amount due under the warrant, the official may be sent to prison..." 31 U.S.C. § 3542(a)

"...The amount due... is a lien on the real property of the official..." 31 U.S.C. § 3542(b)(1)

"...If the personal property of the official is not enough to satisfy a distress warrant, the marshal **shall sell real property of the official...** A buyer of the real property has valid title against all persons claiming under the official..." 31 U.S.C. § 3542(b)(2)

### Alternate Civil Actions To Recover Public Fisc Money:

**31 U.S.C. § 3545.** - Civil action to recover money. **The Attorney General shall bring a civil action to recover an amount due to the United States Government on settlement of the account of a person accountable for public money when the person neglects or refuses to pay the amount to the Treasury.** Any commission of that person and interest of 6 percent a year from the time the money is received by the person until repaid to the Treasury shall be added to the amount due on the account. The commission is forfeited when judgment is obtained.

**31 U.S.C. § Sec. 3544.** - Rights and remedies of the United States Government reserved. This subchapter does not affect a right or remedy the United States Government has by law to recover a tax, debt, or demand.