

# ***GOVERNMENT IDENTITY THEFT***



*"And by statutory definition, 'taxpayer' includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of 'taxpayer' is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts..."*  
[C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d. 18 (1939)]

*"Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."*  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

# DEDICATION

## Why Government Identity Theft Happens

"For the upright will dwell in the land,  
And the blameless will remain in it;  
**But the wicked will be cut off from the earth,**  
**And the unfaithful will be uprooted [legally kidnapped] from it."**  
[Prov. 2:21-22, Bible, NKJV]

"The hand of the diligent will rule, but the lazy man will be put to **forced labor** [slavery!]."  
[Prov. 12:24, Bible, NKJV]

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**But this is a people robbed and plundered! All of them are snared in [legal] holes [by the sophistry of greedy government lawyers], and they are hidden in prison houses; they are for prey, and no one delivers; for plunder, and no one says, "Restore!"**

**Who among you will give ear to this? Who will listen and hear for the time to come? Who gave Jacob for plunder, and Israel to the robbers? Was it not the Lord, He against whom we have sinned? For they would not walk in His ways, nor were they obedient to His law,** therefore He has poured on him the fury of His anger and the strength of battle; it has set him on fire all around, yet he did not know; and it burned him, yet he did not take it to heart."  
[Isaiah 42:21-25, Bible, NKJV]

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"Run to and fro through the streets of Jerusalem;  
See now and know;  
And seek in her open places  
If you can find a man,  
**If there is anyone who executes judgment,**  
**Who seeks the truth,**  
**And I will pardon her.**  
Though they say, "As the LORD lives,"  
Surely they swear falsely."

O LORD, are not Your eyes on the truth?  
You have stricken them,  
But they have not grieved;  
You have consumed them,  
**But they have refused to receive correction.**  
They have made their faces harder than rock;  
They have refused to return [to Your ways].

Therefore I said, "Surely these are poor.  
**They are foolish;**  
**For they do not know the way of the LORD,**  
**The judgment of their God.**  
I will go to the great men and speak to them,  
For they have known the way of the LORD,  
The judgment of their God."

But these have altogether broken the yoke  
And burst the bonds.  
**Therefore a lion from the forest shall slay them,**  
**A wolf of the deserts shall destroy them;**  
**A leopard will watch over their cities.**  
**Everyone who goes out from there shall be torn in pieces,**  
**Because their transgressions are many;**  
**Their backslidings have increased.**

"How shall I pardon you for this?  
Your children have forsaken Me  
And sworn [on tax returns] by those [in government] that are not gods.

When I had fed them to the full,  
Then they committed adultery [and fornication and sexual perversity]  
And assembled themselves by troops in the harlots' houses.  
They were like well-fed lusty stallions;  
Every one neighed after his neighbor's wife [sexual perversion].  
Shall I not punish them for these things?" says the LORD.  
"And shall I not avenge Myself on such a nation as this?"

**"Go up on her walls and destroy,  
But do not make a complete end.  
Take away her branches,  
For they are not the LORD's.  
For the house of Israel and the house of Judah  
Have dealt very treacherously with Me," says the LORD.**

**They have lied about the LORD [evolutionism],**  
And said, "It is not He.  
Neither will evil come upon us,  
Nor shall we see sword or famine.  
And the prophets become wind,  
For the word is not in them.  
Thus shall it be done to them."

Therefore thus says the LORD God of hosts:

"Because you speak this word,  
Behold, I will make My words in your mouth fire,  
And this people wood,  
And it shall devour them.  
**Behold, I will bring a nation [in the District of Columbia, Washington D.C.] against you from afar,  
O house of Israel," says the LORD.**  
"It is a mighty nation,  
It is an ancient nation,  
A nation whose language [legalese] you do not know,  
Nor can you understand what they say [in their deceitful laws].  
Their quiver is like an open tomb;  
They are all mighty [deceitful] men.  
**And they [and the IRS, their henchmen] shall eat up your harvest and your bread,  
Which your sons and daughters should eat.  
They shall eat up your flocks and your herds;  
They shall eat up your vines and your fig trees;  
They shall destroy your fortified cities [and businesses and families],  
In which you trust, with the sword.**

"Nevertheless in those days," says the LORD, "I will not make a complete end of you.<sup>19</sup> And it will be when you say, "Why does the LORD our God do all these things to us?" then you shall answer them, "Just as you have forsaken Me and served foreign gods in your land, so you shall serve aliens in a land that is not yours."

"Declare this in the house of Jacob  
And proclaim it in Judah, saying,  
"Hear this now, O foolish people,  
Without understanding [ignorant and presumptuous],  
Who have eyes and see not,  
And who have ears and hear not:  
Do you not fear Me?" says the LORD.  
"Will you not tremble at My presence,  
Who have placed the sand as the bound of the sea,  
By a perpetual decree, that it cannot pass beyond it?  
And though its waves toss to and fro,  
Yet they cannot prevail;  
Though they roar, yet they cannot pass over it.  
**But this people has a defiant and rebellious heart;  
They have revolted and departed.  
They do not say in their heart,  
"Let us now fear the LORD our God,  
Who gives rain, both the former and the latter, in its season.  
He reserves for us the appointed weeks of the harvest."  
Your iniquities have turned these things away,  
And your sins have withheld good from you.**

*"For among My people are found wicked men [the IRS, federal reserve, bankers, lawyers, and politicians];  
They lie in wait as one who sets snares;  
They set a trap;  
They catch men [with deceit and greed as their weapon].  
As a cage is full of birds,  
So their houses are full of deceit [IRS publications and law books and government propaganda].  
**Therefore they have become great and grown rich [from plundering YOUR money illegally].**  
**They have grown fat, they are sleek;**  
**Yes, they surpass the deeds of the wicked;**  
**They do not plead the cause,**  
**The cause of the fatherless;**  
**Yet they prosper,**  
**And the right of the needy they do not defend.**  
**Shall I not punish them for these things?" says the LORD.**  
**"Shall I not avenge Myself on such a nation as this?"***

**"An astonishing and horrible thing  
Has been committed in the land:  
The prophets prophesy falsely,  
And the priests [federal judges] rule by their own power;  
And My people love to have it so.  
But what will you do in the end?"**  
[Jeremiah 5, Bible, NKJV, Emphasis added]

## **HOW Identity Theft Happens**

*"For the upright will dwell in the land,  
And the blameless will remain in it;  
**But the wicked will be cut off from the earth [common law and constitution attaches to LAND and not your  
civil status, Form #13.008].**  
**And the unfaithful will be uprooted from it [by adopting a PRIVILEGED civil status, Form #05.030]."**  
[Prov. 2:21-22, Bible, NKJV; See Form #05.030, Section 23.7 for an explanation of how this scripture  
operates]*

*"The more you want, the more the world can hurt you."  
[Confucius]*

*"But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts [for  
"free" government "benefits"] which drown men in destruction and perdition. For the love of money [or  
unearned "benefits"] is a root of all kinds of evil, for which some have strayed from the faith in their greediness,  
and pierced themselves through with many sorrows."  
[1 Tim. 6:9-10, Bible, NKJV]*

**"For the turning away of the simple will slay them. And the complacency of fools will destroy them; but  
whoever listens to me [God and the wisdom that comes ONLY from God] will dwell safely, and will be secure  
[within the protections of God's laws and their place of domicile], without fear of evil."**  
[Prov. 1:20-33, Bible, NKJV]

*"In the matter of taxation, every privilege is an injustice."  
[Voltaire]*

## **How to avoid and prevent identity theft**

*"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate  
[via STATUTES]."  
[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134 ]*

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*"I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and  
I said, 'I will never break My covenant with you. And you shall make no covenant [contract or franchise or  
agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their  
[man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you done this?"*

*"Therefore I also said, 'I will not drive them out before you; but they will become as thorns [terrorists and  
persecutors] in your side and their gods will be a snare [slavery!] to you.'"*

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## **Government Identity Theft**

"So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up their voices and wept. "  
[[Judges 2:1-4](#), Bible, NKJV]

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"Do you not know that friendship with the world is enmity with God? **Whoever therefore wants to be a friend** [["citizen"](#), ["resident"](#), ["taxpayer"](#), ["inhabitant"](#), or "subject" under a king or political ruler] of the world [or any man-made kingdom other than God's Kingdom] makes himself an enemy of God. "  
[[James 4:4](#), Bible, NKJV]

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**"You shall make no covenant** [[contract or franchise](#)] with them [[foreigners, pagans](#)], nor with their [[pagan government](#)] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs [by becoming a "resident" in the process of contracting with them](#)], lest they make you sin against Me [God]. For if you serve their gods [under [contract or agreement or franchise](#)], it will surely be a snare to you."  
[[Exodus 23:32-33](#), Bible, NKJV]

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"Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep oneself unspotted from the world [the obligations and concerns of the world]. "  
[[James 1:27](#), Bible, NKJV]

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"Do not walk in the [statutes of your fathers](#) [the heathens], nor observe their judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in [My statutes](#), keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God."  
[[Ezekial 20:10-20](#), Bible, NKJV]

"The Lord watches over the **strangers** [[nonresidents, see Form #05.020](#)]; He relieves the fatherless and widow; But the [way of the wicked](#) [[Form #11.401](#)] He turns upside down."  
[[Psalms 146:9](#), Bible, NKJV]

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# 1. Introduction

The most widespread and egregious crime throughout all government is the systematic and CRIMINAL abuse of government forms and procedures to connect obligations to Americans that they do not consent to and in many cases cannot even lawfully consent to. This is perpetrated mainly by one of the following three means:

1. Abuse language to deceive people and deliberately misrepresent their civil status under the law.
2. Connect you to DOMICILE or RESIDENCE on federal territory in a place you do not legally or lawfully occupy.
3. Convert CONSTITUTIONAL state citizens domiciled in states of the Union to STATUTORY citizens domiciled on federal territory.
4. Connect CONSTITUTIONAL state citizens to civil franchises and civil statuses that cannot lawfully be offered or exist in states of the Union.

The result of the above is a commercial invasion of the states in violation of Article 4, Section 4, of the United States Constitution and a complete breakdown of the separation of powers that is the foundation of the Constitution. That separation of powers is exhaustively described in:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

This memorandum of law will discuss and describe how this criminal identity theft occurs, how it is concealed and protected, how to prove it exists in a court of law, and remedies to fight it.

This memorandum of law presumes the existence of a public officer “straw man” created and enforced within government civil statutes. It will not attempt to prove the existence of the this “straw man” called “person”, “citizen”, “taxpayer”, “driver”, “spouse”, etc. That subject is undertaken in the following memorandum on the subject for those who wish to investigate further:

*Proof That There Is a “Straw Man”*, Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>

## 2. History of corruption and corporatization of the government<sup>1</sup>

Before you can fight government identity theft, you have to understand WHY it is happening and HOW it began from a historical perspective. The following subsections deal with the general history of the corruption of the United States government. If you want more detail, see:

1. *Sovereignty Forms and Instructions Online*, Form #10.004: History (on the left menu)  
<http://famguardian.org/TaxFreedom/FormsInstr.htm>
2. *Great IRS Hoax*, Form #11.302, Chapter 6: History of Government Income Tax Fraud, Racketeering, and Extortion in the USA  
<http://sedm.org/Forms/FormIndex.htm>
3. *Highlights of American Legal and Political History CD*, Form #11.202  
<http://sedm.org/Forms/FormIndex.htm>

### 2.1 Main purpose of law is to LIMIT government power to ensure freedom and sovereignty of the people<sup>2</sup>

The main purpose of law is to limit government power in order to protect and preserve, freedom, choice, and the sovereignty of the people.

*“When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude*

<sup>1</sup> Source: *De Facto Government Scam*, Form #05.043, Section 6; <http://sedm.org/Forms/FormIndex.htm>.

<sup>2</sup> *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 4; <http://sedm.org/Forms/FormIndex.htm>.

1 *that they do not mean to leave room for the play and action of purely personal and arbitrary power.*  
2 *Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our*  
3 *system, while sovereign powers are delegated to the agencies of government, sovereignty itself*  
4 *remains with the people, by whom and for whom all government exists and acts. And the law is the*  
5 *definition and limitation of power.*  
6 *[Downes v. Bidwell, 182 U.S. 244 (1901) ]*

7 An important implication of the use of law to limit government power is the following inferences unavoidably arising from  
8 it:

- 9 1. The purpose of law is to define and thereby limit government power.
- 10 2. All law acts as a delegation of authority order upon those serving in the government.
- 11 3. You cannot limit government power without definitions that are limiting.
- 12 4. A definition that does not limit the thing or class of thing defined is no definition at all from a legal perspective and  
13 causes anything that depends on that definition to be political rather than legal in nature. By political, we mean a  
14 function exercised ONLY by the LEGISLATIVE or EXECUTIVE branch.
- 15 5. Where the definitions in the law are clear, judges have no discretion to expand the meaning of words. Therefore the  
16 main method of expanding government power and creating what the supreme court calls “arbitrary power” is to use  
17 terms in the law that are vague, undefined, “general expressions”, or which don’t define the context implied.
- 18 6. We define “general expressions” as those which:
  - 19 6.1. The speaker is either not accountable or [REFUSES to be accountable](#) for the accuracy or truthfulness or definition  
20 of the word or expression.
  - 21 6.2. Fail to recognize that there are multiple contexts in which the word could be used.
    - 22 6.2.1. CONSTITUTIONAL (States of the Union).
    - 23 6.2.2. STATUTORY (federal territory).
  - 24 6.3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative  
25 interpreting the context stands to benefit from handsomely. Thus, “equivocation” is undertaken, in which they  
26 TELL you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret  
27 it to mean the STATUTORY context.

28 [equivocation](#)

29 ***EQUIVOCATION**, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double*  
30 *signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow*  
31 *men. Equivocation is incompatible with the Christian character and profession.*  
32 *[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation>]*

33  
34 ***Equivocation** ("to call by the same name") is an [informal logical fallacy](#). It is the misleading use of a term with  
35 more than one [meaning](#) or [sense](#) (by glossing over which meaning is intended at a particular time). It generally  
36 occurs with [polysemic](#) words (words with multiple meanings).*

37 *Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only*  
38 *occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument*  
39 *appear to have the same meaning throughout.*

40 *It is therefore distinct from (semantic) [ambiguity](#), which means that the context doesn't make the meaning of the*  
41 *word or phrase clear, and [amphiboly](#) (or syntactical ambiguity), which refers to ambiguous sentence structure*  
42 *due to [punctuation](#) or [syntax](#).*  
43 *[Wikipedia topic: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]*

- 44 6.4. [PRESUME](#) that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
- 45 6.5. Fail to identify the specific context implied.
- 46 6.6. Fail to provide an actionable definition for the term that is useful as evidence in court.
- 47 6.7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context  
48 of the terms so that they can protect their right to make injurious presumptions about their meaning.
- 49 7. Any attempt to assert any authority by anyone in government to add anything they want to the definition of a thing in  
50 the law unavoidably creates a government of UNLIMITED power.

- 1 8. Anyone who can add anything to the definition of a word in the law that does not expressly appear SOMEWHERE in  
2 the law is exercising a LEGISLATIVE and POLITICAL function of the LEGISLATIVE branch and is NOT acting as a  
3 judge or a jurist.  
4 9. The only people in government who can act in a LEGISLATIVE capacity are the LEGISLATIVE branch under our  
5 system of three branches of government: LEGISLATIVE, EXECUTIVE, and JUDICIAL.  
6 10. Any attempt to combine or consolidate any of the powers of each of the three branches into the other branch results in  
7 tyranny.

8 *"When the legislative and executive powers are united in the same person, or in the same body of magistrates,*  
9 *there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact*  
10 *tyrannical laws, to execute them in a tyrannical manner.*

11 *Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it*  
12 *joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge*  
13 *would be then the legislator. Were it joined to the executive power, the judge might behave with violence and*  
14 *oppression [sound familiar?].*

15 *There would be an end of everything, were the same man or the same body, whether of the nobles or of the*  
16 *people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of*  
17 *trying the causes of individuals."*

18 [. . .]

19 *In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,*  
20 *as executors of the laws, of the whole power they have given themselves in quality of legislators. They may*  
21 *plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,*  
22 *every private citizen may be ruined by their particular decisions."*

23 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;*

24 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

## 25 **2.2 Overview of how our system of government became corrupted: Downes v. Bidwell<sup>3</sup>**

26 The dissenting opinion of Justice Harlan in the monumentally important U.S. Supreme Court case of Downes v. Bidwell  
27 described how the word game mechanisms at the end of the previous section would be abused to corrupt our system of  
28 government with a stern warning to future generations:

29 *In view of the adjudications of this court, I cannot assent to the proposition, whether it be announced in express*  
30 *words or by implication, that the National Government is a government of or by the States in union, and that the*  
31 *prohibitions and limitations of the Constitution are addressed only to the States. That is but another form of*  
32 *saying that like the government created by the Articles of Confederation, the present government is a mere league*  
33 *of States, held together by compact between themselves; whereas, as this court has often declared, it is a*  
34 *government created by the People of the United States, with enumerated powers, and supreme over States and*  
35 *individuals, with respect to certain objects, throughout the entire territory over which its jurisdiction extends. If*  
36 *the National Government is, in any sense, a compact, it is a compact between the People of the United States*  
37 *among themselves as constituting in the aggregate the political community by whom the National Government*  
38 *was established. **The Constitution speaks not simply to the States in their organized capacities, but to all***  
39 *peoples, whether of States or territories, who are subject to the authority of the United States. **Martin v. Hunter,***  
40 ***1 Wheat. 304, 327.***

41 *In the opinion to which I am referring it is also said that the "practical interpretation put by Congress upon*  
42 *the Constitution has been long continued and uniform to the effect that the Constitution is applicable to*  
43 *territories acquired by purchase or conquest only when and so far as Congress shall so direct;" that while all*  
44 *power of government may be abused, the same may be said of the power of the Government "under the*  
45 *Constitution as well as outside of it;" that "if it once be conceded that we are at liberty to acquire foreign*  
46 *territory, a presumption arises that 379\*379 our power with respect to such territories is the same power which*  
47 *other nations have been accustomed to exercise with respect to territories acquired by them;" that "the*  
48 *liberality of Congress in legislating the Constitution into all our contiguous territories has undoubtedly*  
49 *fostered the impression that it went there by its own force, but there is nothing in the Constitution itself, and*  
50 *little in the interpretation put upon it, to confirm that impression;" that as the States could only delegate to*  
51 *Congress such powers as they themselves possessed, and as they had no power to acquire new territory, and*  
52 *therefore none to delegate in that connection, the logical inference is that "if Congress had power to acquire*  
53 *new territory, which is conceded, that power was not hampered by the constitutional provisions;" that if "we*  
54 *assume that the territorial clause of the Constitution was not intended to be restricted to such territory as the*

<sup>3</sup> Source: *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 5; <http://sedm.org/Forms/FormIndex.htm>.

1 United States then possessed, there is nothing in the Constitution to indicate that the power of Congress in  
2 dealing with them was intended to be restricted by any of the other provisions;" and that "the executive and  
3 legislative departments of the Government have for more than a century interpreted this silence as precluding  
4 the idea that the Constitution attached to these territories as soon as acquired."

5 These are words of weighty import. They involve consequences of the most momentous character. I take leave  
6 to say that if the principles thus announced should ever receive the sanction of a majority of this court, a  
7 radical and mischievous change in our system of government will be the result. We will, in that event, pass  
8 from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative  
9 absolutism.

10 Although from the foundation of the Government this court has held steadily to the view that the Government of  
11 the United States was one of enumerated powers, and that no one of its branches, nor all of its branches combined,  
12 could constitutionally exercise powers not granted, or which were not necessarily implied from those expressly  
13 granted, Martin v. Hunter, 1 Wheat. 304, 326, 331, we are now informed that Congress possesses powers outside  
14 of the Constitution, and may deal with new territory, 380\*380 acquired by treaty or conquest, in the same  
15 manner as other nations have been accustomed to act with respect to territories acquired by them. In my  
16 opinion, Congress has no existence and can exercise no authority outside of the Constitution. Still less is it  
17 true that Congress can deal with new territories just as other nations have done or may do with their new  
18 territories. This nation is under the control of a written constitution, the supreme law of the land and the only  
19 source of the powers which our Government, or any branch or officer of it, may exert at any time or at any  
20 place. Monarchical and despotic governments, unrestrained by written constitutions, may do with newly  
21 acquired territories what this Government may not do consistently with our fundamental law. To say otherwise  
22 is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican  
23 institutions a colonial system such as exists under monarchical governments. Surely such a result was never  
24 contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the  
25 possibility of a result of that character it would never have been adopted by the People of the United States.  
26 The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold  
27 them as mere colonies or provinces — the people inhabiting them to enjoy only such rights as Congress chooses  
28 to accord to them — is wholly inconsistent with the spirit and genius as well as with the words of the  
29 Constitution.

30 The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this  
31 country substantially or practically two national governments; one, to be maintained under the Constitution,  
32 with all its restrictions; the other to be maintained by Congress outside and independently of that instrument,  
33 by exercising such powers as other nations of the earth are accustomed to exercise. It is one thing to give such  
34 a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a  
35 particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that  
36 Congress may, if it so elects, proceed outside of the Constitution. The glory of our American system 381\*381 of  
37 government is that it was created by a written constitution which protects the people against the exercise of  
38 arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it created,  
39 or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions.  
40 "To what purpose," Chief Justice Marshall said in Marbury v. Madison, 1 Cranch, 137, 176, "are powers  
41 limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed  
42 by those intended to be restrained? The distinction between a government with limited and unlimited powers  
43 is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and  
44 acts allowed are of equal obligation."

45 The wise men who framed the Constitution, and the patriotic people who adopted it, were unwilling to depend for  
46 their safety upon what, in the opinion referred to, is described as "certain principles of natural justice inherent  
47 in Anglo-Saxon character which need no expression in constitutions or statutes to give them effect or to secure  
48 dependencies against legislation manifestly hostile to their real interests." They proceeded upon the theory — the  
49 wisdom of which experience has vindicated — that the only safe guaranty against governmental oppression was  
50 to withhold or restrict the power to oppress. They well remembered that Anglo-Saxons across the ocean had  
51 attempted, in defiance of law and justice, to trample upon the rights of Anglo-Saxons on this continent and had  
52 sought, by military force, to establish a government that could at will destroy the privileges that inhere in liberty.  
53 They believed that the establishment here of a government that could administer public affairs according to its  
54 will unrestrained by any fundamental law and without regard to the inherent rights of freemen, would be  
55 ruinous to the liberties of the people by exposing them to the oppressions of arbitrary power. Hence, the  
56 Constitution enumerates the powers which Congress and the other Departments may exercise — leaving  
57 unimpaired, to the States or the People, the powers not delegated to the National Government nor prohibited  
58 to the States. That instrument so expressly declares in 382\*382 the Tenth Article of Amendment. It will be an  
59 evil day for American liberty if the theory of a government outside of the supreme law of the land finds  
60 lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full  
61 authority to prevent all violation of the principles of the Constitution.

62 Again, it is said that Congress has assumed, in its past history, that the Constitution goes into territories  
63 acquired by purchase or conquest only when and as it shall so direct, and we are informed of the liberality of  
64 Congress in legislating the Constitution into all our contiguous territories. This is a view of the Constitution  
65 that may well cause surprise, if not alarm. Congress, as I have observed, has no existence except by virtue of

1 the Constitution. It is the creature of the Constitution. It has no powers which that instrument has not granted,  
2 expressly or by necessary implication. I confess that I cannot grasp the thought that Congress which lives and  
3 moves and has its being in the Constitution and is consequently the mere creature of that instrument, can, at  
4 its pleasure, legislate or exclude its creator from territories which were acquired only by authority of the  
5 Constitution.

6 By the express words of the Constitution, every Senator and Representative is bound, by oath or affirmation, to  
7 regard it as the supreme law of the land. When the Constitutional Convention was in session there was much  
8 discussion as to the phraseology of the clause defining the supremacy of the Constitution, laws and treaties of the  
9 United States. At one stage of the proceedings the Convention adopted the following clause: "This Constitution,  
10 and the laws of the United States made in pursuance thereof, and all the treaties made under the authority of the  
11 United States, shall be the supreme law of the several States and of their citizens and inhabitants, and the judges  
12 of the several States shall be bound thereby in their decisions, anything in the constitutions or laws of the several  
13 States to the contrary notwithstanding." This clause was amended, on motion of Mr. Madison, by inserting after  
14 the words "all treaties made" the words "or which shall be made." If the clause, so amended, had been inserted  
15 in the Constitution as finally adopted, perhaps 383\*383 there would have been some justification for saying that  
16 the Constitution, laws and treaties of the United States constituted the supreme law only in the States, and that  
17 outside of the States the will of Congress was supreme. But the framers of the Constitution saw the danger of  
18 such a provision, and put into that instrument in place of the above clause the following: "This Constitution,  
19 and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which  
20 shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges  
21 in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary  
22 notwithstanding." Meigs's Growth of the Constitution, 284, 287. That the Convention struck out the words  
23 "the supreme law of the several States" and inserted "the supreme law of the land," is a fact of no little  
24 significance. The "land" referred to manifestly embraced all the peoples and all the territory, whether within  
25 or without the States, over which the United States could exercise jurisdiction or authority.

26 Further, it is admitted that some of the provisions of the Constitution do apply to Porto Rico and may be invoked  
27 as limiting or restricting the authority of Congress, or for the protection of the people of that island. And it is said  
28 that there is a clear distinction between such prohibitions "as go to the very root of the power of Congress to act  
29 at all, irrespective of time or place, and such as are operative only 'throughout the United States' or among the  
30 several States." In the enforcement of this suggestion it is said in one of the opinions just delivered: "Thus, when  
31 the Constitution declares that 'no bill of attainder or ex post facto law shall be passed,' and that 'no title of  
32 nobility shall be granted by the United States,' it goes to the competency of Congress to pass a bill of that  
33 description." I cannot accept this reasoning as consistent with the Constitution or with sound rules of  
34 interpretation. The express prohibition upon the passage by Congress of bills of attainder, or of ex post facto  
35 laws, or the granting of titles of nobility, goes no more directly to the root of the power of Congress than does the  
36 express prohibition against the imposition by Congress of any 384\*384 duty, impost or excise that is not uniform  
37 throughout the United States. The opposite theory, I take leave to say, is quite as extraordinary as that which  
38 assumes that Congress may exercise powers outside of the Constitution, and may, in its discretion, legislate  
39 that instrument into or out of a domestic territory of the United States.

40 In the opinion to which I have referred it is suggested that conditions may arise when the annexation of distant  
41 possessions may be desirable. "If," says that opinion, "those possessions are inhabited by alien races, differing  
42 from us in religion, customs, laws, methods of taxation and modes of thought, the administration of government  
43 and justice, according to Anglo-Saxon principles, may for a time be impossible; and the question at once arises  
44 whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out,  
45 and the blessings of a free government under the Constitution extended to them. We decline to hold that there is  
46 anything in the Constitution to forbid such action." In my judgment, the Constitution does not sustain any such  
47 theory of our governmental system. Whether a particular race will or will not assimilate with our people, and  
48 whether they can or cannot with safety to our institutions be brought within the operation of the Constitution, is  
49 a matter to be thought of when it is proposed to acquire their territory by treaty. A mistake in the acquisition of  
50 territory, although such acquisition seemed at the time to be necessary, cannot be made the ground for violating  
51 the Constitution or refusing to give full effect to its provisions. The Constitution is not to be obeyed or disobeyed  
52 as the circumstances of a particular crisis in our history may suggest the one or the other course to be pursued.  
53 The People have decreed that it shall be the supreme law of the land at all times. When the acquisition of  
54 territory becomes complete, by cession, the Constitution necessarily becomes the supreme law of such new  
55 territory, and no power exists in any Department of the Government to make "concessions" that are  
56 inconsistent with its provisions. The authority to make such concessions implies the existence in Congress of  
57 power to declare that constitutional provisions may be ignored under special or 385\*385 embarrassing  
58 circumstances. No such dispensing power exists in any branch of our Government. The Constitution is  
59 supreme over every foot of territory, wherever situated, under the jurisdiction of the United States, and its full  
60 operation cannot be stayed by any branch of the Government in order to meet what some may suppose to be  
61 extraordinary emergencies. If the Constitution is in force in any territory, it is in force there for every purpose  
62 embraced by the objects for which the Government was ordained. Its authority cannot be displaced by  
63 concessions, even if it be true, as asserted in argument in some of these cases, that if the tariff act took effect in  
64 the Philippines of its own force, the inhabitants of Mandanao, who live on imported rice, would starve, because  
65 the import duty is many fold more than the ordinary cost of the grain to them. The meaning of the Constitution  
66 cannot depend upon accidental circumstances arising out of the products of other countries or of this country.  
67 We cannot violate the Constitution in order to serve particular interests in our own or in foreign lands. Even  
68 this court, with its tremendous power, must heed the mandate of the Constitution. No one in official station, to

1 whatever department of the Government he belongs, can disobey its commands without violating the obligation  
2 of the oath he has taken. By whomsoever and wherever power is exercised in the name and under the authority  
3 of the United States, or of any branch of its Government, the validity or invalidity of that which is done must be  
4 determined by the Constitution.

5 In *DeLima v. Bidwell*, just decided, we have held that upon the ratification of the treaty with Spain, Porto Rico  
6 ceased to be a foreign country and became a domestic territory of the United States. We have said in that case  
7 that from 1803 to the present time there was not a shred of authority, except a dictum in one case, "for holding  
8 that a district ceded to and in possession of the United States remains for any purpose a foreign territory;" that  
9 territory so acquired cannot be "domestic for one purpose and foreign for another;" and that any judgment to the  
10 contrary would be "pure judicial legislation," for which there was no warrant in the Constitution or in the powers  
11 conferred upon this court. Although, as we have just decided, 386\*386 Porto Rico ceased, after the ratification  
12 of the treaty with Spain, to be a foreign country within the meaning of the tariff act, and became a domestic  
13 country — "a territory of the United States" — it is said that if Congress so wills it may be controlled and governed  
14 outside of the Constitution and by the exertion of the powers which other nations have been accustomed to  
15 exercise with respect to territories acquired by them; in other words, we may solve the question of the power of  
16 Congress under the Constitution, by referring to the powers that may be exercised by other nations. I cannot  
17 assent to this view. **I reject altogether the theory that Congress, in its discretion, can exclude the Constitution**  
18 **from a domestic territory of the United States, acquired, and which could only have been acquired, in virtue of**  
19 **the Constitution.** I cannot agree that it is a domestic territory of the United States for the purpose of preventing  
20 the application of the tariff act imposing duties upon imports from foreign countries, but not a part of the United  
21 States for the purpose of enforcing the constitutional requirement that all duties, imposts and excises imposed by  
22 Congress "shall be uniform throughout the United States." **How Porto Rico can be a domestic territory of the**  
23 **United States, as distinctly held in DeLima v. Bidwell, and yet, as is now held, not embraced by the words**  
24 **"throughout the United States," is more than I can understand.**

25 We heard much in argument about the "expanding future of our country." It was said that the United States is to  
26 become what is called a "world power;" and that if this Government intends to keep abreast of the times and be  
27 equal to the great destiny that awaits the American people, it must be allowed to exert all the power that other  
28 nations are accustomed to exercise. **My answer is, that the fathers never intended that the authority and**  
29 **influence of this nation should be exerted otherwise than in accordance with the Constitution. If our**  
30 **Government needs more power than is conferred upon it by the Constitution, that instrument provides the**  
31 **mode in which it may be amended and additional power thereby obtained. The People of the United States who**  
32 **ordained the Constitution never supposed that a change could be made in our system of government 387\*387**  
33 **by mere judicial interpretation. They never contemplated any such juggling with the words of the Constitution**  
34 **as would authorize the courts to hold that the words "throughout the United States," in the taxing clause of**  
35 **the Constitution, do not embrace a domestic "territory of the United States" having a civil government**  
36 **established by the authority of the United States. This is a distinction which I am unable to make, and which I**  
37 **do not think ought to be made when we are endeavoring to ascertain the meaning of a great instrument of**  
38 **government.**

39 [*Downes v. Bidwell*, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

40 Could it possibly be doubted that if Congress has been handed by the U.S. Supreme Court ANY CIRCUMSTANCE in which  
41 it can exercise its discretion in a way that COMPLETELY disregards the entire constitution, that they would not succumb to  
42 the temptation to enact it, expand it, and make it apply through trickery to everyone, as they have done with the income tax  
43 and federal franchises in general? NOT!

44 "In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which  
45 cunning will discover, and wickedness insensibly open, cultivate and improve."  
46 [*Thomas Jefferson: Notes on Virginia Q.XIV, 1782. ME 2:207*]

47 THIS, in fact, is what Justice Harlan was talking about in the following excerpt in the above:

48 **"These are words of weighty import. They involve consequences of the most momentous character. I take**  
49 **leave to say that if the principles thus announced should ever receive the**  
50 **sanction of a majority of this court, a radical and mischievous change in**  
51 **our system of government will be the result. We will, in that event, pass**  
52 **from the era of constitutional liberty guarded and protected by a written**  
53 **constitution into an era of legislative absolutism."**

54 [...]

55 **"This nation is under the control of a written constitution, the supreme law of the land and the only source of**  
56 **the powers which our Government, or any branch or officer of it, may exert at any time or at any place.**  
57 **Monarchical and despotic governments, unrestrained by written constitutions, may do with newly acquired**

1 territories what this Government may not do consistently with our fundamental law. To say otherwise is to  
2 concede that Congress may, by action taken outside of the Constitution, engraft upon our republican  
3 institutions a colonial system such as exists under monarchical governments. Surely such a result was never  
4 contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the  
5 possibility of a result of that character it would never have been adopted by the People of the United States.  
6 The idea that this country may acquire territories anywhere upon the  
7 earth, by conquest or treaty, and hold them as mere colonies or provinces  
8 — the people inhabiting them to enjoy only such rights as Congress  
9 chooses to accord to them — is wholly inconsistent with the spirit and  
10 genius as well as with the words of the Constitution.”

11 “The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this  
12 country substantially or practically two national governments; one, to be maintained under the Constitution,  
13 with all its restrictions; the other to be maintained by Congress outside and independently of that instrument,  
14 by exercising such powers as other nations of the earth are accustomed to exercise.” It is one thing to give such  
15 a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a  
16 particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that  
17 Congress may, if it so elects, proceed outside of the Constitution. The glory of our American system <sup>381</sup>\*381 of  
18 government is that it was created by a written constitution which protects the people against the exercise of  
19 arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it created,  
20 or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions.  
21 “To what purpose,” Chief Justice Marshall said in *Marbury v. Madison*, *1 Cranch*, 137, 176, “are powers  
22 limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed  
23 by those intended to be restrained? The distinction between a government with limited and unlimited powers  
24 is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and  
25 acts allowed are of equal obligation.”

26 [*Downes v. Bidwell*, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

27 Justice Harlan is saying that we now have a Dr. Jekyll and Mr. Hyde government. They did in fact do what he predicted:  
28 Graft a monarchical colonial system for federal territory onto an egalitarian free republican system. Starting with the Downes  
29 case, the U.S. Supreme Court declared and recognized essentially that:

- 30 1. NO PART of the Constitution limits what the national government can do in a territory, including the prohibition  
31 against Titles of Nobility and even ex post facto laws.  
32 2. As long as Congress is legislating for territories, it can do whatever it wants, including an income tax, just like every  
33 other nation of the earth. In fact, this is the source of all the authority for enacting the income tax to begin with.  
34 3. If Congress wants to invade the states commercially and tax them, all it has to do is:  
35 3.1. Write such legislation ONLY for the territories and implement it as a franchise. Since all franchises are based on  
36 contract, then they can be enforced extraterritorially, including in a state. This is the basis for the Social Security  
37 Act of 1935, in fact.

38 *Debt and contract [franchise agreement, in this case] are of no particular place.*

39 *Locus contractus regit actum.*

40 *The place of the contract [franchise agreement, in this case] governs the act.*

41 [*Bouvier's Maxims of Law*, 1856;

42 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

44 *“It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*  
45 *that it does in fact constitute a contract when the requisite element of a consideration is present.<sup>4</sup> Conversely, a*

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<sup>4</sup> *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.*, 99 Mont. 465, 44 P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.*, 141 Va. 69, 126 S.E. 353.

franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.<sup>5</sup> “  
[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

For further details on the Social Security FRAUD, see:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

3.2. Entice people in states of the Union with a bribe to sign up for the territorial franchise, and make it IMPOSSIBLE to quit the system. This uses capitalism to implement socialism.

3.3. Through legal deception and fraud, make the franchise legislation LOOK like:

3.3.1. It applies to CONSTITUTIONAL states rather than only STATUTORY “States” and territories.

3.3.2. It ISN’T a franchise or excise.

These things are done through “equivocation”, in which TERRITORIAL STATUTORY “States” under 4 U.S.C. §110(d) and CONSTITUTIONAL States of the Union are made to appear and act the same. This was also done in the Sixteenth Amendment, which granted no new powers to Congress, as held by the U.S. Supreme Court in *Stanton v. Baltic Mining Co.*, 240 U.S. 103 (1916). See:

*Why You Aren’t Eligible for Social Security*, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

3.4. Establish an EXTRACONSTITUTIONAL revenue collection apparatus that is NOT part of the constitutional government. Namely the I.R.S. is not now and never has been part of the U.S. Government. Instead, it is a straw man for the Federal Reserve. The Federal Reserve, in fact, is not more governmental than Federal Express. See:

*Origins and Authority of the Internal Revenue Service*, Form #05.005  
<http://sedm.org/Forms/FormIndex.htm>

3.5. Use propaganda and abusive regulation of the banking system and employers to turn banks and private companies in states of the Union into federal employment recruiters, in which you can’t open an account or pursue “employment” without becoming a privileged and enfranchised public officer representing a PUBLIC/GOVERNMENT office domiciled on federal territory and subject to the territorial law. See:

*Federal and State Tax Withholding Options for Private Employers*, Form #09.001  
<http://sedm.org/Forms/FormIndex.htm>

3.6. Bribe CONSTITUTIONAL states with “commercial incentives” or subsidies if they in essence agree by compact or agreement to act as federal territories and allow the income tax to be enforced within their borders. This is done through DEBT and the Federal Reserve as well as the Agreements on Coordination of Tax Administration (ACTA) between the national government and the states. Now obviously, they can only do that within ENCLAVES within their external borders using the Public Salary Tax Act of 1939, but they will PRETEND for the sake of filthy lucre that it applies EVERYWHERE in the state by:

3.6.1. Not defining the term “State” within their revenue codes.

3.6.2. Calling those who insist on these limits “frivolous” in court.

3.7. Engage in an ongoing propaganda campaign to discredit and persecute all those who expose and try to remedy the above. This is done by making the government UNACCOUNTABLE for the truth or accuracy of ANYTHING it says or does administratively. We have been a target of that campaign. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

3.8. Legislatively create a conflict of interest in the judges administering the territorial franchise so that they will be forced to apply it to the states of the Union.

3.9. Get the U.S. Supreme Court, through pressure on individual justices, to allow the financial and criminal conflict of interest with judges to stand and expand.

3.10. Use the U.S. Supreme Court as a method to embargo challenges to the above illegalities by denying appeals. This was done using the Certiorari Act of 1925 proposed by former President and Chief Justice William Howard Taft. This was the same President who proposed the Sixteenth Amendment and FRAUDULENTLY got it passed by lame duck Secretary of State Philander Knox.<sup>6</sup>

<sup>5</sup> Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.

<sup>6</sup> See: *The Law that Never Was*, William Benson. It documents the fraudulent ratification of the Sixteenth Amendment. See also *Great IRS Hoax*, Form #11.302, Section 6.6.1; <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

1 That last step: creating a conflict of interest in judges was accomplished starting in 1918, right after Downes v. Bidwell and  
2 just after the Sixteenth Amendment and Federal Reserve Act were passed in 1913. In particular, here is how it was  
3 accomplished:

- 4 1. Making judges into “taxpayers” started in 1918. This allowed them to become the target of political persecution by the  
5 Bureau of Internal Revenue if they properly enforce and protect the civil status of parties.
  - 6 1.1. This began first with the Revenue Act of 1918, 40 Stat. 1065, Section 213(a) and was declared unconstitutional.
  - 7 1.2. The second attempt to make judges taxpayers occurred the Revenue Act of 1932, 47 Stat. 169 and this time it  
8 stuck.
  - 9 1.3. This conflict of interest is also documented in Evans v. Gore, 253 U.S. 245 (1920) , Miles v. Graham, 268 U.S.  
10 501 (1925), O’Malley v. Woodrough, 309 U.S. 277 (1939), and U.S. v. Hatter, 532 U.S. 557, 121 S.Ct. 1782,  
11 (2001).
- 12 2. Judges have been allowed, illegally, to serve as BOTH franchise judges under Article IV of the Constitution and  
13 CONSTITUTIONAL judges under Article III. When given a choice of the two, they will always pick the Article IV  
14 franchise judge status, because it financially rewards them and unduly elevates their own importance and jurisdiction.
- 15 3. The IRS is allowed to financially reward judges and prosecutors for convicting those who do not consent to the identity  
16 theft. See 26 U.S.C. §7623, Internal Revenue Manual (I.R.M.), Section 25.2.2.

17 The above process is EXACTLY what they have done. From the 10,000 foot or MACRO view, it essentially amounts to  
18 identity theft. That identity theft is exhaustively described in the following:

<p>19 <u><i>Government Identity Theft</i></u>, Form #05.046 20 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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21 Our document *Legal Deception, Propaganda, and Fraud*, Form #05.014 describes how that identity theft is accomplished by  
22 the abuse of conflict of interest, the rules of statutory interpretation, and equivocation from a general perspective. That  
23 language abuse is also particularized in the above document to specific other legal contexts, such as:

- 24 1. Domicile identity theft.
- 25 2. Citizenship identity theft.
- 26 3. Franchise identity theft.

27 Ultimately, however, all of the identity theft they employ is accomplished by misrepresenting their authority and enforcing  
28 laws outside their territory. It really boils down to:

- 29 1. Replacing PRIVATE rights with PUBLIC privileges.
- 30 2. Turning “citizens” and “residents” into the equivalent of government public officers or employees.
- 31 3. Turning all civil law essentially into the employment agreement of virtually everyone who claims to be a  
32 STATUTORY “citizen” or “resident”.
- 33 4. A commercial invasion of the states of the Union in violation of Article 4, Section 4.
- 34 5. The abuse of franchises and privileges within the states of the Union to create a caste system that emulates the British  
35 Monarchy we tried to escape by fighting a revolution.
- 36 6. Using the civil statutory law as a mechanism to limit and control PEOPLE rather than the GOVERNMENT.
- 37 7. Creating a government of UNLIMITED powers. There are no limits on what an EMPLOYER can order his  
38 EMPLOYEES or OFFICERS to do, and THAT is what you are if you claim to be a STATUTORY “citizen” under any  
39 act of Congress.
- 40 8. Using “selective enforcement” to discredit and destroy all those who attempt to QUIT their job as a government officer  
or employee called a STATUTORY “citizen” or “resident”. THIS is how the fraudulent identity theft scheme and  
government mafia protects and expands itself.

### 41 **2.3 Thomas Jefferson’s Warnings and Predictions Concerning the Corruption of the Government**

42 Thomas Jefferson, one of our most beloved founding fathers and author of our Declaration of Independence, wrote extensively  
43 about defects in the design of our system of government and his predictions for how it would eventually be corrupted. In this  
44 document, corruption is a synonym for “de facto”. All of his predictions have come true. You can read his writings on this  
45 subject at:

1 Jefferson's writings on the subject of separation of powers within the above work may be found at:

2 A system of government in which all power is concentrated in a single man, group of men, or branch within the government  
3 is the epitome of de facto government, because its activities are completely unrestrained and have no limits. The founding  
4 fathers believed that absolute, uncontrolled, unchecked, consolidated power corrupted absolutely. The opposite of the  
5 centralization of power is what the founders called the "separation of powers", which was a refinement in the implementation  
6 of governments engineered by Baron Charles de Montesquieu in his book Spirit of Laws, upon which the founders based  
7 their writing of the United States Constitution:

8 "When the legislative and executive powers are united in the same person, or in the same body of magistrates,  
9 there can be no liberty."  
10 [*The Spirit of Laws*, Baron Charles de Montesquieu, [http://famguardian.org/Publications/SpiritOfLaws/sol-](http://famguardian.org/Publications/SpiritOfLaws/sol-02.htm)  
11 [02.htm](http://famguardian.org/Publications/SpiritOfLaws/sol-02.htm)]

12 Below is Thomas Jefferson's description of the separation of powers:

13 "To make us one nation as to foreign concerns, and keep us distinct in domestic ones, gives the outline of the  
14 proper division of powers between the general and particular governments. But, to enable the federal head to  
15 exercise the powers given it to best advantage, it should be organized as the particular ones are, into legislative,  
16 executive, and judiciary."  
17 [Thomas Jefferson to James Madison, 1786. ME 6:9]

18 "The first principle of a good government is certainly a distribution of its powers into executive, judiciary, and  
19 legislative, and a subdivision of the latter into two or three branches."  
20 [Thomas Jefferson to John Adams, 1787. ME 6:321]

21 "The constitution has divided the powers of government into three branches, Legislative, Executive and Judiciary,  
22 lodging each with a distinct magistracy. The Legislative it has given completely to the Senate and House of  
23 Representatives. It has declared that the Executive powers shall be vested in the President, submitting special  
24 articles of it to a negative by the Senate, and it has vested the Judiciary power in the courts of justice, with certain  
25 exceptions also in favor of the Senate."  
26 [Thomas Jefferson: Opinion on Executive Appointments, 1790. ME 3:15]

27 "My idea is that... the Federal government should be organized into Legislative, Executive and Judiciary, as are  
28 the State governments, and some peaceable means of enforcement devised for the Federal head over the States."  
29 [Thomas Jefferson to John Blair, 1787. ME 6:273, Papers 12:28 ]

30 Each Branch is Independent

31 "The leading principle of our Constitution is the independence of the Legislature, Executive and Judiciary of each  
32 other."  
33 [Thomas Jefferson to George Hay, 1807. FE 9:59]

34 "There are many [in Congress] who think that not to support the Executive is to abandon Government."  
35 [Thomas Jefferson to Colonel Bell, 1797. ME 9:386 ]

36 "[The] principle [of the Constitution] is that of a separation of Legislative, Executive and Judiciary functions  
37 except in cases specified. If this principle be not expressed in direct terms, it is clearly the spirit of the Constitution,  
38 and it ought to be so commented and acted on by every friend of free government."  
39 [Thomas Jefferson to James Madison, 1797. ME 9:368 ]

40 "Our Constitution has wisely distributed the administration of the government into three distinct and independent  
41 departments. To each of these it belongs to administer law within its separate jurisdiction. The Judiciary in cases  
42 of meum and tuum, and of public crimes; the Executive, as to laws executive in their nature; the Legislature in  
43 various cases which belong to itself, and in the important function of amending and adding to the system."  
44 [Thomas Jefferson: Batture at New Orleans, 1812. ME 18:129 ]

1 *"The three great departments having distinct functions to perform, must have distinct rules adapted to them. Each*  
2 *must act under its own rules, those of no one having any obligation on either of the others."*  
3 *[Thomas Jefferson to James Barbour, 1812. ME 13:129 ]*

4 *"The Constitution intended that the three great branches of the government should be co-ordinate and*  
5 *independent of each other. As to acts, therefore, which are to be done by either, it has given no control to another*  
6 *branch... Where different branches have to act in their respective lines, finally and without appeal, under any*  
7 *law, they may give to it different and opposite constructions... From these different constructions of the same act*  
8 *by different branches, less mischief arises than from giving to any one of them a control over the others."*  
9 *[Thomas Jefferson to George Hay, 1807. ME 11:213]*

10 *"If the Legislature fails to pass laws for a census, for paying the Judges and other officers of government, for*  
11 *establishing a militia, for naturalization as prescribed by the Constitution, or if they fail to meet in Congress, the*  
12 *Judges cannot issue their mandamus to them; if the President fails to supply the place of a judge, to appoint other*  
13 *civil or military officers, to issue requisite commissions, the Judges cannot force him. They can issue their*  
14 *mandamus or distringas [i.e., property seizures] to no executive or legislative officer to enforce the fulfillment*  
15 *of their official duties any more than the President or Legislature may issue orders to the Judges or their officers.*  
16 *Betrayed by the English example, and unaware, as it should seem, of the control of our Constitution in this*  
17 *particular, they have at times overstepped their limit by undertaking to command executive officers in the*  
18 *discharge of their executive duties; but the Constitution, in keeping the three departments distinct and*  
19 *independent, restrains the authority of the Judges to judiciary organs as it does the Executive and Legislative to*  
20 *executive and legislative organs."*  
21 *[Thomas Jefferson to William C. Jarvis, 1820. ME 15:277 ]*

22 *"It may be objected that the Senate may by continual negatives on the person, do what amounts to a negative on*  
23 *the grade [of an appointee], and so, indirectly, defeat [the] right of the President [to determine the grade]. But*  
24 *this would be a breach of trust; an abuse of power confided to the Senate, of which that body cannot be supposed*  
25 *capable. So the President has a power to convoke the Legislature, and the Senate might defeat that power by*  
26 *refusing to come. This equally amounts to a negative on the power of convoking. Yet nobody will say they possess*  
27 *such a negative, or would be capable of usurping it by such oblique means. If the Constitution had meant to give*  
28 *the Senate a negative on the grade or destination, as well as the person, it would have said so in direct terms, and*  
29 *not left it to be effected by a sidewind. It could never mean to give them the use of one power through the abuse*  
30 *of another."*  
31 *[Thomas Jefferson: Opinion on Executive Appointments, 1790. ME 3:17]*

32 *"Legislative, Executive and Judiciary offices shall be kept forever separate, and no person exercising the one*  
33 *shall be capable of appointment to the others, or to either of them."*  
34 *[Thomas Jefferson: Draft Virginia Constitution, 1776. Papers 1:347 ]*

35 *"Citizens, whether individually or in bodies corporate or associated, have a right to apply directly to any*  
36 *department of their government, whether Legislative, Executive or Judiciary, the exercise of whose powers they*  
37 *have a right to claim, and neither of these can regularly offer its intervention in a case belonging to the other."*  
38 *[Thomas Jefferson to James Sullivan, 1807. ME 11:382 ]*

39 *"Where... petitioners have a right to petition their immediate representatives in Congress directly, I have deemed*  
40 *it neither necessary nor proper for them to pass their petition through the intermediate channel of the Executive.*  
41 *But as the petitioners may be ignorant of this, and, confiding in it, may omit the proper measure, I have usually*  
42 *put such petitions into the hands of the Representatives of the State, informally to be used or not as they see best,*  
43 *and considering me as entirely disclaiming any agency in the case."*  
44 *[Thomas Jefferson to Joseph B. Varnum, 1808. ME 12:196]*

45 *"It seems proper that every person should address himself directly to the department to which the Constitution*  
46 *has allotted his case; and that the proper answer to such from any other department is, 'that it is not to us that*  
47 *the Constitution has assigned the transaction of this business.'"*  
48 *[Thomas Jefferson to James Madison, 1791. ME 8:250]*

49 *"The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and*  
50 *liable neither to control nor opposition from any other branch of the government."*  
51 *[Thomas Jefferson to Edmond C. Genet, 1793. ME 9:234]*

52 *"The interference of the Executive can rarely be proper where that of the Judiciary is so."*  
53 *[Thomas Jefferson to George Hammond, 1793. FE 6:298 ]*

54 *"For the Judiciary to interpose in the Legislative department between the constituent and his representative, to*  
55 *control them in the exercise of their functions or duties towards each other, to overawe the free correspondence*  
56 *which exists and ought to exist between them, to dictate what may pass between them and to punish all others, to*  
57 *put the representative into jeopardy of criminal prosecution, of vexation, expense and punishment before the*  
58 *Judiciary if his communications, public or private, do not exactly square with their ideas of fact or right or with*  
59 *their designs of wrong, is to put the Legislative department under the feet of the Judiciary, is to leave us, indeed,*

1 the shadow but to take away the substance of representation, which requires essentially that the representative  
2 be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them  
3 as would be lawful among themselves were they in the personal transaction of their own business; is to do away  
4 the influence of the people over the proceedings of their representatives by excluding from their knowledge by  
5 the terror of punishment, all but such information or misinformation as may suit their own views."  
6 [Thomas Jefferson: Virginia Petition, 1797. ME 17:359 ]

7 "If the three powers maintain their mutual independence on each other our Government may last long, but not so  
8 if either can assume the authorities of the other."  
9 [Thomas Jefferson to William Charles Jarvis, 1820. ME 15:278 ]

#### 10 All Powers in One Branch Produces Despotism

11 "[A very capital defect in a constitution is when] all the powers of government, legislative, executive and judiciary  
12 result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic  
13 government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a  
14 single one. One hundred and seventy-three despots would surely be as oppressive as one."  
15 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:162 ]

16 "[Where] there [is] no barrier between the legislative, executive, and judiciary departments, the legislature may  
17 seize the whole... Having seized it and possessing a right to fix their own quorum, they may reduce that quorum  
18 to one, whom they may call a chairman, speaker, dictator, or by any other name they please."  
19 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. (\*) ME 2:178 ]

20 "I said to [President Washington] that if the equilibrium of the three great bodies, Legislative, Executive and  
21 Judiciary, could be preserved, if the Legislature could be kept independent, I should never fear the result of such  
22 a government; but that I could not but be uneasy when I saw that the Executive had swallowed up the Legislative  
23 branch."  
24 [Thomas Jefferson: The Anas, 1792. ME 1:318]

#### 25 Unlimited Powers are Always Dangerous

26 "Nor should [a legislative body] be deluded by the integrity of their own purposes and conclude that... unlimited  
27 powers will never be abused because themselves are not disposed to abuse them. They should look forward to a  
28 time, and that not a distant one, when corruption in this as in the country from which we derive our origin, will  
29 have seized the heads of government and be spread by them through the body of the people, when they will  
30 purchase the voices of the people and make them pay the price. Human nature is the same on every side of the  
31 Atlantic, and will be alike influenced by the same causes."  
32 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:164 ]

33 "Mankind soon learn to make interested uses of every right and power which they possess or may assume. The  
34 public money and public liberty, intended to have been deposited with three branches of magistracy but found  
35 inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to  
36 those who hold them; distinguished, too, by this tempting circumstance: that they are the instrument as well as  
37 the object of acquisition. With money we will get men, said Caesar, and with men we will get money."  
38 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:164 ]

39 "It is the old practice of despots to use a part of the people to keep the rest in order; and those who have once got  
40 an ascendancy and possessed themselves of all the resources of the nation, their revenues and offices, have  
41 immense means for retaining their advantages."  
42 [Thomas Jefferson to John Taylor, 1798. ME 10:44 ]

43 Below are some of Jefferson's predictions on how the separation of powers would be systematically destroyed by public  
44 servants, most of whom he predicted would be in the federal judiciary:

45 "The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the  
46 law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own  
47 will."  
48 [Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68 ]

49 "It is a misnomer to call a government republican in which a branch of the supreme power is independent of the  
50 nation."  
51 [Thomas Jefferson to James Pleasants, 1821. FE 10:198 ]

52 "In England, where judges were named and removable at the will of an hereditary executive, from which branch  
53 most misrule was feared and has flowed, it was a great point gained by fixing them for life, to make them  
54 independent of that executive. But in a government founded on the public will, this principle operates in an

1 opposite direction and against that will. There, too, they were still removable on a concurrence of the executive  
2 and legislative branches. But we have made them independent of the nation itself. They are irremovable but by  
3 their own body for any depravities of conduct, and even by their own body for the imbecilities of dotage."  
4 [Thomas Jefferson to Samuel Kercheval, 1816. ME 15:34 ]

5 "Let the future appointments of judges be for four or six years and renewable by the President and Senate. This  
6 will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between  
7 the general and special governments. We have erred in this point by copying England, where certainly it is a  
8 good thing to have the judges independent of the King. But we have omitted to copy their caution also, which  
9 makes a judge removable on the address of both legislative houses."  
10 [Thomas Jefferson to William T. Barry, 1822. ME 15:389 ]

11 The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and  
12 unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special  
13 governments into the jaws of that which feeds them."  
14 [Thomas Jefferson to Spencer Roane, 1821. ME 15:326 ]

15 "The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to  
16 undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination  
17 of a general and special government to a general and supreme one alone. This will lay all things at their feet, and  
18 they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"  
19 [Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297 ]

20 "It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our  
21 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is  
22 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and  
23 advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and  
24 the government be consolidated into one. To this I am opposed."  
25 [Thomas Jefferson to Charles Hammond, 1821. ME 15:331 ]

#### 26 Irregular and Censurable Decisions

27 "Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,  
28 to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps  
29 of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all  
30 power in the hands of that government in which they have so important a freehold estate."  
31 [Thomas Jefferson: Autobiography, 1821. ME 1:121 ]

32 "The judges... are practicing on the Constitution by inferences, analogies, and sophisms, as they would on an  
33 ordinary law. They do not seem aware that it is not even a Constitution formed by a single authority and subject  
34 to a single superintendence and control, but that it is a compact of many independent powers, every single one of  
35 which claims an equal right to understand it and to require its observance."  
36 [Thomas Jefferson to Edward Livingston, 1825. ME 16:113 ]

37 "[The] practice of Judge Marshall of traveling out of his case to prescribe what the law would be in a moot case  
38 not before the court, is very irregular and very censurable."  
39 [Thomas Jefferson to William Johnson, 1823. ME 15:447 ]

#### 40 Consolidating Decisions

41 "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and  
42 unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special  
43 governments into the jaws of that which feeds them."  
44 [Thomas Jefferson to Spencer Roane, 1821. ME 15:326 ]

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46 undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination  
47 of a general and special government to a general and supreme one alone. This will lay all things at their feet, and  
48 they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"  
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50 "It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our  
51 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is  
52 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and  
53 advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and  
54 the government be consolidated into one. To this I am opposed."  
55 [Thomas Jefferson to Charles Hammond, 1821. ME 15:331 ]

1 Undermining Republican Government

2 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and  
3 harmless members of the government. Experience, however, soon showed in what way they were to become the  
4 most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and  
5 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded  
6 by the public at large; that these decisions nevertheless become law by precedent, sapping by little and little the  
7 foundations of the Constitution and working its change by construction before any one has perceived that that  
8 invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to  
9 be trusted for life if secured against all liability to account."  
10 [Thomas Jefferson to A. Coray, 1823. ME 15:486 ]

11 "This member of the government... has proved that the power of declaring what the law is, ad libitum, by sapping  
12 and mining, slyly, and without alarm, the foundations of the Constitution, can do what open force would not dare  
13 to attempt."  
14 [Thomas Jefferson to Edward Livingston, 1825. ME 16:114 ]

15 "I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its  
16 toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges should  
17 be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them  
18 in fame or in fortune; but it saves the republic, which is the first and supreme law."  
19 [Thomas Jefferson: Autobiography, 1821. ME 1:122 ]

20 "If, indeed, a judge goes against the law so grossly, so palpably, as no imputable degree of folly can account for,  
21 and nothing but corruption, malice or wilful wrong can explain, and especially if circumstances prove such  
22 motives, he may be punished for the corruption, the malice, the wilful wrong; but not for the error: nor is he liable  
23 to action by the party grieved. And our form of government constituting its respective functionaries judges of the  
24 law which is to guide their decisions, places all within the same reason, under the safeguard of the same rule."  
25 [Thomas Jefferson: Batture at New Orleans, 1812. ME 18:130 ]

26 "One single object... [will merit] the endless gratitude of society: that of restraining the judges from usurping  
27 legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly  
28 called our General Government, but what I call our foreign department."  
29 [Thomas Jefferson to Edward Livingston, 1825. ME 16:113 ]

30 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the  
31 center of all power, it will render powerless the checks provided of one government on another and will become  
32 as venal and oppressive as the government from which we separated."  
33 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332 ]

34 "What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting  
35 would be produced by an assumption of all the State powers into the hands of the General Government!"  
36 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168 ]

37 Thomas Jefferson also predicted that the most severe threat of destruction of the separation of powers would come from the  
38 federal judiciary:

39 "Our government is now taking so steady a course as to show by what road it will pass to destruction; to wit: by  
40 consolidation first and then corruption, its necessary consequence. The engine of consolidation will be the  
41 Federal judiciary; the two other branches the corrupting and corrupted instruments."  
42 [Thomas Jefferson to Nathaniel Macon, 1821. ME 15:341 ]

43 "The [federal] judiciary branch is the instrument which, working like gravity, without intermission, is to press  
44 us at last into one consolidated mass."  
45 [Thomas Jefferson to Archibald Thweat, 1821. ME 15:307 ]

46 "There is no danger I apprehend so much as the consolidation of our government by the noiseless and therefore  
47 unalarmining instrumentality of the Supreme Court."  
48 [Thomas Jefferson to William Johnson, 1823. ME 15:421 ]

49 Jefferson, of course, was absolutely correct in his predictions that the federal judiciary would be the source of corruption that  
50 would transform a de jure government into a de facto government. You can read exactly how this happened in a book  
51 available on our website below:

What Happened to Justice?, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

## 2.4 How Scoundrels Corrupted Our Republican Form of Government: With franchises<sup>7</sup>

"All systems of government suppose they are to be administered by men of common sense and common honesty. In our country, as all ultimately depends on the voice of the people, they have it in their power, and it is to be presumed they generally will choose men of this description: but if they will not, the case, to be sure, is without remedy. If they choose fools, they will have foolish laws. If they choose knaves, they will have knavish ones. But this can never be the case until they are generally fools or knaves themselves, which, thank God, is not likely ever to become the character of the American people." [Justice Iredell] (Fries's Case (CC) F Cas No 5126, supra.) [[Ludecke v. Watkins](#), 335 U.S. 160; 92 L.Ed 1881, 1890; 68 S.Ct. 1429 (1948)]

"The chief enemies of republican freedom are [mental sloth](#), [conformity](#), [bigotry](#), [superstition](#), [credulity](#), [monopoly](#) in the market of ideas, and utter, benighted ignorance." [Adderley v. State of Florida, 385 U.S. 39, 49 (1967)]

### 2.4.1 Original Design of our Republic

We very thoroughly covered the foundations of our republican form of government earlier in chapter 4. We showed you in Great IRS Hoax, Form #11.302, Section 4.1 the [hierarchy of sovereignty](#) and where you fit personally in that hierarchy. We showed you in Great IRS Hoax, Form #11.302, Section 4.5 that [Article 4, Section 4](#) of the U.S. Constitution guarantees to all Americans a "[republican form of government](#)". Then in section 5.1.1 we showed you the order that our state and federal governments were created and the distinct sovereignties that comprise all the elements of our republican political system. Now we are going to tie the whole picture together and show you graphically the tools and techniques that specific covetous government servants have used over the years to corrupt and debase that system for their own personal financial and political benefit.

"The king establishes the land by [justice](#); but he who receives bribes overthrows it." [[Prov. 29:4](#), Bible, NKJV]

After you have learned these techniques by which corruption is introduced, we will spend the rest of the chapter showing *exactly* how these techniques have been specifically applied over the years to corrupt and debase and destroy our political system and undermine our personal liberties, rights, and freedoms. This will train your perception to be on the lookout for any future attempts by our covetous politicians to further corrupt our system so that you can act swiftly at a political level to oppose and prevent it.

First of all, the foundation of our republican form of government is all the following as a group:

1. Sovereign power held by the People through their direct participation in the affairs of government as jurists and voters.

"The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government." [Spooner v. McConnell, 22 F. 939, 943]

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"There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." [Juilliard v. Greenman, 110 U.S. 421 (1884)]

2. All powers exercised by government are directly delegated to those serving in government by the people, both collectively and individually.

"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restriction except the discretion of its members." (Congress)

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<sup>7</sup> Source: [How Scoundrels Corrupted Our Republican Form of Government](#), Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

1 [\[U.S. v. William M. Butler, 297 U.S. 1 \(1936\)\]](#)

2 "The Government of the United States is one of delegated powers alone. Its authority is defined and limited by  
3 the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."  
4 [\[United States v. Cruikshank, 92 U.S. 542 \(1875\)\]](#)

5 "It is again to antagonize Chief Justice Marshall, when he said: 'The government of the Union, then (whatever  
6 may be the influence of this fact on the case), is emphatically and truly a government of the people. In form and  
7 in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and  
8 for their benefit. This government is acknowledged by all to be one of enumerated powers.' 4 Wheat. 404, 4 L.Ed.  
9 601."  
10 [\[Downes v. Bidwell, 182 U.S. 244 \(1901\)\]](#)

11 The implication is that the people AS INDIVIDUALS are EQUAL to the government in the eyes of the law because you  
12 can't delegate what you don't have:

13 "Derativa potestas non potest esse major primitiva.  
14 The power which is derived cannot be greater than that from which it is derived."

15 *Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

16 *Nemo plus juris ad alienum transferre potest, quam ispe habent. One cannot transfer to another a right which he  
17 has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

18 *Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by  
19 himself.*

20 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it  
21 himself. Co. Litt. 258.*

22 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.  
23 15 Bin. Ab. 327.*

24 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.*

25 *What a man cannot transfer, he cannot bind by articles.  
26 [Bouvier's Maxims of Law, 1856;  
27 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

28 3. Separation of powers between three branches of government. That separation is described in:

[Government Conspiracy to Destroy the Separation of Powers](#), Form #05.023  
<https://sedm.org/Forms/FormIndex.htm>

29 4. Distinct separation of property rights between PUBLIC and PRIVATE. By "public" we mean GOVERNMENT  
30 property. That separation is described in:

[Separation Between Public and Private Course](#), Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

31 Without ALL of the above, every government becomes corrupt and turns into a de facto government as described in:

[De Facto Government Scam](#), Form #05.043  
<https://sedm.org/Forms/FormIndex.htm>

32 The concept of separation of powers is called the "[Separation of Powers Doctrine](#)":

33 "[Separation of powers](#). The governments of the states and the United States are divided into three departments  
34 or branches: the legislative, which is empowered to make laws, the executive which is required to carry out the  
35 laws, and the judicial which is charged with interpreting the laws and adjudicating disputes under the laws.  
36 Under this constitutional doctrine of "separation of powers," one branch is not permitted to encroach on the  
37 domain or exercise the powers of another branch. See U.S. Constitution, Articles I-III. See also Power  
38 (Constitutional Powers)."  
39 *[Black's Law Dictionary, Sixth Edition, p. 1365]*

40 Here is how no less than the U.S. Supreme Court described the purpose of this separation of powers:

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### **Government Identity Theft**

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Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 "We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.  
2 Const., Art. I, § 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal  
3 government are few and defined. Those which are to remain in the State governments are numerous and  
4 indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division  
5 of authority "was adopted by the Framers to ensure protection of our fundamental liberties." Gregory v.  
6 Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and  
7 independence of the coordinate branches of the Federal Government serves to prevent the accumulation of  
8 excessive power in any one branch, a healthy balance of power between the States and the Federal Government  
9 will reduce the risk of tyranny and abuse from either front." Ibid.**  
10 [U.S. v. Lopez, 514 U.S. 549 (1995)]

11 The founding fathers believed that men were inherently corrupt. They believed that absolute power corrupts absolutely so  
12 they avoided concentrating too much power into any single individual.

13 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the  
14 center of all power, it will render powerless the checks provided of one government on another and will become  
15 as venal and oppressive as the government from which we separated."  
16 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

17 "Our government is now taking so steady a course as to show by what road it will pass to destruction; to wit: by  
18 consolidation first and then corruption, its necessary consequence. The engine of consolidation will be the  
19 Federal judiciary; the two other branches the corrupting and corrupted instruments."  
20 [Thomas Jefferson to Nathaniel Macon, 1821. ME 15:341]

21 "The [federal] judiciary branch is the instrument which, working like gravity, without intermission, is to press  
22 us at last into one consolidated mass."  
23 [Thomas Jefferson to Archibald Thweat, 1821. ME 15:307]

24 "There is no danger I apprehend so much as the consolidation of our government by the noiseless and therefore  
25 unalarming instrumentality of the Supreme Court."  
26 [Thomas Jefferson to William Johnson, 1823. ME 15:421]

27 "I wish... to see maintained that wholesome distribution of powers established by the Constitution for the  
28 limitation of both [the State and General governments], and never to see all offices transferred to Washington  
29 where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market."  
30 [Thomas Jefferson to William Johnson, 1823. ME 15:450]

31 "What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting  
32 would be produced by an assumption of all the State powers into the hands of the General Government!"  
33 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

34 "I see,... and with the deepest affliction, the rapid strides with which the federal branch of our government is  
35 advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all  
36 powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their  
37 power... It is but too evident that the three ruling branches of [the Federal government] are in combination to  
38 strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all  
39 functions foreign and domestic."  
40 [Thomas Jefferson to William Branch Giles, 1825. ME 16:146]

41 "We already see the [judiciary] power, installed for life, responsible to no authority (for impeachment is not  
42 even a scare-crow), advancing with a noiseless and steady pace to the great object of consolidation. The  
43 foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the  
44 removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign  
45 part."  
46 [Thomas Jefferson to William T. Barry, 1822. ME 15:388]

47 For further quotes supporting the above, see:

[Thomas Jefferson on Politics and Government](http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm)  
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm>

48 They instead wanted an egalitarian and utopian society. They loathed the idea of a king because they had seen how corrupt  
49 the monarchies of Europe had become by reading the history books. They loathed it so much that they specifically prohibited  
50 titles of nobility in Article 1, Section 9, Clause 8:

51 [U.S. Constitution; Article 1, Section 9, Clause 8](#)

1 *No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust*  
2 *under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any*  
3 *kind whatever, from any King, Prince or foreign State.*

4 So the founders instead distributed and dispersed political power into several independent branches of government that have  
5 sovereign power over a finite sphere and prohibited the branches from assuming each others duties. This, they believed,  
6 would prevent collusion against their rights and liberties. They therefore divided the government into the Executive,  
7 Legislative, and Judicial branches and made them independent of each other, and assigned very specific duties to each. In  
8 effect, these three branches became “[foreign](#)” to each other and in constant competition with each other for power and control.

9 The founders further dispersed political power by dividing power between the several states and the federal government and  
10 gave most of the power to the states. They gave each state their own seats in Congress, in the Senate. They made the states  
11 just like “foreign countries” and independent nations so that there would be the greatest separation of powers possible between  
12 the federal government and the states:

13 ***“The States between each other are sovereign and independent.** They are distinct and separate sovereignties,*  
14 *except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue***  
15 ***to be nations, with all their rights, and under all their national obligations, and with all the rights of nations***  
16 ***in every particular;** except in the surrender by each to the common purposes and objects of the Union, under the*  
17 *Constitution. The rights of each State, when not so yielded up, remain absolute.”*  
18 *[Bank of Augusta v. Earle, [38 U.S. \(13 Pet.\) 519](#), 10 L.Ed. 274 (1839)]*

19 Then the founders created multiple states so that the states would be in competition with each other for citizens and for  
20 commerce. When one state got too oppressive or taxed people too much, the people could then move to an economically  
21 more attractive state and climate. This kept the states from oppressing their citizens and it gave the people a means to keep  
22 their state and their government in check. Then they put the federal government in charge of regulating commerce among  
23 and between the states, and the intention of this was to *maximize*, not obstruct, commerce between the states so that we would  
24 act as a unified economic union and like a country. Even so, they didn’t want our country to be a “nation” under the [law of](#)  
25 [nations](#), because they didn’t want a [national government](#) with unlimited powers. They wanted a “federation”, so they called  
26 our central government the “federal government” instead of a “[national government](#)”. To give us a “[national government](#)”  
27 would be a recipe for tyranny:

28 ***“By that law the several States and Governments spread over our globe, are considered as forming a society,***  
29 ***not a NATION.** It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth*  
30 *Henry, that this last great idea has been even contemplated. 3rdly, and chiefly, I shall examine the important*  
31 *question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.*  
32 *”*  
33 *[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1794)]*

34 The ingenious founders also made the people the sovereigns in charge of both the state and federal governments by giving  
35 them a Bill of Rights and mandating frequent elections. Frequent elections:

- 36 1. Ensured that rulers would not be in office long enough to learn enough to get sneaky with the people or abuse their  
37 power.
- 38 2. Kept the rulers accountable to the people and provided a prompt feedback mechanism to make sure politicians and  
39 rulers were incentivized to listen to the people.
- 40 3. Created a stable political system that would automatically converge onto the will of the majority so that the country  
41 would be at peace instead of at war within itself.

42 The founders even gave the people their own house in Congress called the House of Representatives, so that the power  
43 between the states, in the Senate, and the People, in the House, would be well-balanced. They also made sure that these  
44 sovereign electors and citizens were well armed with a good education, so they could keep their government in check and  
45 capably defend their freedom, property, and liberty by themselves. When things got rough and governments became corrupt,  
46 these rugged and self-sufficient citizens were also guaranteed the right to defend their property using arms that the [U.S.](#)  
47 [Constitution](#) said in the [Second Amendment](#) that they had a right to keep and use. This ensured that citizens wouldn’t need  
48 to depend on the government for a handout or socialist benefits and wouldn’t have to worry about having a government that  
49 would plunder their property or their liberty.

50 Finally, the founding fathers created the institution of trial by jury, so that if government got totally corrupt and passed unjust  
51 laws that violated God’s laws, the people could put themselves back in control through jury nullification. This also effectively

1 dealt with the problem of corrupt judges, because both the jury and the grand jury could override the judge as well when they  
2 detected a conflict of interest by judging both the facts *and* the law. Here is how [Thomas Jefferson](#) described the duty of the  
3 jury in such a circumstance:

4 *"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on*  
5 *themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in*  
6 *the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."*  
7 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

8 The design that our founding fathers had for our political system was elegant, unique, unprecedented, ingenious, perfectly  
9 balanced, and inherently just. It was founded on the concept of [Natural Order](#) and [Natural Law](#), which as we explained in  
10 section 4.1 are based on the sequence that things were created. This concept made sense, even to people who didn't believe  
11 in God, so it had wide support among a very diverse country of immigrants from all over the world and of many different  
12 religious faiths. [Natural Law](#) and [Natural Order](#) unified our country because it was just and fair and righteous. That is the  
13 basis for the phrase on our currency, which says:

14 *"E Pluribus Unum"*

15 ...which means: *"From many, one."* Our system of [Natural Law](#) and [Natural Order](#) also happened to be based on  
16 God's sovereign design for *self*-government, as we explained throughout chapter 4. The founders also recognized that  
17 [liberty](#) without God and morality are impossible:

18 *"We have no government armed with the power capable of contending with human passions unbridled by morality*  
19 *and religion. Avarice [greed], ambition, revenge, or gallantry [debauchery], would break the strongest cords of*  
20 *our Constitution as a whale goes through a net. **Our Constitution was made only for a moral and religious***  
21 *people. It is wholly inadequate to the government of any other."*  
22 *[John Adams, 2<sup>nd</sup> President]*

23 So the founders included the requirement for BOTH God and Liberty on all of our currency. They put the phrase "[In God](#)  
24 [We Trust](#)" and the phrase "Liberty" side by side, and they were probably thinking of the following scripture when they did  
25 that!:

26 *"Now the Lord is the Spirit; and where the Spirit of the Lord is, there is liberty."*  
27 *[2 Cor. 3:17, Bible, NKJV]*

28 By creating such distinct separation of powers among all the forces of government, the founders ensured that the only way  
29 anything would get done within government was exclusively by informed consent and *not* by force or terror. The Declaration  
30 of Independence identifies the source of ALL "just" government power as "consent". Anything not consensual is therefore  
31 unjust and tyrannical. An informed and sovereign People will only do things voluntarily and consensually when it is in their  
32 absolute best interests. This would ensure that government would never engage in anything that wasn't in the best interests  
33 of everyone as a whole, because people, at least theoretically, would never consent to anything that would either hurt them  
34 or injure their Constitutional rights. The Supreme Court described this kind of government by consent as "government by  
35 compact":

36 *"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired*  
37 *by force or fraud, or both...In America, however the case is widely different. **Our government is founded upon***  
38 ***compact [consent expressed in a written contract called a Constitution or in positive law]. Sovereignty was,***  
39 ***and is, in the people."***  
40 *[Glass v. The Sloop Betsy, 3 (U.S.) Dall 6]*

41 Here is the legal definition of "compact" to prove our point that the Constitution and all federal law written in furtherance of  
42 it are indeed a "compact":

43 *"**Compact**, n. An agreement or contract between persons, nations, or states. Commonly applied to working*  
44 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*  
45 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*  
46 *distinct and independent characters. A mutual consent of parties concerned respecting some property or right*  
47 *that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause;*  
48 *Confederacy; Interstate compact; Treaty."*  
49 *[Black's Law Dictionary, Sixth Edition, p. 281]*

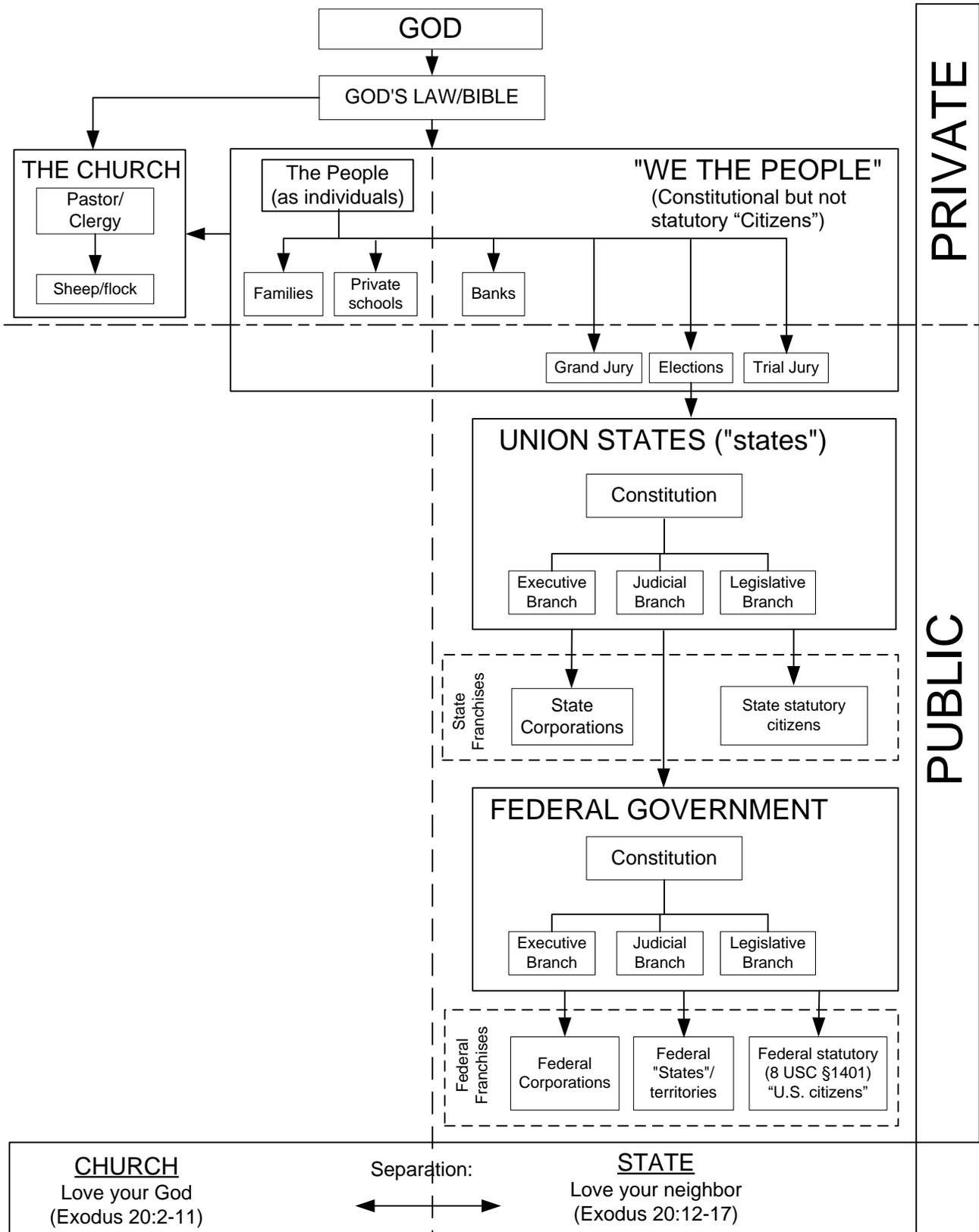
1 Enacting a mutual agreement into positive law then, becomes the vehicle for expressing the fact that the People collectively  
2 agreed and consented to the law and to accept any adverse impact that law might have on their liberty. Public servants then,  
3 are just the apparatus that the sovereign People use for governing themselves through the operation of positive law. As the  
4 definition above shows, the apparatus and machinery of government is simply the “rudder” that steers the ship, but the  
5 "Captain" of the ship is the People *both* individually and collectively. In a true Republican Form of Government, the REAL  
6 government is the people individually and collectively, and not their "public servants". That is the true meaning of the phrase  
7 "a government of the people, by the people, and for the people" used by Abraham Lincoln in the Gettysburg Address.

8 Our de jure Constitutional Republic started out as a perfectly balanced and just system indeed. But somewhere along the  
9 way, it was deliberately corrupted by evil men for personal gain. Just like Cain (in the Bible) destroyed the tranquility and  
10 peace of an idyllic world and divided the Family of Adam by first introducing murder into the world, greedy politicians who  
11 wanted to line their pockets corrupted our wonderful system and brought evil into the government. How did it happen? They  
12 did it with a combination of force, fraud, and the corrupting influence of money. This process can be shown graphically and  
13 described in scientific terms over a period of years to show *precisely* how it was done. We will now attempt to do this so that  
14 the process is crystal clear in your mind. What we are trying to show are the following elements in our diagram:

- 15 1. The distinct sovereignties *between* governments:
  - 16 1.1. States
  - 17 1.2. The federal government
- 18 2. The sovereignties *within* governments:
  - 19 2.1. Executive branch
  - 20 2.2. Legislative branch
  - 21 2.3. Judicial branch
- 22 3. The hierarchy of sovereignty between all the sovereignties based on their sequence of creation.
- 23 4. The corrupting influence of force, fraud, and money, including the branch that initiated it, the date it was initiated, and  
24 the object it was initiated against.

25 To meet the above objectives, we will start off with the diagram found in Great IRS Hoax, Form #11.302, Section 5.1.1 and  
26 expand it with some of the added elements found in the [Natural Order diagram](#) found earlier in Great IRS Hoax, Form  
27 #11.302, Section 4.1. To the bottom of the diagram, we add the Ten Commandments, which establishes the “Separation of  
28 Church v. State”. The first four commandments in [Exodus 20:2-11](#) establish the church and the last six commandments  
29 found in [Exodus 20:12-17](#) define how we should relate to other people, who Jesus later called our “neighbor” in [Matt. 22:39](#).  
30 The main and only purpose of government is to love and protect and serve its inhabitants and citizens, who collectively are  
31 "neighbors". What results is a schematic diagram of the initial political system that the founders gave us absent all corruption.  
32 This is called the “[De jure](#) U.S. Government”. It is the only lawful government we have and its organization is defined by  
33 our Constitution. It's organization is also defined by the Bible, which we also call "Natural Law" throughout this document.

34 **Figure 1: De Jure Hierarchy of Sovereignty**



1

2 Each box in the above diagram represents a sovereignty or sovereign entity that helps distribute power throughout our system  
 3 of government to prevent corruption or tyranny. The arrows with dark ends indicate an act of creation by the sovereign

1 above. That act of creation carries with it an implied delegation of authority to do specific tasks and establishes a fiduciary  
2 relationship between the creator, and his subordinate creation. The above system as shown functions properly and fully and  
3 provides the best defense for our liberties only when there is complete separation between each sovereignty, which is to say  
4 that all actions performed and all choices made by any one sovereign:

- 5 1. Are completely free of fraud, force, conflict of interest, or duress.
- 6 2. Are accomplished completely voluntarily, which is to say that they are done for the mutual benefit of all parties  
7 involved rather than any one single party exercising undue influence.
- 8 3. Involve fully informed consent made with a full awareness by all parties to the agreement of all rights which are being  
9 surrendered to procure any benefits acquired.
- 10 4. Are done mainly or exclusively for the benefit of the sovereign above the agent who is the actor.
- 11 5. Are done for righteous reasons and noble intent, meaning that they are accomplished for the benefit of someone else  
12 rather than one's own personal or financial benefit. This requirement is the foundation of what a fiduciary relationship  
13 means and also the only way that conflicts of interest and the corruption they can cause can be eliminated.

#### 14 **2.4.2 Main Technique of Corruption: Introduce Franchises to replace UNALIENABLE PRIVATE Rights with** 15 **REVOCABLE PUBLIC Statutory PRIVILEGES**

16 *"The rich ruleth over the poor, and the borrower [is] servant to the lender."*  
17 [[Prov. 22:7](#), Bible, NKJV]

18 The secret to how scoundrels corrupt our republic based on inalienable rights and replace it with a democracy based on  
19 revocable statutory privileges is to offer to grant or rent you government property with conditions or legal strings attached.  
20 That process is called a "[franchise](#)". The Bible and the U.S. Supreme Court both describe EXACTLY, from a legal  
21 perspective, WHEN AND HOW you personally facilitate this inversion of the de jure hierarchy in the previous section to  
22 make public servants into masters and make you the sovereign into a government employee or officer. It is done with loans  
23 of government property that have legal strings attached. This loan is what we call "[government franchises](#)" ([Form #05.030](#))  
24 on our website. The word "[privilege](#)" in fact is synonymous with granting or renting absolutely owned GOVERNMENT  
25 property and the legal strings attached to the grant.

26 *"The rich rules over the poor,*  
27 *And **the borrower is servant to the lender.**"*  
28 [[Prov. 22:7](#), Bible, NKJV]

29 **"The State in such cases exercises no greater right than an individual may exercise over the use of his own**  
30 **property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being**  
31 **stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their**  
32 **enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters**  
33 **not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the**  
34 **compensation for it."**  
35 [[Munn v. Illinois](#), 94 U.S. 113 (1876) ]

---

#### 36 **Curses of Disobedience [to God's Laws]**

37  
38 **"The alien [[Washington, D.C. is legislatively "alien" in relation to states of the Union](#)] who is among you**  
39 **shall rise higher and higher above you, and you shall come down lower and lower [[malicious destruction](#)**  
40 **of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you**  
41 **[[Federal Reserve counterfeiting franchise](#)], but you shall not lend to him; he shall be the head, and you**  
42 **shall be the tail.**

43 **"Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed,**  
44 **because you did not obey the voice of the Lord your God, to [keep His commandments and His statutes](#)**  
45 **which He commanded you.** *And they shall be upon you for a sign and a wonder, and on your descendants*  
46 *forever.*

47 *"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*  
48 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*  
49 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [[franchise codes](#)]*  
50 *on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of*  
51 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation [whose language](#)*

1 [\[LEGALESE\] you will not understand](#), a nation of fierce [coercive and fascist] countenance, which does not  
2 respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare  
3 waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they  
4 shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes],  
5 until you [and all your property] are destroyed [or **STOLEN/CONFISCATED**]; they shall not leave you grain  
6 or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.  
7 [*Deut. 28:43-51, Bible, NKJV*]

8 The problem with all such grants/rentals is that the [covetous de facto \(Form #05.043\) government](#) offering them can  
9 theoretically attach ANY condition they want to the grant. If the property is something that is life threatening to do without,  
10 then they can destroy ALL of your constitutional rights and leave you with no judicial or legal remedy whatsoever for the  
11 loss of your [fundamental or natural PRIVATE rights and otherwise PRIVATE property](#)! This, in fact, is EXACTLY what  
12 Pharaoh did to the Israelites during the famine in Egypt, described in [Genesis 47](#).

13 *"But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or*  
14 *business"]*, it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of  
15 *proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before*  
16 *particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such*  
17 *provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power*  
18 *to define the right that it has created. No comparable justification exists, however, when the right being*  
19 *adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have*  
20 *traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of*  
21 *Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments*  
22 *upon the judicial power of the United States, which our Constitution reserves for Art. III courts."*  
23 [\[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)\]](#)

24  
25 *The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules*  
26 *under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for*  
27 *decision. They are:*

28 [. . .]

29 **6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed**  
30 **himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;](#)  
31 [Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable](#)  
32 [Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

33 [FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S.](#)  
34 [641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed.](#)  
35 [1108.](#)  
36 [\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

37  
38 *"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have*  
39 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions*  
40 *from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally*  
41 *signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual***  
42 *or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred*  
43 *upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing*  
44 *him to enjoy some particular advantage or exemption."*  
45 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;*  
46 *SOURCE:*  
47 [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)  
48 [f\]](#)

49 *See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien,*  
50 *"Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History,*  
51 *Economics, and Public Law, vol. 54, p. 31.*

52 Whether you know it or not, by accepting such physical or intangible property you are, in effect, manifesting your implied  
53 consent (assent) under the Uniform Commercial Code (U.C.C.) to enter into a contract with the government that offered it in  
54 the process. Lawyers commonly call this type of interaction a "quid pro quo". That contract represents a constructive waiver  
55 of the sovereignty and sovereign immunity that comes from God Himself. Because the government is asking you to GIVE

1 PRIVATE/CONSTITUTIONAL rights in relation to them as consideration that would otherwise be [INALIENABLE \(Form](#)  
2 [#12.038\)](#), they are acting in a private, non-governmental capacity as a [de facto government \(Form #05.043\)](#) with no real  
3 official, judicial, or [sovereign immunity](#). That [franchise contract \(Form #12.012\)](#) will, almost inevitably, end up being an  
4 [adhesion contract](#) that will be extremely one-sided and will not only NOT "benefit" you (the "Buyer") in the aggregate, but  
5 will work an extreme injury, inequality, and [injustice \(Form #05.050\)](#) that God actually forbids:

6 **Lending to the Poor**

7 **If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help him,**  
8 **like a stranger or a sojourner [transient foreigner and/or non-resident non-person, Form #05.020], that he may**  
9 **live with you. Take no usury or interest from him; but fear your God, that your brother may live with you. You**  
10 **shall not lend him your money for usury, nor lend him your food at a profit. I am the Lord your God, who**  
11 **brought you out of the land of Egypt, to give you the land of Canaan and to be your God.**

12 **The Law Concerning Slavery**

13 **And if one of your brethren who dwells by you becomes poor, and sells himself to you, you shall not compel**  
14 **him to serve as a slave. As a hired servant and a sojourner he shall be with you, and shall serve you until the**  
15 **Year of Jubilee. And then he shall depart from you—he and his children with him—and shall return to his own**  
16 **family. He shall return to the possession of his fathers. For they are My servants [Form #13.007], whom I**  
17 **brought out of the land of Egypt; they shall not be sold as slaves. You shall not rule over him with rigor, but**  
18 **you shall fear your God.”**  
19 **[Lev. 25:35-43, Bible, NKJV]**

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20  
21 **Adhesion Contract**

22 Also found in: [Dictionary](#), [Thesaurus](#), [Financial](#), [Wikipedia](#).

23 Related to Adhesion Contract: [unilateral contract](#), [exculpatory clause](#), [personal contract](#), [Unconscionable contract](#)

24 **Adhesion Contract**

25 A type of contract, a legally binding agreement between two parties to do a certain thing, in which one side has  
26 all the bargaining power and uses it to write the contract primarily to his or her advantage.

27 An example of an adhesion contract is a standardized contract form that offers goods or services to consumers  
28 on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that  
29 would benefit their interests. When this occurs, the consumer cannot obtain the desired product or service unless  
30 he or she acquiesces to the form contract.

31 There is nothing unenforceable or even wrong about adhesion contracts. In fact, most businesses would never  
32 conclude their volume of transactions if it were necessary to negotiate all the terms of every [Consumer Credit](#)  
33 contract. Insurance contracts and residential leases are other kinds of adhesion contracts. This does not mean,  
34 however, that all adhesion contracts are valid. Many adhesion contracts are [Unconscionable](#); they are so unfair  
35 to the weaker party that a court will refuse to enforce them. An example would be severe penalty provisions for  
36 failure to pay loan installments promptly that are physically hidden by small print located in the middle of an  
37 obscure paragraph of a lengthy loan agreement. In such a case a court can find that there is no meeting of the  
38 minds of the parties to the contract and that the weaker party has not accepted the terms of the contract.

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

40 **adhesion contract (contract of adhesion)**

41 n. a contract (often a signed form) so imbalanced in favor of one party over the other that there is a strong  
42 implication it was not freely bargained. Example: a rich landlord dealing with a poor tenant who has no choice  
43 and must accept all terms of a lease, no matter how restrictive or burdensome, since the tenant cannot afford to  
44 move. An adhesion contract can give the little guy the opportunity to claim in court that the contract with the big  
45 shot is invalid. This doctrine should be used and applied more often, but the same big guy-little guy inequity may  
46 apply in the ability to afford a trial or find and pay a resourceful lawyer. (See: [contract](#))

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48 [The Free Dictionary by Farlex: Adhesion Contract; Downloaded 10/9/2019; SOURCE: [https://legal-](https://legal-dictionary.thefreedictionary.com/Adhesion+Contract)  
49 [dictionary.thefreedictionary.com/Adhesion+Contract](https://legal-dictionary.thefreedictionary.com/Adhesion+Contract)]

1 The temptation of the offer of the government franchise as an adhesion contract is exhaustively described, personified, and  
2 even dramatized in the following:

- 3 1. The Temptation of Jesus by Satan on the Mountain in [Matthew 4:1-11](https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV),  
4 <https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV>
- 5 2. *Devil's Advocate: What We are Up Against*, SEDM (OFFSITE LINK)  
6 <https://sedm.org/what-we-are-up-against/>
- 7 3. *Philosophical Implications of the Temptation of Jesus*, Stefan Molyneux  
8 <https://sedm.org/philosophical-implications-of-the-temptation-of-jesus/>
- 9 4. *Social Security: Mark of the Beast*, Form #11.407  
10 <http://famguardian.org/Publications/SocialSecurity/TOC.htm>

11 James Madison, whose notes were used to draft the Bill of Rights, predicted this perversion of the de jure Constitutional  
12 design, when he very insightfully said the following:

13 *"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers*  
14 *connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution*  
15 *into a character which there is a host of proofs was not contemplated by its creator."*

16 ***"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the***  
17 ***general welfare, they may take the care of religion into their own hands; they may appoint teachers in every***  
18 ***State, county and parish and pay them out of their public treasury; they may take into their own hands the***  
19 ***education of children, establishing in like manner schools throughout the Union; they may assume the***  
20 ***provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every***  
21 ***thing, from the highest object of state legislation down to the most minute object of police, would be thrown***  
22 ***under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it***  
23 ***would subvert the very foundations, and transmute the very nature of the limited Government established by***  
24 ***the people of America."***

25 *"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare,*  
26 *the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to*  
27 *particular exceptions."*  
28 *[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]*

29 The term "general welfare" is synonymous with "benefit" in franchise language. "general welfare" as used above is, in fact,  
30 the basis for the entire [modern welfare state](#) that will eventually lead to a massive financial collapse and crisis worldwide.<sup>8</sup>  
31 Anyone who therefore supports such a system is ultimately an anarchist intent on destroying our present dysfunctional  
32 government and thereby committing the crime of Treason:<sup>9</sup>

[Socialism: The New American Civil Religion](https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf), Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

33 The Bible also describes how to REVERSE this inversion, how to restore our constitutional rights, and how to put public  
34 servants back in their role as servants rather than masters. Note that accepting custody or "benefit" or grants of government  
35 property in effect behaves as an act of contracting, because it accomplishes the same effect, which is to create implied  
36 "obligations" in a legal sense:

<sup>8</sup> For details on the devastating political effects of the modern welfare state, see:

[Communism, Socialism, Collectivism Page](https://famguardian.org/Subjects/Communism/Communism.htm#Welfare_State), Section 10: Welfare State, Family Guardian Fellowship,  
[https://famguardian.org/Subjects/Communism/Communism.htm#Welfare\\_State](https://famguardian.org/Subjects/Communism/Communism.htm#Welfare_State)

<sup>9</sup> In the landmark case of *Steward Machine Co. v. Davis*, 310 U.S. 548 (1937) legalizing social security, the U.S. Supreme Court had the following to say about the treason of inverting the relationship of the states to the federal government:

*"If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when **I express my firm conviction that we shall see 'the beginning of the end.'**"*  
*[Steward Machine Co. v. Davis, 310 U.S. 548, 606 (1937)]*

1 "For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall**  
2 **not borrow**; you shall reign over many nations, but they shall not reign over you."  
3 [Deut. 15:6, Bible, NKJV]

4  
5 "The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless  
6 all the work of your hand. **You shall lend to many nations, but you shall not borrow.**"  
7 [Deut. 28:12, Bible, NKJV]

8 "**You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan**  
9 **government] gods [laws or judges].** They shall not dwell in your land [and you shall not dwell in theirs **by**  
10 **becoming a "resident" or domiciliary in the process of contracting with them**], lest they make you sin against  
11 Me [God]. For if you serve their [government] gods [under **contract or agreement or franchise**], it will surely  
12 be a snare to you."  
13 [Exodus 23:32-33, Bible, NKJV]

14  
15 "I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and  
16 I said, 'I will never break My covenant with you. And **you shall make no covenant [contract or franchise or**  
17 **agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their**  
18 **[man/government worshipping socialist] altars.**' But you have not obeyed Me. Why have you done this?"

19 "Therefore I also said, **I will not drive them out before you; but they will become as thorns [terrorists and**  
20 **persecutors] in your side and their gods will be a snare [slavery!] to you.'**"

21 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up  
22 their voices and wept.  
23 [Judges 2:1-4, Bible, NKJV]

24 Following the above commandments requires not signing up for and quitting any and all government benefits and services  
25 you may have consensually signed up for or retained eligibility for. All such applications and/or eligibility is called "special  
26 law" in the legal field.

27 "**special law.** One relating to particular persons or things; one made for individual cases or for particular places  
28 or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is  
29 "special" when it is different from others of the same general kind or designed for a particular purpose, or limited  
30 in range or confined to a prescribed field of action or operation. A "special law" relates to either particular  
31 persons, places, or things or to persons, places, or things which, though not particularized, are separated by any  
32 method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm  
33 Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual  
34 or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of  
35 County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill;  
36 Private law. Compare General law; Public law."  
37 [Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

38 We also prove that all such "special law" is not "law" in a classical sense, but rather an act of contracting, because it does not  
39 apply equally to all. It is what the U.S. Supreme Court referred to as "class legislation" in Pollock v. Farmers Loan and Trust  
40 in which they declared the first income tax unconstitutional:

41 "**The income tax law under consideration is marked by discriminating features which affect the whole law.**  
42 **It discriminates between those who receive an income of four thousand dollars and those who do not. It**  
43 **thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation.** Hamilton says in one  
44 of his papers, (the Continentalist,) "the genius of liberty reprobates everything arbitrary or discretionary in  
45 taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property  
46 the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments  
47 continue." 1 Hamilton's Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation.  
48 **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by**  
49 **reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and**  
50 **abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It  
51 was hoped and believed that the great amendments to the Constitution which followed the late civil war had  
52 rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act  
53 under consideration. It is the same in essential character as that of the English income statute of 1691, which  
54 taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another  
55 and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion,  
56 however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to

1 *escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have*  
2 *a greater regard for the government and more self-respect [597\\*597](#) for himself feeling that though he is poor in*  
3 *fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may*  
4 *betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will*  
5 *ultimately triumph over all reverses of fortune.”*  
6 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]*

7 To realistically apply the above biblical prohibitions against contracting with any government so as to eliminate the reversal  
8 of roles and destroy the dulocracy, see:

*Path to Freedom*, Form #09.015  
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

9 Section 5 of the above document in particular deals with how to eliminate the dulocracy. Section 5.6 also discusses the above  
10 mechanisms.

11 The idea of a present day dulocracy is entirely consistent with the theme of our website, which is the abuse of government  
12 franchises and privileges to destroy PRIVATE rights, STEAL private property, promote unhappiness, and inject malice and  
13 vitriol into the political process, as documented in:

*Government Instituted Slavery Using Franchises*, Form #05.030  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

14 The U.S. Supreme Court and the Bible both predicted these negative and unintended consequences of the abuse of government  
15 franchises, when they said:

16 *“Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the **very***  
17 ***foundations of the government**. If the provisions of the Constitution can be set aside by an act of Congress,*  
18 *where is the course of usurpation to end?”*

19 *The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of*  
20 *PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others larger***  
21 ***and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing*  
22 *intensity and bitterness.”*  
23 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first*  
24 *income tax passed by Congress that included people in states of the Union. They declared that first income tax*  
25 *UNCONSTITUTIONAL, by the way]*

26  
27 *“Where do wars and fights come from among you? **Do they not come from your desires for pleasure [unearned***  
28 ***money or “benefits”, privileges, or franchises, from the government] that war in your members [and your***  
29 ***democratic governments]? You lust [after other people's money] and do not have.** You murder [the unborn to*  
30 *increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your*  
31 *government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your*  
32 *idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the **deceitful government**]. You*  
33 *ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and***  
34 ***adulteresses! Do you not know that friendship [statutory “citizenship”] with the world [or the governments of***  
35 ***the world] is enmity with God?** Whoever therefore wants to be a friend [STATUTORY “citizen”, “resident”,*  
36 *“inhabitant”, “person” franchisee] of the world [or the governments of the world] makes himself an enemy of*  
37 *God.”*  
38 *[James 4:4, Bible, NKJV]*

39 The “foundations of the government” spoken of above are PRIVATE property, separation between public and private, and  
40 equality of treatment and opportunity, which collectively are called “legal justice”, as we point out on our opening page:

41 *Our ministry accomplishes the above goals by emphasizing:*

42 *12. The pursuit of legal “justice” (Form #05.050), which means **absolutely owned private property** (Form*  
43 *#10.002), and **equality of TREATMENT and OPPORTUNITY** (Form #05.033) under **REAL LAW** (Form*  
44 *#05.048). The following would be INJUSTICE, not JUSTICE:*

1 12.1 Outlawing or refusing to recognize or enforce [absolutely owned private property \(Form #12.025\)](#).

2 12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See [Form](#)  
3 [#11.302](#).

4 12.3 Any attempt by government to use judicial process or administrative enforcement to enforce any civil  
5 obligation derived from any source OTHER than express written consent or to an injury against the equal rights  
6 of others demonstrated with court admissible evidence. See [Form #09.073](#) and [Form #12.040](#).

7 12.4 Offering, implementing, or enforcing any [civil franchise \(Form #05.030\)](#). This enforces superior powers on  
8 the part of the government as a form of inequality and results in religious idolatry. This includes making justice  
9 into a civil public privilege ([Form #05.050, Section 13](#)) or turning CONSTITUTIONAL PRIVATE citizens into  
10 STATUTORY PUBLIC citizens engaged in a public office and a franchise ([Form #05.006](#)).

11 Not only would the above be INJUSTICE, it would outlaw HAPPINESS, because the right to absolutely own  
12 private property is equated with “the pursuit of happiness” in the Declaration of Independence, according to the  
13 U.S. Supreme Court. See [Form #05.050](#) for the definition of “justice”. [Click here](#) to view a video on why all  
14 franchises produce selfishness, unhappiness, inequality, and ingratitude.  
15 [[SEDM Website Opening Page](#); SOURCE: <http://sedm.org>]

16 Too many public servants have assumed absolute authority over the people they are supposed to serve. This REVERSAL of  
17 roles and making the SERVANTS into the MASTERS was never the intent of the Founding Fathers who established the  
18 American governments as republics where the rights of the people are to be paramount and the sovereignty of the governments  
19 are limited by the rights of the people. Sovereignty in America is not based on the same premise as sovereignty in Europe.  
20 Sovereignty in Europe was based on the notion of the Divine Right of Kings where the king's sovereignty was absolute and  
21 the people were his subjects. Sovereignty in America is based on the notion that citizens are endowed by the Creator with  
22 unalienable rights and then lend their permission to the governments to carry out certain, limited responsibilities on their  
23 behalf. In a republican form of government, the government is never allowed to overstep its authority or trample on the rights  
24 of the citizen no matter how egalitarian the political arguments may be.

25 Jesus Himself also emphasized that public SERVANTS should never become RULERS or have superior authority to the  
26 people they are supposed to SERVE when He said the following.

27 “You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols],  
28 and those who are great exercise authority over them [supernatural powers that are the object of idol worship].  
29 **Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant**  
30 **[serve the sovereign people from BELOW rather than rule from above]. And whoever desires to be first**  
31 **among you, let him be your slave—just as the Son of Man did not come to be served, but to serve, and to**  
32 **give His life a ransom for many.**”  
33 [[Matt. 20:25-28](#), Bible, NKJV]

34 Notice the word “ransom for many” in the above. This is an admission that Jesus acknowledges that cunning public servant  
35 lawyers have KIDNAPPED our legal identity from the protection of God’s law and that legal identity has been transported  
36 to a legislatively foreign jurisdiction, the District of Criminals. We exhaustively prove this with evidence in the following  
37 memorandum of law:

[Government Identity Theft](#), Form #05.042  
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

38 Jesus also states in Matt. 20:25-28 that it is the DUTY and obligation of every Christian to fight this corruption of our political  
39 system. The Holy Bible is our Delegation of Authority to do precisely this, in fact, and to restore God to His proper role as  
40 the ruler of ALL nations and ALL politicians and the only rightful Lawgiver of all human law. That delegation of authority  
41 is described in:

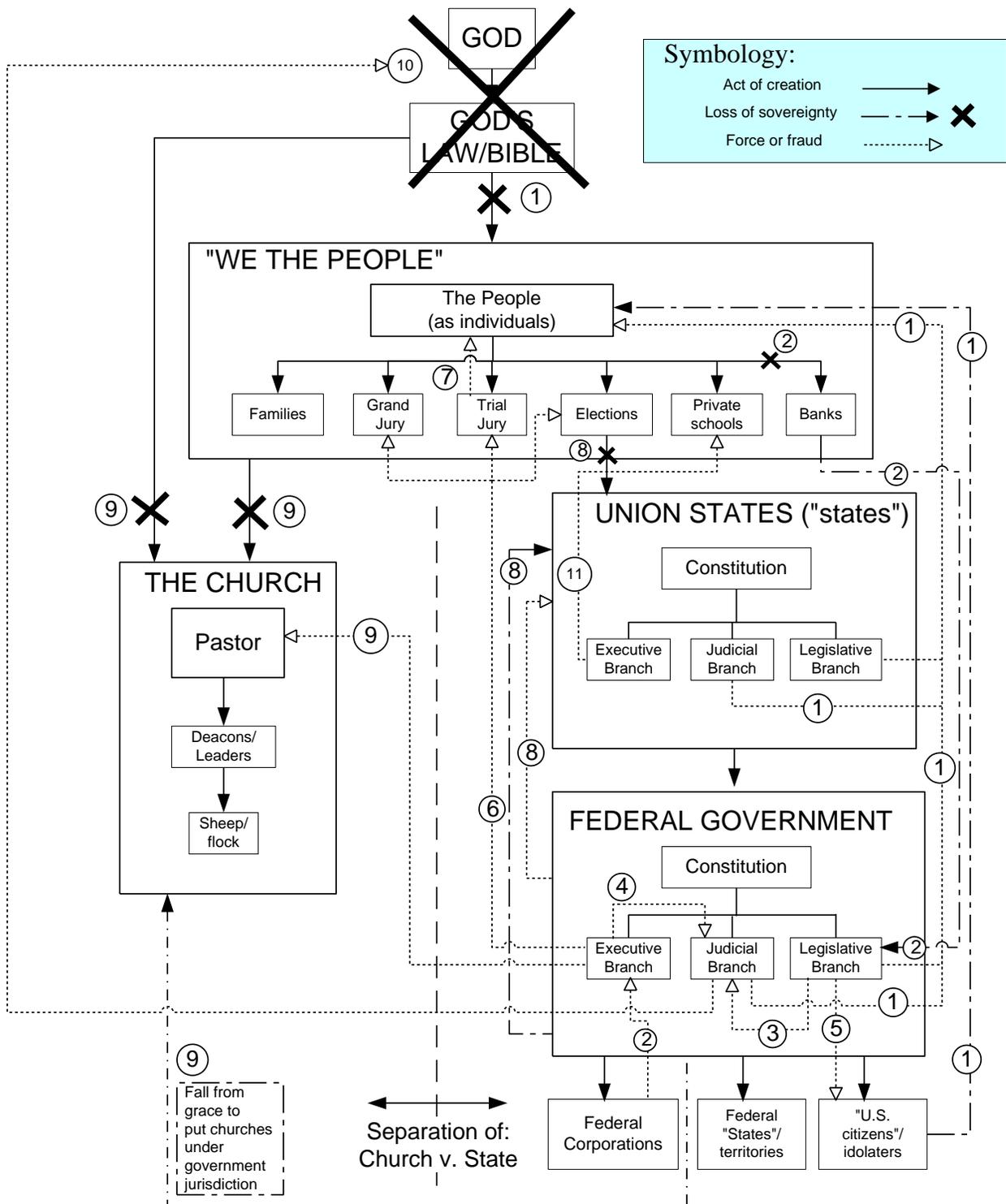
[Delegation of Authority Order from God to Christians](#), Form #13.007  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

### 42 **2.4.3 Graphical Depiction of the Corruption**

43 With the above in mind, we will now add all of the corrupting influences accomplished to our system of government over the  
44 years. These are shown with dashed lines representing the application of unlawful or immoral force or fraud. The hollow

1 end of each line indicates the sovereign against which the force or fraud is applied. The number above or next to the dotted  
 2 line indicates the item in the table that follows the diagram which explains each incidence of force or fraud.

3 **Figure 2: Graphical depiction of the process of corruption**



4  
 5 Below is a table explaining each incidence of force or fraud that corrupted the originally perfect system:

1 Table 6-1: Specific instances of force, fraud, and conflict of interest that corrupted our political system

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
1	1868	State legislatures State judges Federal legislature Federal judges	<a href="#">18 U.S.C. §241</a> (conspiracy against rights) <a href="#">Thirteenth Amendment</a> (slavery and peonage) <a href="#">42 U.S.C. §1994</a> (peonage) <a href="#">18 U.S.C. §1581</a> (peonage/slavery) <a href="#">18 U.S.C. §2381</a> (treason)	After the civil war, the 14 <sup>th</sup> Amendment was passed in 1868. That amendment along with "words of art" were used as a means to deceive constitutional citizens to falsely believe that they were also privileged statutory "U.S. citizens" pursuant to 8 U.S.C. §1401, and thus to unconstitutionally extent federal jurisdiction and enforce federal franchises within states of the Union. The citizenship status described in that amendment was only supposed to apply to emancipated slaves but the federal government in concert with the states confused the law and the interpretation of the law enough that everyone thought they were statutory federal citizens rather than the "non-citizen nationals" immune from federal jurisdiction, which is foreign with respect to states of the Union. This put Americans in the states in a privileged federal status and put them under the jurisdiction of the federal government. At the point that Americans voluntarily and unknowingly accept privileged federal citizenship, they lose their sovereignty and go to the bottom of the sovereignty hierarchy. State courts and state legislatures cooperated in this conspiracy against rights by requiring electors and jurists to be presumed statutory "U.S. citizens" in order to serve. At the same time, they didn't define the term "U.S. citizen" in their election laws or voter registration, creating a "presumption" in favor of people believing that they are statutory "citizens of the United States", even though technically they are not.
2	1913	Corporations/ businesses/and special interests	<a href="#">18 U.S.C. §201</a> (bribery of public officials) <a href="#">Const. Art. 1, Sect. 2, Clause 3</a> (direct taxes) <a href="#">Const. Art. 1, Sect. 9, Clause 4</a> (direct taxes) <a href="#">18 U.S.C. §219</a> (government employees acting as agents of foreign principals-Federal Reserve)	Around the turn of the century, the gilded age created a lot of very wealthy people and big corporations. The corrupting influence of the money they had led them to dominate the U.S. Senate and the Republican party., which was the majority party at the time. The people became restless because they were paying most of the taxes indirectly via tariffs on imported goods while the big corporations were paying very little. This led to a vote by Congress to send the new Sixteenth Amendment to the states for ratification. Corporations heavily influenced this legislation so that it would favor taxing individuals instead of corporations, which lead the Republicans in the Senate to word the Amendment ambiguously so that it could or would be misconstrued to apply to natural persons instead of the corporations it was really intended to apply to by the American people. This created much subsequent litigation and confusion on the part of the Average American about exactly what the taxing powers of Congress are, and gave Congressman a lot of wiggle room to misrepresent the purpose of the Sixteenth Amendment to their constituents. Today, Congressmen use the ambiguity of the Amendment to regularly lie to their Constituents by saying that the "Sixteenth Amendment" authorizes Congress to tax the income of every American. This is an absolute lie and is completely inconsistent with the rulings of the U.S. Supreme Court. Courts below the Supreme Court have also used the same ambiguity mechanism to expand the operation of the income tax beyond its clearly limited application to the federal zone. During the same year as the Sixteenth Amendment was ratified, in 1913, the Congress also passed the Federal Reserve Act immediately after the Sixteenth Amendment. By doing this, they surrendered their control over the money system to a consortium of private banks. The Sixteenth Amendment was passed first in February of 1913 because it was the lender-security for the Non-Federal Reserve that would be needed to create a "credit line" and collateral. The Federal Reserve Act was passed in December of that same year. At that point, the Congress had an unlimited private credit line from commercial banks and a means to print as much money as they wanted in order to fund socialist expansion of the government. But remember that the bible says:  <i>"The rich ruleth over the poor, and the borrower [is] servant to the lender." [Prov. 22:7]</i>
3	1911- 1939	Federal legislature	<a href="#">28 U.S.C. §144</a> (conflict of interest of federal judges) <a href="#">28 U.S.C. §455</a> (conflict of interest of federal judges)	In 1911, the U.S. Congress passed the Judicial Code of 1911 and thereby made all District and Circuit courts into entirely administrative courts which had jurisdiction over only the federal zone. All the federal courts except the U.S. Supreme Court changed character from being Article III courts to Article IV territorial courts only. All the district courts were renamed from "District Court of the United States" to "United States District Court". The Supreme Court said in <i>Balzac v. Porto Rico</i> , 258 U.S. 298 (1922) that the "United States District Court" is an Article IV territorial court, not an Article III constitutional court. Consequently, all the federal courts excepting the Supreme Court became administrative courts that were part of the Executive rather than the Judicial Branch of the government and all the judges became Executive Branch employees. See our article " <a href="#">Authorities on Jurisdiction of Federal Courts</a> "

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				<p>(<a href="http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm">http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm</a>) for further details.</p> <p>The Revenue Act of 1932 then tried to apply income taxes against federal judges. The purpose was to put them under complete control of the Executive Branch through terrorism and extortion by the IRS. This was litigated by the Supreme Court in 1932 in the case of <i>O'Malley v. Woodrough</i>, 309 U.S. 277 (1939) just before the war started. The court ruled that the Executive Branch couldn't unilaterally modify the terms of their employment contracts, so they rewrote the tax law to go around it subsequent to that by only taxing NEW federal judges and leaving the existing ones alone so as not to violate the Constitutional prohibition against reducing judges salaries. Since that time, federal judges have been beholden to the greed and malice of the Legislative branch because they are under IRS control. This occurred at a time when we had a very popular socialist President who threatened the Supreme Court if they didn't go along with his plan to replace capitalism with socialism, starting with Social Security. President Roosevelt tried to retire all the U.S. Supreme Court justices and then double the size of the court and pack the court with all of his own socialist cronies in a famous coup called "The Roosevelt Supreme Court Packing Plan".</p>
4	1939- Present	Federal executive branch	<p><a href="#">28 U.S.C. §144</a> (conflict of interest of federal judges)</p> <p><a href="#">28 U.S.C. §455</a> (conflict of interest of federal judges)</p> <p>Separation of powers Doctrine</p>	<p>Right after the Supreme Court case of <i>O'Malley v. Woodrough</i> in 1939, the U.S. Congress wasted no time in passing a new Revenue Act that skirted the findings of the Supreme Court's that declared income taxes levied against them to be unconstitutional. In effect, they made the payment of income taxes by federal judges an implied part of their employment agreement as "appointed officers" of the United States government in receipt of federal privileges. Once the judges were under control of the IRS, they could be terrorized and plundered if they did not cooperate with the enforcement of federal income taxes. This also endowed all federal judges with an implied conflict of interest in violation of 28 U.S.C. §455 and 28 U.S.C. §144</p>
5	1939- Present	Federal legislative branch	<p><a href="#">Const. Art. 1, Sect. 2, Clause 3</a> <a href="#">Const. Art. 1, Sect. 9, Clause 4</a> <a href="#">18 U.S.C. §1589(3)</a> (forced labor)</p>	<p>The Revenue Act of 1939 passed by the U.S. Congress instituted a very oppressive income tax to fund the upcoming World War II effort. It was called the "Victory Tax" and it was a voluntary withholding effort, but after the war and after people on a large scale got used to sending their money to Washington, D.C. every month through payroll withholding, the politicians cleverly decided not to tell them the truth that it was voluntary. The politicians then began rewriting the tax laws to further confuse and deceive people and hide the truth about the voluntary nature of the income tax. This included the Internal Revenue Codes of 1954 and 1986, which were major updates of the IRC that further hid the truth from the legal profession and added so much complexity to the tax laws that no one even understands them anymore.</p>
6	1950- Present	Federal executive branch	<p><a href="#">18 U.S.C. §597</a> (expenditures to influence voting)</p> <p><a href="#">18 U.S.C. §872</a> (extortion)</p> <p><a href="#">18 U.S.C. §880</a> (receiving the proceeds of extortion)</p> <p><a href="#">18 U.S.C. §1957</a> (Engaging in monetary transactions in property derived from specified unlawful activity)</p>	<p>Federal government uses income tax revenues after World War II to begin socialist subsidies, starting with Lyndon Johnson's "Great Society" plan. Instead of paying off the war debt and ending the income tax like we did after the Civil War in 1872, the government adopted socialism and borrowed itself into a deep hole, following the illustrious example of Franklin Roosevelt's "New Deal" program. This socialist expansion was facilitated by the enactment of the Federal Reserve Act of 1913, which gave the government unlimited borrowing power. The income tax, however, had to continue because it was the "lender security" for the PRIVATE Federal Reserve banking trust that was creating all this debt and fake money. The income tax had the effect of making all Americans into surety for government debts they never authorized. The Civil Rights movement of the 1960s accelerated the growth of the socialist cancer to cause voters to abuse their power to elect politicians who would subsidize and expand the welfare-state concept.</p> <p><i>"Democracy has never been and never can be so desirable as aristocracy or monarchy, but while it lasts, is more bloody than either. Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy that never did commit suicide."</i> [John Adams, 1815]</p>
7	1939- Present	Trial jury	<p><a href="#">18 U.S.C. §2111</a> (robbery)</p>	<p>Trial juries filled with people receiving government socialist handouts (money STOLEN from hard-working Americans) vote against tax protesters to illegally enforce the income tax laws, and especially in the case of the wealthy. Trial by jury</p>

### Government Identity Theft

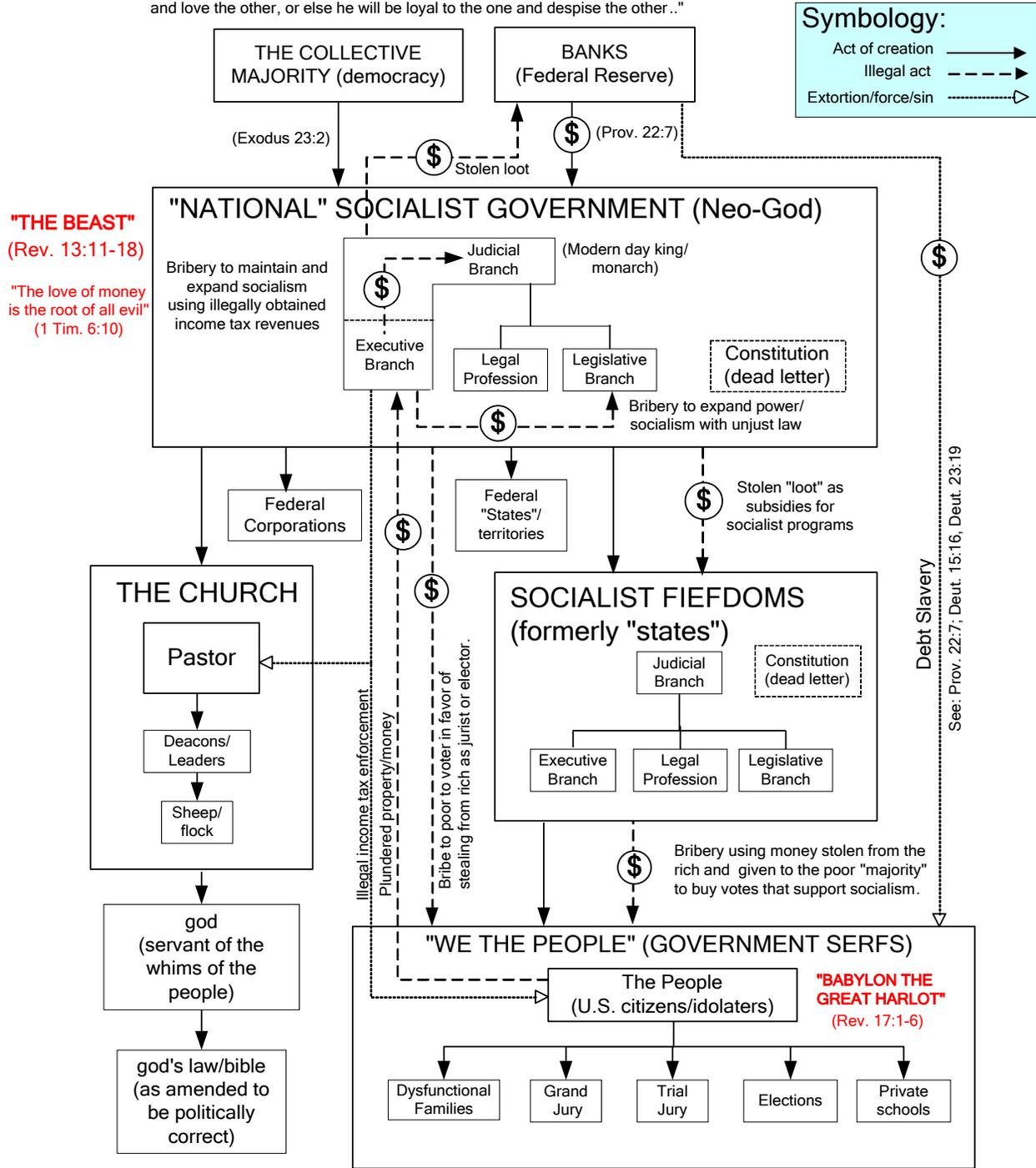
# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				becomes MOB RULE and a means to mug and rob the producers of society. The jurists are also under duress by the judge, who does not allow evidence to be admitted that would be prejudicial to government (or his retirement check) and who makes cases unpublished where the government lost on income tax issues. Because these same jurists were also educated in public schools, they are easily led like sheep to do the government's dirty work of plundering their fellow citizens by upholding a tax that is actually voluntary. The result is slavery of wage earners and the rich to the IRS. The war of the "have-nots" and the "haves" using the taxing authority of the government continues on and expands.
8	1960- Present	Federal government	<a href="#">18 U.S.C. §873</a> (blackmail)	The federal government begins using income tax revenues and socialist welfare programs to manipulate the states. For instance: 1. They made it mandatory for states to require people getting driver's licenses to provide a Socialist Security Number or their welfare subsidies would be cut off. 2. They encourage states to require voters and jurists to be "U.S. citizens" in order to serve these functions so that they would also be put under federal jurisdiction. 3. They mandate that all persons receiving welfare benefits or unemployment benefits that include federal subsidies to have Socialist Security Numbers.
9	1980's- Present	Federal executive branch	<a href="#">18 U.S.C. §208</a> (conflict of interest) <a href="#">18 U.S.C. §872</a> (extortion) <a href="#">18 U.S.C. §876</a> (mailing threatening communications)	IRS abuses its power to manipulate and silence churches that speak out about government abuses or are politically active. This has the effect of making the churches politically irrelevant forces in our society so that the government would have no competition for the affections and the allegiance of the people.
10	1960- Present	Federal judicial branch	God's laws (bible)	Federal judiciary eliminates God and prayer in the schools. This leaves kids in a spiritual vacuum. Drugs, sex, teenage pregnancy run rampant. Families begin breaking apart. God is blasphemed. Single parents raise an increasing number of kids and these children don't have the balance they need in the family to have proper sex roles. Gender identity crisis and psychology problems result, causing homosexuality to run rampant. This further accelerates the breakdown of the family because these dysfunctional kids have dysfunctional families of their own. Because God is not in the schools, eventually the people begin to reject God as well. This expands the power of government because when the people aren't governed by God, they are ruled by tyrants and become peasants and serfs eventually. That is how the Israelites ended up in bondage to the Egyptians: because they would not serve God or trust him for their security. They wanted a big powerful Egyptian government to take care of them and be comfortable and safe, which was idolatry toward government.
11	2000- Present	State executive branch	<a href="#">18 U.S.C. §208</a> (acts affecting a personal financial interest)	The state executive branches abuse their power to set very high licensing requirements for home schools and private schools, backed by teacher's unions and contributions of these unions to their political campaigns. Licensing requirements become so high that only public schools have the capital to comply, virtually eliminating private and homeschooling. Teachers and inferior environment in public schools further contributes to bad education and liberal socialist values, further eroding sovereignty of the people and making them easy prey for sly politicians who want to enslave them with more unjust laws and expand their fiefdom. Government continues to grow in power and rights and liberties simultaneously erode further.

1

1 After our corrupt politicians are finished socially re-engineering our system of government using the tax code and a corrupted  
2 federal judiciary, below is what happens to our original republican government system. This is what we refer to as the “De  
3 facto U.S. Government”. It has replaced our “De jure U.S. Government” not through operation of law, but through fraud,  
4 force, and corruption. One of our readers calls this new architecture for social organization “The New Civil Religion of  
5 Socialism”, where the collective will of the majority or whatever the judge says is sovereign, not God, and is the object of  
6 worship and servitude in courtrooms all over the country, who are run by devil-worshipping modern-day monarchs called  
7 “judges”. These tyrants wear black-robos and chant in Latin and perform exorcism on hand-cuffed subjects to remove  
8 imaginary “demons” from the people that are defined by majority vote among a population of criminals (by God’s law),  
9 homosexuals, drug abusers, adulterers, and atheists. The vilification of these demons are also legislated into existence with  
10 “judge-made law”, which is engineered to maximize litigation and profits to the legal industry. The legal industry, in turn,  
11 has been made into a part of the government because it is licensed and regulated by government. This profession “worships”  
12 the judge as an idol and is comprised of golf and law school buddies and fellow members of the American Bar Association,  
13 who hobnob with the judge and do whatever he says or risk having their attorney license pulled. In this totalitarian socialist  
14 democracy/oligarchy shown below, the people have no inalienable or God-given individual rights, but only statutory  
15 “privileges” and franchises granted by the will of the majority that are excise taxable. After all, when God and Truth are  
16 demoted to being a selfish creation of man and a politically correct vain fantasy, then the concept of “divine right” vanishes  
17 entirely from our political system.

18 **Figure 3: Our present SOCIALIST Oligarchy**

Luke 16:13: "No servant can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other.."



1

2 In the above diagram, all people in receipt of federal funds stolen through illegally collected or involuntarily paid federal  
 3 income taxes effectively become federal "employees". They identified themselves as such when they filed their W-4 payroll  
 4 withholding form, which is a contract that says on the top "Employee Withholding Allowance Certificate". The Internal  
 5 Revenue Code identifies "employee" to mean someone who works for the federal government in 26 U.S.C. §3401(c). These  
 6 federal "employees" are moral and spiritual "whores" and "harlots". They are just like Judas or Essau...they exchanged the  
 7 Truth for a lie and liberty for slavery and they did it mainly for money and personal security. They are:

1. So concerned about avoiding being terrorized by their government or the IRS for “making waves”.
2. So immobilized by their own fear and ignorance that they don’t dare do anything.
3. So addicted to sin and other unhealthy distractions that they don’t have the time to do justice.
4. So poor that they can’t afford an expensive lawyer to be able to right the many wrongs imposed on them by a corrupted government. Justice is a luxury that only the rich can afford in our society.
5. So legally ignorant, thanks to our public “fool”, I mean “school” system that they aren’t able to right their wrongs on their own in court without a lawyer.
6. So afraid of corrupt judges and lawyers who are bought and paid for with money that they stole from hardworking Americans in illegally enforcing what is actually a voluntary Subtitle A income against those who in fact and indeed can only be described per the law as “nontaxpayers”
7. So unable to take care of their own needs because:
  - 7.1. Most of their money has been plundered by a government unable and unwilling to control its spending.
  - 7.2. They have allowed themselves to depend too much on government and allowed too much of their own hard-earned money to be stolen from them.
  - 7.3. They spent everything they had and went deep in debt to buy things they didn't need.
8. So covetous of that government welfare or socialist security or unemployment check or paycheck that comes in the mail every month.

...that they wouldn’t dare upset the apple cart or try to right the many wrongs that maintain the status quo by doing justice as a voter or jurist. As long as they get their socialist handout and they live comfortably on the “loot” their “Parens Patriae”, or “Big Brother” sends them, they don’t care that massive injustice is occurring in courtrooms and at the IRS every day and that they are sanctioning, aiding, and abetting that injustice as voters and jurists with a financial conflict of interest in criminal violation of 18 U.S.C. §§201 and 208. In effect, they are bribed to look the other way while their own government loots and oppresses their neighbor and then uses that loot to buy votes and influence.

*“Thou shalt not steal.”*  
[\[Exodus 20:15, Bible, NKJV\]](#)

*“For **all the law is fulfilled in one word**, even in this: “You shall love your neighbor as yourself.”*  
[\[Gal 5:14, Bible, NKJV\]](#)

Would you rob your neighbor? No you say? Well then, would you look the other way while someone else robs him in your name? Government is **YOUR AGENT**. If government robs your neighbor, God will hold you, not the agent who did it for you, personally responsible, because government is your agent. God put you in charge of your government and you are the steward. Frederic Bastiat described the nature of this horrible corruption of the system in the following book on our website:

*The Law*, by Frederic Bastiat  
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

If you want to know what the above type of government is like spiritually, economically, and politically, read the first-hand accounts in the Book of Judges found in the Bible. Corruption, sin, servitude, violence, and wars characterize this notable and most ignominious period and “social experiment” as documented in the Bible. Now do you understand why God’s law mandates that we serve **ONLY** Him and *not* be slaves of man or government? When we don’t, the above totalitarian socialist democracy/tyranny is the result, where politicians and judges in government become the only sovereign and the people are there to bow down to and “worship” and serve an evil and corrupt government as slaves.

#### 2.4.4 **God's Remedy for the Corruption**

Below is the way God himself describes the corrupted dilemma we find ourselves in because we have abandoned the path laid by our founding fathers, as described in [Isaiah 1:1-26](#):

*Alas, sinful nation,  
 A people laden with iniquity  
 A brood of evildoers  
 Children who are corrupters!  
 They have forsaken the Lord  
 They have provoked to anger  
 The Holy One of Israel,  
 They have turned away backward.*

1 Why should you be stricken again?  
2 You will revolt more and more.  
3 The whole head is sick [*they are out of their minds!; insane or STUPID or both*].  
4 And the whole heart faints....

5 Wash yourselves, make yourselves clean;  
6 Put away the evil of your doings from before My eyes.  
7 Cease to do evil,  
8 Learn to do good;  
9 Seek justice,  
10 Rebuke the oppressor [*the IRS and the Federal Reserve and a corrupted judicial system*];  
11 Defend the fatherless,  
12 Plead for the widow [*and the "nontaxpayer"*]....

13 How the faithful city has become a harlot!  
14 It [*the Constitutional Republic*] was full of justice;  
15 Righteousness lodged in it,  
16 But now murderers [*and abortionists, and socialists, and democrats, and liars and corrupted judges*].  
17 Your silver has become dross,  
18 Your wine mixed with water.  
19 Your princes [*President, Congressmen, Judges*] are rebellious,  
20 Everyone loves bribes,  
21 And follows after rewards.  
22 They do not defend the fatherless,  
23 nor does the cause of the widow [*or the "nontaxpayer"*] come before them.

24 Therefore the Lord says,  
25 The Lord of hosts, the Mighty One of Israel,  
26 "Ah, I will rid Myself of My adversaries,  
27 And take vengeance on My enemies.  
28 I will turn My hand against you,  
29 And thoroughly purge away your dross,  
30 And take away your alloy.  
31 I will restore your judges [*eliminate the BAD judges*] as at the first,  
32 And your counselors [*eliminate the BAD lawyers*] as at the beginning.  
33 Afterward you shall be called the city of righteousness, the faithful city."  
34 [*Isaiah 1:1-26, Bible, NKJV*]

35 So according to the Bible, the real problem is corrupted lawyers and judges and people who are after money and rewards.  
36 For evidence of exactly what about them he thinks became corrupted, see:

[Who Were the Pharisees and the Sadducees?](https://sedm.org/Forms/05-MemLaw/WhoWerePharisees.pdf), Form #05.047  
<https://sedm.org/Forms/05-MemLaw/WhoWerePharisees.pdf>

37 God furthermore says in the Isaiah scripture above that the way to fix the corruption and graft is to eliminate the bad judges  
38 and lawyers. Whose job is that? It is the even more corrupted Congress! (see 28 U.S.C. §134(a) and 28 U.S.C. §44(b))

39 "O My people! Those who lead you cause you to err,  
40 And destroy the way of your paths."  
41 [*Isaiah 3:12, Bible, NKJV*]

42 "The king establishes the land by justice; but he who receives bribes [*or government "benefits", if paid to*  
43 *voters, jurists, judges, or prosecutors*] overthrows it."  
44 [*Prov. 29:4, Bible, NKJV*]

45 Can thieves and corrupted judges and lawyers and jurors, who are all bribed with unlawfully collected monies they lust after  
46 in the pursuit of socialist benefits, reform themselves if left to their own devices?

47 "When you [*the jury*] saw a thief [*the corrupted judges and lawyers paid with extorted and stolen tax money*],  
48 you consented with him, And have been a partaker with adulterers."  
49 [*Psalms 50:18, Bible, NKJV*]

50 "The people will be oppressed,  
51 Every one by another and every one by his [*socialist*] neighbor [*sitting on a jury who*  
52 was indoctrinated and brainwashed in a government school to trust government];  
53 The child will be insolent toward the elder,

1 *And the base toward the honorable."*  
2 [[Isaiah 3:5](#), Bible, NKJV]

3 *"It must be conceded that there are rights [and property] in every free government beyond the control of the State*  
4 *[or any judge or jury]. A government which recognized no such rights, which held the lives, liberty and property*  
5 *of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository*  
6 *of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to*  
7 *call it so--but it is not the less a despotism."*  
8 [*Loan Ass'n v. Topeka*, [87 U.S. \(20 Wall.\) 655](#), 665 (1874)]

9 The answer is an emphatic no. It is up to ***We The People*** as the sovereigns in charge of our lawless government to right this  
10 massive injustice because a corrupted legislature and judiciary and the passive socialist voters in charge of the government  
11 today simply cannot remedy their own addiction to the money that was stolen from their neighbor by the *criminals* they  
12 elected into office. These elected representatives were supposed to be elected to *serve and protect* the people, but they have  
13 become the worst abusers of the people because they only got into politics and government for selfish reasons. Notice we  
14 didn't say they got into "public service", because we would be lying to call it that. It would be more accurate to call what  
15 they do "self service" instead of "public service". One of our readers has a name for these kinds of people. He calls them  
16 SLAT: Scum, Liars, and Thieves. If you add up all the drug money, all the stolen property, all the white collar crime together,  
17 it would all pale in comparison to the "extortion under the color of law" that our own de facto government is instituting  
18 against its own people. If we solve no crime problem other than that one problem, then the government will have done the  
19 most important thing it can do to solve our crime problem and probably significantly reduce the prison population at the same  
20 time. There are lots of people in jail who were put there wrongfully for income tax crimes that aren't technically even crimes.  
21 These people were maliciously prosecuted by a corrupted Satan worshipping DOJ with the complicity of a corrupted judiciary  
22 and they MUST be freed because they have become slaves and political prisoners of a corrupted state for the sake of statutes  
23 that operate as the equivalent of a "civil religion" and which are not and cannot be law in their case. That's right: the corrupted  
24 state has erected a counterfeit church and religion that is a cheap imitation of God's design complete with churches, prayers,  
25 priests, deacons, tithes, and even its own "Bible" (franchise) and they have done so in violation of the First Amendment. The  
26 nature of that civil religion is exhaustively described below:

<p><i>Socialism: The New American Civil Religion</i>, Form #05.016 DIRECT LINK: <a href="http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf">http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf</a> (OFFSITE LINK) FORMS PAGE: <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> (OFFSITE)</p>
--

27 Why does God describe the source of the corruption as bad lawyers and judges instead of the people accepting the franchises  
28 as "Buyers", you might ask? The answer is that:

- 29 1. The Constitution and the Declaration of Independence recognize natural rights as INALIENABLE. See  

<p><i>Unalienable Rights Course</i>, Form #12.038 <a href="https://sedm.org/LibertyU/UnalienableRights.pdf">https://sedm.org/LibertyU/UnalienableRights.pdf</a></p>
---
- 30 2. An INALIENABLE right is one that YOU AREN'T ALLOWED BY LAW to [consent \(Form #05.003\)](#) to give away.  
31 3. If you can't even [lawfully consent \(Form #05.003\)](#) to give away the right, then you can never lose it or contract it away  
32 by participating in a [government franchise \(Form #05.030\)](#) or accepting a grant/rental of government property.  
33 4. The fact that judges and lawyers ALLOW [inalienable rights \(Form #12.038\)](#) to be given away in a place where they  
34 aren't allowed to be given away is a sign that they love money and enhancing their own power more than they love  
35 freedom or the Constitution.  
36 5. Because they love money and power more than they love freedom and obeying the constitution, they are committing  
37 treason punishable by death in violation of [18 U.S.C. §2381](#) and serving [Satan himself](#).

38 Below is how we explain this conundrum in our Disclaimer:

39 *SEDM Disclaimer*

40 *4. Meaning of Words*

41 *4.3. Private*

42 *[. . .]*

1 Every attempt by anyone in government to alienate rights that the Declaration of Independence says are  
2 UNALIENABLE shall also be treated as "PRIVATE BUSINESS ACTIVITY" that cannot be protected by sovereign,  
3 official, or judicial immunity. So called "government" cannot make a [profitable business or franchise](#) out of  
4 alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect  
5 an [economic terrorist and de facto government in violation of Article 4, Section 4](#).

6 "No servant [or government or biological person] can serve **two masters**; for either he  
7 will hate the one and love the other, or else he will be loyal to the one and despise the  
8 other. **You cannot serve God and mammon [government]."**  
9 [[Luke 16:13](#), Bible, NKJV]

10 [SEDM Disclaimer, Section 4.3; SOURCE: <https://famguardian.org/disclaimer.htm>]

## 11 **2.4.5 A Biblical Example of Someone Who Fought the Corruption**

12 Not every aspect of the King's privileges and avoiding them is as grim as described above. Rewards, protection, and provision  
13 are promised by God for those who resist them in the Bible. We will cover that subject in this section.

14 What is described in this article and in Deut. 28:43-51 literally represents the invasion of a nation by a legislatively foreign  
15 country by money changers who want to abuse their authority to pillage and enslave the country, enslave the inhabitants, and  
16 turn all the inhabitants into [beasts of burden \(state cattle\)](#) who are compelled at gunpoint to pay tribute to their conqueror(s).  
17 That invasion, by the way, is PROHIBITED by the constitution in Article 4, Section 4 and the person responsible for enforcing  
18 that prohibition is the MAIN INVADER! They do it by finding something the people cannot do without that they have a  
19 monopoly in providing, and attach any condition or cost they want to their monopoly service or property:

20 "**TRIBUTE**. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common  
21 feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally.  
22 Like deportation, **its purpose was to weaken a hostile state. Deportation aimed at depleting the man-power.**  
23 **The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to**  
24 **increase the conqueror's own revenues** and to acquire commodities in short supply in his own country. As an  
25 instrument of administration it was one of the simplest ever devised: the subjugated country could be made  
26 responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an  
27 expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack recorded  
28 in Gn. 14.  
29 [New Bible Dictionary. Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;  
30 InterVarsity Press: Downers Grove]

31 There are lots of biblical examples of this happening, including:

- 32 1. The story describing the origins of the city of Babylon, in which Nimrod was a mighty hunter of men and built a city to  
33 turn people into government cattle. Gen. 10:9 describes Nimrod as a "mighty hunter" and the thing he hunted were  
34 MEN! See 1 Chron. 1:10 and Micah 5:6. God confounded the language of the Babylonians because they worshipped a  
35 secular King instead of God. Babylon is synonymous with "the city of confusion". Nimrod was born in about 2213BC.
- 36 2. The famine in Egypt, in which Pharaoh turned his own people literally into cattle. Gen. 47.
- 37 3. The Babylonian captivity of the Israelites for 70 years, starting in 606 BCE. The invasion is described in Dan. 1. Ezra  
38 1:1 describes the end of this captivity.

39 Whenever the people rebel against God, he causes evil rulers to invade their cities, destroy them, bring the people into  
40 bondage, and scatters them abroad in a diaspora. See the following for a description of this process:

*Government Corruption as a Cause for Diaspora and Political Fragmentation of Communities into Private Membership  
Associations (PMAs), SEDM*  
<https://sedm.org/government-corruption-as-a-cause-for-diaspora-and-political-fragmentation-of-communities-into-private-membership-associations/>

41 Of all the above examples of bringing the people into subjugation and servitude, the best one is the Israelite captivity in  
42 Babylon for 70 years. The book of Jeremiah 29 describes why God sent them into captivity as follows. It is a letter written  
43 by a prophet to the captives:

44 *Jeremiah's Letter to the Captives*

1 29 Now these are the words of the letter that Jeremiah the prophet sent from Jerusalem to the remainder of the  
2 elders who were carried away captive—to the priests, the prophets, and all the people whom Nebuchadnezzar  
3 had carried away captive from Jerusalem to Babylon. 2 (This happened after Jeconiah the king, the queen mother,  
4 the eunuchs, the princes of Judah and Jerusalem, the craftsmen, and the smiths had departed from Jerusalem.) 3  
5 The letter was sent by the hand of Elasah the son of Shaphan, and Gemariah the son of Hilkiah, whom Zedekiah  
6 king of Judah sent to Babylon, to Nebuchadnezzar king of Babylon, saying,

7 4 Thus says the Lord of hosts, the God of Israel, to all who were carried away captive, whom I have caused to be  
8 carried away from Jerusalem to Babylon:

9 5 Build houses and dwell in them; plant gardens and eat their fruit. 6 Take wives and beget sons and daughters;  
10 and take wives for your sons and give your daughters to husbands, so that they may bear sons and daughters—  
11 that you may be increased there, and not diminished. 7 And seek the peace of the city where I have caused you to  
12 be carried away captive, and pray to the Lord for it; for in its peace you will have peace. 8 For thus says the Lord  
13 of hosts, the God of Israel: Do not let your prophets and your diviners who are in your midst deceive you, nor  
14 listen to your dreams which you cause to be dreamed. 9 For they prophesy falsely to you in My name; I have not  
15 sent them, says the Lord.

16 10 For thus says the Lord: After seventy years are completed at Babylon, I will visit you and perform My good  
17 word toward you, and cause you to return to this place. 11 For I know the thoughts that I think toward you, says  
18 the Lord, thoughts of peace and not of evil, to give you a future and a hope. 12 Then you will call upon Me and  
19 go and pray to Me, and I will listen to you. 13 And you will seek Me and find Me, when you search for Me with  
20 all your heart. 14 I will be found by you, says the Lord, and I will bring you back from your captivity; I will gather  
21 you from all the nations and from all the places where I have driven you, says the Lord, and I will bring you to  
22 the place from which I cause you to be carried away captive.

23 15 Because you have said, “The Lord has raised up prophets for us in Babylon”— 16 therefore thus says the  
24 Lord concerning the king who sits on the throne of David, concerning all the people who dwell in this city, and  
25 concerning your brethren who have not gone out with you into captivity— 17 thus says the Lord of hosts: Behold,  
26 I will send on them the sword, the famine, and the pestilence, and will make them like rotten figs that cannot be  
27 eaten, they are so bad. 18 And I will pursue them with the sword, with famine, and with pestilence; and I will  
28 deliver them to trouble among all the kingdoms of the earth—to be a curse, an astonishment, a hissing, and a  
29 reproach among all the nations where I have driven them, 19 because they have not heeded My words, says the  
30 Lord, which I sent to them by My servants the prophets, rising up early and sending them; neither would you  
31 heed, says the Lord. 20 Therefore hear the word of the Lord, all you of the captivity, whom I have sent from  
32 Jerusalem to Babylon.

33 21 Thus says the Lord of hosts, the God of Israel, concerning Ahab the son of Kolaiah, and Zedekiah the son of  
34 Maaseiah, who prophesy a lie to you in My name: Behold, I will deliver them into the hand of Nebuchadnezzar  
35 king of Babylon, and he shall slay them before your eyes. 22 And because of them a curse shall be taken up by all  
36 the captivity of Judah who are in Babylon, saying, “The Lord make you like Zedekiah and Ahab, whom the king  
37 of Babylon roasted in the fire”; 23 because they have done disgraceful things in Israel, have committed adultery  
38 with their neighbors’ wives, and have spoken lying words in My name, which I have not commanded them. Indeed  
39 I know, and am a witness, says the Lord.

40 24 You shall also speak to Shemaiah the Nehelamite, saying, 25 Thus speaks the Lord of hosts, the God of Israel,  
41 saying: You have sent letters in your name to all the people who are at Jerusalem, to Zephaniah the son of  
42 Maaseiah the priest, and to all the priests, saying, 26 “The Lord has made you priest instead of Jehoiada the  
43 priest, so that there should be officers in the house of the Lord over every man who is demented and considers  
44 himself a prophet, that you should put him in prison and in the stocks. 27 Now therefore, why have you not rebuked  
45 Jeremiah of Anathoth who makes himself a prophet to you? 28 For he has sent to us in Babylon, saying, ‘This  
46 captivity is long; build houses and dwell in them, and plant gardens and eat their fruit.’ ”

47 29 Now Zephaniah the priest read this letter in the hearing of Jeremiah the prophet. 30 Then the word of the Lord  
48 came to Jeremiah, saying: 31 Send to all those in captivity, saying, Thus says the Lord concerning Shemaiah the  
49 Nehelamite: Because Shemaiah has prophesied to you, and I have not sent him, and he has caused you to trust in  
50 a lie— 32 therefore thus says the Lord: Behold, I will punish Shemaiah the Nehelamite and his family: he shall  
51 not have anyone to dwell among this people, nor shall he see the good that I will do for My people, says the Lord,  
52 because he has taught rebellion against the Lord.

53 [[Jer. 1](#), Bible, NKJV]

54 The Book of Daniel 1 describes the captivity in which four Israelites were carried away to Babylon and are recruited  
55 involuntarily into the King's service. Their names were Daniel, Hananiah, Mishael, and Azariah. The King renamed them to  
56 Belteshazzar, Shadrach, Meshach, and Abed-Nego. Whenever the Babylonians invaded a foreign city, they would rename  
57 the people they called into their service, just like the modern pagan government assigns a "straw man" name to everyone so  
58 they can be regulated and taxed. See:

Proof that there is a "Straw man", Form #05.042  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

1 Before Daniel could serve the King, he had to be isolated, indoctrinated, forced to accept the privileges and benefits of the  
2 King or be punished, and finally assigned a new identity (identity alteration). These are the SAME four steps of conquest that  
3 the modern corrupt state uses against people it is supposed to be protecting and serving:

1. Isolation. Jeremiah 1. The Israelites were placed in exile and isolated from their people. In modern times, this is what the "cancel culture" does: Cut people off economically from their support system until they assimilate into the group that is attacking them.
2. Indoctrination. Dan 1:1-4. The Israelites were taught to believe and think like the conquerors. In modern times, this is done with legal deception and media propaganda. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

3. Compelled to accept the King's privileges. Dan. 1:5. This is done to keep them in fear of losing something they value so that they will not disobey. In modern times, this is done with benefits, privileges, and franchises. See:

Government Instituted Slavery Using Franchises, Form #05.030

<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

4. Identity alteration. Dan. 1:7. The captives were renamed. The names were created by the conqueror and whatever they create they literally own as property. In modern times, this is done by assigning fictional civil statuses to people, such as "person", "citizen", "resident", etc. to in effect appoint them into service of the government under a state sponsored franchise. See:

Government Identity Theft, Form #05.046

<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

15 Below is a biblical account of the conquest of people by the legislatively foreign conquerors described in Deut. 28:43-51:

16 *1 In the third year of the reign of Jehoiakim king of Judah, Nebuchadnezzar king of Babylon came to Jerusalem*  
17 *and besieged it. 2 And the Lord gave Jehoiakim king of Judah into his hand, with some of the articles of the house*  
18 *of God, which he carried into the land of Shinar to the house of his god; and he brought the articles into the*  
19 *treasure house of his god.*

20 *Then the king instructed Ashpenaz, the master of his eunuchs, to bring some of the children of Israel and some of*  
21 *the king's descendants and some of the nobles, 4 young men in whom there was no blemish, but good-looking,*  
22 *gifted in all wisdom, possessing knowledge and quick to understand, who had ability to serve in the king's palace,*  
23 *and whom they might teach the language and literature of the Chaldeans. 5 And the king appointed for them a*  
24 *daily provision of the king's delicacies and of the wine which he drank, and three years of training for them, so*  
25 *that at the end of that time they might serve before the king. 6 Now from among those of the sons of Judah were*  
26 *Daniel, Hananiah, Mishael, and Azariah. 7 To them the chief of the eunuchs gave names: he gave Daniel the*  
27 *name Belteshazzar; to Hananiah, Shadrach; to Mishael, Meshach; and to Azariah, Abed-Nego.*

28 *8 But Daniel purposed in his heart that he would not defile himself with the portion of the king's delicacies, nor*  
29 *with the wine which he drank; therefore he requested of the chief of the eunuchs that he might not defile himself.*  
30 *9 Now God had brought Daniel into the favor and goodwill of the chief of the eunuchs. 10 And the chief of the*  
31 *eunuchs said to Daniel, "I fear my lord the king, who has appointed your food and drink. For why should he see*  
32 *your faces looking worse than the young men who are your age? Then you would endanger my head before the*  
33 *king."*

34 *11 So Daniel said to the steward whom the chief of the eunuchs had set over Daniel, Hananiah, Mishael, and*  
35 *Azariah, 12 "Please test your servants for ten days, and let them give us vegetables to eat and water to drink. 13*  
36 *Then let our appearance be examined before you, and the appearance of the young men who eat the portion of*  
37 *the king's delicacies; and as you see fit, so deal with your servants." 14 So he consented with them in this matter,*  
38 *and tested them ten days.*

39 *15 And at the end of ten days their features appeared better and fatter in flesh than all the young men who ate*  
40 *the portion of the king's delicacies. 16 Thus the steward took away their portion of delicacies and the wine that*  
41 *they were to drink, and gave them vegetables.*

42 *17 As for these four young men, God gave them knowledge and skill in all literature and wisdom; and Daniel*  
43 *had understanding in all visions and dreams.*

44 *18 Now at the end of the days, when the king had said that they should be brought in, the chief of the eunuchs*  
45 *brought them in before Nebuchadnezzar. 19 Then the king interviewed them, and among them all none was*

1 found like Daniel, Hananiah, Mishael, and Azariah; therefore they served before the king. 20 And in all  
2 matters of wisdom and understanding about which the king examined them, he found them ten times better  
3 than all the magicians and astrologers who were in all his realm. 21 Thus Daniel continued until the first year  
4 of King Cyrus.  
5 [[Dan. 1:1-21](#), Bible, NKJV]

6 So we can see that the four men that were called by the King BOYCOTTED the king's privileges and delicacies, were blessed  
7 and protected by God for doing so and turned out wiser than all others. Eventually, they all defied the King and were thrown  
8 in the lion's den by the king and survived.

#### 9 Daniel's Friends Disobey the King

10 8 Therefore at that time certain Chaldeans came forward and accused the Jews. 9 They spoke and said to King  
11 Nebuchadnezzar, "O king, live forever! 10 You, O king, have made a decree that everyone who hears the sound  
12 of the horn, flute, harp, lyre, and psaltery, in symphony with all kinds of music, shall fall down and worship the  
13 gold image; 11 and whoever does not fall down and worship shall be cast into the midst of a burning fiery furnace.  
14 12 There are certain Jews whom you have set over the affairs of the province of Babylon: Shadrach, Meshach,  
15 and Abed-Nego; these men, O king, have not paid due regard to you. They do not serve your gods or worship the  
16 gold image which you have set up."

17 13 Then Nebuchadnezzar, in rage and fury, gave the command to bring Shadrach, Meshach, and Abed-Nego. So  
18 they brought these men before the king. 14 Nebuchadnezzar spoke, saying to them, "Is it true, Shadrach, Meshach,  
19 and Abed-Nego, that you do not serve my gods or worship the gold image which I have set up? 15 Now if you are  
20 ready at the time you hear the sound of the horn, flute, harp, lyre, and psaltery, in symphony with all kinds of  
21 music, and you fall down and worship the image which I have made, good! But if you do not worship, you shall  
22 be cast immediately into the midst of a burning fiery furnace. And who is the god who will deliver you from my  
23 hands?"

24 16 Shadrach, Meshach, and Abed-Nego answered and said to the king, "O Nebuchadnezzar, we have no need to  
25 answer you in this matter. 17 If that is the case, our God whom we serve is able to deliver us from the burning  
26 fiery furnace, and He will deliver us from your hand, O king. 18 But if not, let it be known to you, O king, that we  
27 do not serve your gods, nor will we worship the gold image which you have set up."

#### 28 Saved in Fiery Trial

29 19 Then Nebuchadnezzar was full of fury, and the expression on his face changed toward Shadrach, Meshach,  
30 and Abed-Nego. He spoke and commanded that they heat the furnace seven times more than it was usually heated.  
31 20 And he commanded certain mighty men of valor who were in his army to bind Shadrach, Meshach, and Abed-  
32 Nego, and cast them into the burning fiery furnace. 21 Then these men were bound in their coats, their trousers,  
33 their turbans, and their other garments, and were cast into the midst of the burning fiery furnace. 22 Therefore,  
34 because the king's command was urgent, and the furnace exceedingly hot, the flame of the fire killed those men  
35 who took up Shadrach, Meshach, and Abed-Nego. 23 And these three men, Shadrach, Meshach, and Abed-Nego,  
36 fell down bound into the midst of the burning fiery furnace.

37 24 Then King Nebuchadnezzar was astonished; and he rose in haste and spoke, saying to his counselors, "Did  
38 we not cast three men bound into the midst of the fire?"

39 They answered and said to the king, "True, O king."

40 25 "Look!" he answered, "I see four men loose, walking in the midst of the fire; and they are not hurt, and the  
41 form of the fourth is like the Son of God."  
42 [[Dan 3:8-25](#), Bible, NKJV]

43 The moral of the story is:

- 44 1. God expects and requires us to reject any and all privileges, benefits, and property of the King.
- 45 2. Resisting privileges and benefits will be tough, but God will strengthen us for doing so.
- 46 3. In resisting government privileges, we should be firm and direct, but respectful with the king like Daniel was.
- 47 4. God will protect and bless us for putting Him first and never allowing the King to compete with God or put himself  
48 above the rest of the people.

49 In contemporary terms, we as Christians must always remember EXACTLY what the privileges of the king consist of so that  
50 we know EXACTLY what God calls us to resist. These are:

- 51 1. All government privileges described in:

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#### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

Government Instituted Slavery Using Franchises, Form #05.030

<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

2. Civil domicile. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002

<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

3. Government benefits, payments, or "social insurance" implemented with franchises. See:

Social Security: Mark of the Beast, Form #11.407

<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

4. STATUTORY citizenship. See:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006

<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

5. Any and all civil statutory statuses, including but not limited to "citizen", "resident", "person", "driver", etc. See:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037

<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

Doing all the above restores what we define as "natural law" in our Disclaimer. See:

SEDM Disclaimer, Section 4.31: "natural law"

<https://famguardian.org/disclaimer.htm#4.31.NaturalLaw>

Any attempt by anyone in the government to INTERFERE with the ability to restore natural law as indicated above makes that government a de facto government in violation of organic law and the requirement for consent documented in the Declaration of Independence. See:

1. Hot Issues: Fake/De Facto Government, SEDM

<https://sedm.org/fake-de-facto-government/>

2. De Facto Government Scam, Form #05.043

<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

Collectively, these tactics of invasion are implemented with criminal identity theft using the CIVIL statutory code, as described in:

Identity Theft Affidavit, Form #14.020

<https://sedm.org/Forms/14-PropProtection/IdentityTheftAffidavit-f14039.pdf>

When the Bible says in Dan. 1 that Daniel was respectful of the king, in modern terms it would mean approaching the King as follows:

The BEST Way to LAWFULLY Reject ANY and ALL Benefits in Court that is Unassailable, SEDM (OFFSITE LINK)

<https://sedm.org/the-best-way-to-lawfully-reject-any-and-all-benefits-in-court-that-is-unassailable/>

If you would like excellent sermons on the subject of this section, see:

1. Thriving in Babylon: Exile, Newbreak.church

[https://youtu.be/RM\\_0U92DNsM](https://youtu.be/RM_0U92DNsM)

2. Thriving in Babylon: Character, Newbreak.church

<https://youtu.be/81AJ546Zs60>

For a very interesting article about the subject of this section, see:

Daniel 1 Managing Disputes at Babylonian University, Nike Insights

<https://nikeinsights.famguardian.org/forums/topic/daniel-1-a-journey-through-babylon/>

#### **2.4.6 De Jure v. De Facto Government**

1 We will now close this section with a tabular summary that compares our original “de jure” government to the “de facto”  
 2 government that we presently suffer under. This corrupted “de facto” government only continues to exist because of our  
 3 passive and tolerant approach towards the illegal activities of the government servants. We can fix this if we really want to,  
 4 folks. Let’s do it!

5 **Table 6-2: Comparison of our "De jure" v. "De facto" government**

#	Type of Separation of Powers	De jure government	De facto government
1	Separation of Church and State	Government has no power to control or regulate the political activities of churches	IRS 501(c ) designation allows government to remove tax exemption from churches if they get politically involved
2	Separation of Money and State	Only lawful money is gold and the value of the dollar is tied to gold. Government can’t manufacture more gold so they can’t abuse their power to coin money to enrich themselves.	Fiat currency is Federal Reserve Notes (FRNs). Government can print any amount of these it wants and thereby enrich itself and steal from the those who hold dollars by lowering the value of the dollars in circulation (inflation)
3	Separation of Marriage and State	People getting married did not have marriage licenses from the state. Instead, the ceremony was exclusively ecclesiastical and it was recorded only in the family Bible and church records.	Pastor acts as an agent of both God and the state. He performs the ceremony and is also licensed by the state to sign the state marriage license. Churches force members getting married to obtain state marriage license by saying they won’t marry them without a state-issued marriage license.
4	Separation of School and State	Schools were rural and remote and most were private or religious. There were very few public schools and a large percentage of the population was home-schooled.	Most student go to public schools. They are dumbed-down by the state to be good serfs/sheep by being told they are “taxpayers” and being shown in high school how to fill out a tax return without even being shown how to balance a check book. They are taught that government is the sovereign and not the people, and that people should obey the government.
5	Separation of State and Federal government	States control the Senate and all legislation and taxation internal to a state. Federal government controls only foreign commerce in the form of imposts, excises, and duties under Article 1, Section 8, Clause 3 of the Constitution.	Federal government receives lions share of income taxes over both internal and external trade. It redistributes the proceeds from these taxes to the socialist states, who are coerced to modify their laws in compliance with federal dictates in order to get their fair share of this stolen “loot”.
6	Separation between branches of government: Executive, Legislative, Judicial	Three branches of government are entirely independent and not controlled by other branches.	Judges are “employees” of the executive branch and have a conflict of interest because they are beholden to IRS extortion. Executive controls the illegal tax collection activities of the IRS

			and dictates to other branches it's tax policy through illegal IRS extortion. Using the IRS, Executive becomes the "Gestapo" that controls everything and everyone. Congress and the courts refuse to reform this extortion because they benefit most financially by it.
7	Separation of Commerce and State	Federal government regulates only foreign commerce of corporations. States regulate all internal commerce. Private individuals have complete privacy and are not regulated because they don't have Socialist Security Numbers and are not monitored by the IRS Gestapo. Banks are independent and do not have to participate in a national banking system so they don't coerce their depositors to bet government-issued numbers nor do they snoop/spy on their depositors as an agent of the IRS Gestapo. Private employers are not regulated or monitored by federal Gestapo and their contracts with their employees are private and sacred.	All credit issued by a central, private Federal Reserve consortium. Federal Reserve rules coerce private banks to illegally enforce federal laws in states of the Union that only apply in the federal zone. Namely, they force depositors to have Socialist Security Numbers and they report all currency transactions over \$3,000 to the Dept of the Treasury (CTRs). "Spying" on financial affairs citizens by government makes citizens afraid of IRS and government and coerces them to illegally pay income taxes by government. Employers are coerced to enslave their employees to IRS through wage reporting and withholding, often against the will of employees.
8	Separation of Media and State	Press was free to report as they saw fit under the First Amendment. Most newspapers were small-town newspapers and were private and independent.	Television, radio, the internet, and corporations have taken over the media and concentrated control of it in the hands of a very few huge and "privileged" corporations that are in bed with the federal and state governments. Media is no longer independent, and broadcasters don't dare cross the government for fear of either losing their FCC license, being subjected to an IRS audit, or having their government sponsorship revoked.
9	Separation of Family and State	Families were completely separate from the state. Private individuals were not subject to direct taxation or regulation by either state or federal government. No Socialist Security Numbers and no government surveillance of private commerce by individuals. Women stayed home and out of the workforce. Men dominated the political and commercial landscape and also defended their family from encroachments by government. Children were home-schooled and worked on the farm. They inherited the republican	Using income taxes, mom was removed from the home to enter the workforce so she could replace the income stolen from dad by the IRS through illegal enforcement of the tax laws. Conflict over money breaks families down and divorce rate reaches epidemic proportions. Children are neglected by their

		values of their parents. Morality was taught by the churches and there was an emphasis on personal responsibility, modesty, manners, respect, and humility.	parents because parents both have to work full-time and duke it out with each other in divorce court. Majority of children raised in single parent homes. Television and a liberal media dominates and distorts the thoughts and minds of the children. Public schools filled with homosexuals and liberals, many of whom have no children of their own, teach our children to be selfish, rebellious, sexually promiscuous, homosexual drug-abusers. Pornography invades the home through the internet, cable-TV, and video rentals, creating a negative fixation on sex. Television interferes with family communication so that children are alienated from their parents so that they do not inherit good morals or respect for authority from their parents.. Crime rate and prison population reaches unprecedented levels. Citizens therefore lose their ability to govern themselves and the legal field and government come in and take over their lives.
10	Separation of Charity and State	Churches and families were responsible for charity. When a person was old or became unemployed, members of the church or family would take them. Personal responsibility and morality within churches and families would encourage them to improve their lives.	Monolithic, huge, and terribly inefficient government bureaucracies replace families and churches as the major source of charity. These bureaucracies have no idea what personal responsibility is and are not allowed to talk about morality because they are not allowed to talk about God. Generations of people grow up under this welfare umbrella without ever having to take responsibility for themselves, and these people abuse their voting power to perpetuate it. Supremacy of families and churches is eliminated and government becomes the new “god” for everyone to worship. See Jeremiah 2:26-28.
11	Separation of Public and Private Property	All property is presumed to be absolutely owned, private, and not subject to state or public or government control. This is the foundation of the Fifth Amendment protection for private property. See: <a href="#">Separation Between Public and Private Course, Form #12.025.</a>	Corrupt and covetous public servants implement socialism, where all property is presumed to be absolutely owned by the government, and everyone is a BORROWER of said property

			with conditions. Those conditions are called "franchises", and government can regulate and control ANYONE and ANYTHING it wants. See <a href="#">Government Instituted Slavery Using Franchises, form #05.030.</a>
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1 If you would like to know all the characteristics of the de facto government we live under and see proof that it is de facto,  
2 see:

- 3 1. [Government Corruption](#), Form #11.401 (OFFSITE LINK) -SEDM  
4 <http://sedm.org/GovCorruption/GovCorruption.htm>
- 5 2. [Government Corruption: Causes and Remedies](#), Form #11.026 (OFFSITE LINK) – SEDM  
6 <http://sedm.org/GovCorruption/GovCorruption.pdf>
- 7 3. [De Facto Government Scam](#), Form #05.043 (OFFSITE LINK)-Proves that we don't have a real, de jure government,  
8 and explains all the ways this de facto government illegally expands and protects its own criminal extortion enterprise  
9 and protection racket.  
10 <http://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

11 **2.5 How De Jure Governments are Transformed into Corrupt De Facto Governments**<sup>10</sup>

12 *“Governments never do anything by accident; if government does something you can bet it was carefully*  
13 *planned.”*  
14 *[Franklin D. Roosevelt, President of the United States]*

15 Franchises and/or their abuse are the main method by which:

- 16 1. De jure governments are transformed into corrupted de facto governments.
- 17 2. The requirement for consent of the governed is systematically eliminated.
- 18 3. The equal protection that is the foundation of the Constitution is replaced with inequality, privilege, hypocrisy, and  
19 partiality in which the government is a *parens patriae* and possesses an unconstitutional “title of nobility” in relation to  
20 those it is supposed to be serving and protecting.
- 21 4. The separation of powers between the states and federal government is eliminated.
- 22 5. The separation between what is “public” and what is “private” is destroyed. Everything becomes PUBLIC and is owned  
23 by the “collective”. There is no private property and what you think is ABSOLUTE ownership of PRIVATE property  
24 is really just equitable title and QUALIFIED ownership of PUBLIC property.
- 25 6. Constitutional rights attaching to the land you stand on are replaced with statutory privileges created through your right  
26 to contract and your “status” under a franchise agreement.

27 *“You shall [make no covenant \[contract or franchise\] with them](#) [foreigners, pagans], nor with their [pagan*  
28 *government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs [by](#)*  
29 *[becoming a “resident” or domiciliary in the process of contracting with them](#)], lest they make you sin against Me*  
30 *[God]. For if you serve their [government] gods [under [contract or agreement or franchise](#)], it will surely be a*  
31 *snare to you.”*  
32 *[Exodus 23:32-33, Bible, NKJV]*

- 33 7. Your legal identity is “laundered”, and kidnapped or transported to a foreign jurisdiction, the District of Criminals, and  
34 which is not protected by the Constitution. This is usually done by compulsion or duress, as in the case of compelled  
35 licensing.

36 *“For the upright will dwell in the land,*  
37 *And the blameless will remain in it;*  
38 ***But the wicked will be cut off from the earth,***  
39 ***And the unfaithful will be uprooted from it.”***

<sup>10</sup> Adapted from: [Government Instituted Slavery Using Franchises](#), Form #05.030, Section 14;  
<http://sedm.org/Forms/FormIndex.htm>.

8. The protections of the Constitution for your rights are eliminated.
9. Rights are transformed into privileges.
10. Republics based on individual rights are transformed into socialist democracies based on collective rights and individual privileges.
11. The status of “citizen, resident, or inhabitant” is devolved into nothing but an “employee” or “officer” of a corporation.
12. Constitutional courts are transformed into franchise courts.
13. Conflicts of interest are introduced into the legal and court systems that perpetuate a further expansion of the de facto system.
14. Socialism is introduced into a republican form of government.
15. The sovereignty of people in the states of the Union is destroyed.

The gravely injurious effects of participating in government franchises include the following.

1. Those who participate become domiciliaries of the federal zone, “U.S. persons”, and “resident aliens” in respect to the federal government.
2. Those who participate become “trustees” of the “public trust” and “public officers” of the federal government and suffer great legal disability as a consequence:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 11 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. 12 That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. 13 and owes a fiduciary duty to the public. 14 It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 15 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.16”*  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

3. Those who participate are stripped of ALL of their constitutional rights and waive their Constitutional right not to be subjected to penalties and other “bills of attainder” administered by the Executive Branch without court trials. They then must experience the degrading treatment of filling the role of a federal “public employee” subject to the supervision of their servants in the government.

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v.*

<sup>11</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>12</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>13</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>14</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa), 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>15</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>16</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 Broderick, [497 U.S. 62, 95] [392 U.S. 273, 277](#) -278 (1968). With regard to freedom of speech in particular:  
2 Private citizens cannot be punished for speech of merely private concern, but government employees can be fired  
3 for that reason. *Connick v. Myers*, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished for partisan  
4 political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
5 *Workers v. Mitchell*, [330 U.S. 75, 101](#) (1947); *Civil Service Comm'n v. Letter Carriers*, [413 U.S. 548, 556](#) (1973);  
6 *Broadrick v. Oklahoma*, [413 U.S. 601, 616](#) -617 (1973)."  
7 [*Rutan v. Republican Party of Illinois*, [497 U.S. 62](#) (1990)]

- 8 4. Those who participate may lawfully be deprived of equal protection of the law, which is the foundation of the U.S.  
9 Constitution. This deprivation of equal protection can lawfully become a provision of the franchise agreement.  
10 5. Those who participate can lawfully be deprived of remedy for abuses in federal courts.

11 **"These general rules are well settled: (1) That the United States, when it creates rights in individuals against**  
12 **itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the**  
13 **transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v.***  
14 ***Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United***  
15 ***States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys***  
16 ***v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy,**  
17 **that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct.**  
18 ***398*, 59 L.Ed. 520, Ann.Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet***  
19 ***v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29,**  
20 ***35*, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood**  
21 **alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where**  
22 **the decision of the special tribunal involved no disputed question of fact and the denial of compensation was**  
23 **rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503,**  
24 ***43* L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226**  
25 ***U.S.* 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin (No. 200)*, 249 U.S. 440, 39 Sup.Ct. 340, 63**  
26 ***L.Ed.* 696, decided April 14, 1919.**  
27 [*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919) ]

- 28 6. Those who participate can be directed which federal courts they may litigate in and can lawfully be deprived of a  
29 Constitutional Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV  
30 legislative or administrative tribunal within the Legislative rather than Judicial branch of the government.

31 *Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights,*  
32 *such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights*  
33 *created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us*  
34 *to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected*  
35 *in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or*  
36 *aggrandizement" by Congress at the expense of the other branches of government. [Buckley v. Valeo](#), 424 U.S.,*  
37 *at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a "privilege" in this case, such as a "trade*  
38 *or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of*  
39 *proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before*  
40 *particularized tribunals created to perform the specialized adjudicative tasks related to that right.FN35 Such*  
41 *provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to*  
42 *define the right that it has created. No comparable justification exists, however, when the right being adjudicated*  
43 *is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally*  
44 *been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to*  
45 *define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial*  
46 *power of the United States, which our Constitution reserves for Art. III courts.*  
47 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

48 Since the founding of our country, franchises have systematically been employed in every area of government to transform a  
49 government based on equal protection into a for-profit private corporation based on privilege, partiality, and favoritism. The  
50 effects of this form of corruption are exhaustively described in the following memorandum of law on our website:

[Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

51 What are the mechanisms by which this corruption has been implemented by the Executive Branch? This section will detail  
52 the main mechanisms to sensitize you to how to fix the problem and will relate how it was implemented by exploiting the  
53 separation of powers doctrine.

54 The foundation of the separation of powers is the notion that the powers delegated to one branch of government by the  
55 Constitution cannot be re-delegated to another branch.

1                   “. . . a power definitely assigned by the Constitution to one department can neither be surrendered nor delegated  
2                   by that department, nor vested by statute in another department or agency. Compare *Springer v. Philippine*  
3                   *Islands*, 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845.”  
4                   [*Williams v. U.S.*, 289 U.S. 553, 53 S.Ct. 751 (1933)]

5 Keenly aware of the above limitation, lawmakers over the years have used it to their advantage in creating a tax system that  
6 is exempt from any kind of judicial interference and which completely destroys all separation of powers. Below is a summary  
7 of the mechanism, in the exact sequence it was executed at the federal level:

- 8 1. Create a franchise based upon a “public office” in the Executive Branch. This:
  - 9 1.1. Allows statutes passed by Congress to be directly enforced against those who participate.
  - 10 1.2. Eliminates the need for publication in the Federal Register of enforcement implementing regulations for the statutes.  
11 See [5 U.S.C. §553](#)(a) and [44 U.S.C. §1505](#)(a)(1).
  - 12 1.3. Causes those engaged in the franchise to act in a representative capacity as “public officers” of the United States  
13 government pursuant to Federal Rule of Civil Procedure 17(b), which is defined in [28 U.S.C. §3002](#)(15)(A) as a  
14 federal corporation.
  - 15 1.4. Causes all those engaged in the franchise to become “officers of a corporation”, which is the “United States”,  
16 pursuant to [26 U.S.C. §6671](#)(b) and [26 U.S.C. §7343](#).
- 17 2. Give the franchise a deceptive “word of art” name that will deceive everyone into believing that they are engaged in it.
  - 18 2.1. The franchise is called a “trade or business” and is defined in [26 U.S.C. §7701](#)(a)(26) as “the functions of a public  
19 office”. How many people know this and do they teach this in the public (government) schools or the IRS  
20 publications? NOT!
  - 21 2.2. Earnings connected with the franchise are called “effectively connected with a trade or business in the United  
22 States”. The term “United States” deceptively means the GOVERNMENT, and not the geographical United States.
- 23 3. In the franchise agreement, define the effective domicile or choice of law of all those who participate as being on federal  
24 territory within the exclusive jurisdiction of the United States. [26 U.S.C. §7408](#)(d) and [26 U.S.C. §7701](#)(a)(39) place  
25 the effective domicile of all “franchisees” called “taxpayers” within the District of Columbia. If the feds really had  
26 jurisdiction within states of the Union, do you think they would need this devious device to “kidnap your legal identity”  
27 or “res” and move it to a foreign jurisdiction where you don’t physically live?
- 28 4. Place an excise tax upon the franchise proportional to the income earned from the franchise. In the case of the Internal  
29 Revenue Code, all such income is described as income which is “effectively connected with a trade or business within  
30 the United States”.

31                   *“Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon*  
32                   *licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes*  
33                   *involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand*  
34                   *is lacking...*

35                   *...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right*  
36                   *to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure*  
37                   *of taxation is found in the income produced in part from property which of itself considered is nontaxable...*

38                   *Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured*  
39                   *by some standard..."*  
40                   [*Flint v. Stone Tracy Co.*, 220 U.S. 107 (1911)]

- 41 5. Mandate that those engaged in the franchise must have usually false evidence submitted by ignorant third parties that  
42 connects them to the franchise. IRS information returns, including IRS Forms W-2, 1042-S, 1098, and 1099, are the  
43 mechanism. [26 U.S.C. §6041](#) says that these information returns may ONLY be filed in connection with a “trade or  
44 business”, which is a code word for the name of the franchise.
- 45 6. Write statutes prohibiting interference by the courts with the collection of “taxes” (kickbacks) associated with the  
46 franchise based on the idea that courts in the Judicial Branch may not interfere with the internal affairs of another branch  
47 such as the Executive Branch. Hence, the “INTERNAL Revenue Service”. This will protect the franchise from  
48 interference by other branches of the government and ensure that it relentlessly expands.
  - 49 6.1. The Anti-Injunction Act, [26 U.S.C. §7421](#) is an example of an act that enjoins judicial interference with tax  
50 collection or assessment.
  - 51 6.2. The Declaratory Judgments Act, [28 U.S.C. §2201](#)(a) prohibits federal courts from pronouncing the rights or status  
52 of persons in regard to federal “taxes”. This has the effect of gagging the courts from telling the truth about the  
53 nature of the federal income tax.

6.3. The word “internal” means INTERNAL to the Executive Branch and the United States government, not INTERNAL to the geographical United States of America.

7. Create administrative “franchise” courts in the Executive Branch which administer the program pursuant to Articles I and IV of the United States Constitution.

7.1. The U.S. Supreme Court calls such courts “The Fourth Branch of Government”, as indicated in:

*Government Instituted Slavery Using Franchises*, Form #05.030, Section 18  
<http://sedm.org/Forms/FormIndex.htm>

7.2. U.S. Tax Court. [26 U.S.C. §7441](#) identifies the U.S. Tax Court as an Article I court.

7.3. U.S. District Courts. There is no statute establishing any United States District Court as an Article III court. Consequently, even if the judges are Article III judges, they are not filling an Article III office and instead are filling an Article IV office. Consequently, they are Article IV judges. All of these courts were turned into franchise courts in the Judicial Code of 1911 by being renamed from the “District Court of the United States” to the “United States District Court”.

For details on the above scam, see:

*What Happened to Justice?*, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

8. Create other attractive federal franchises that piggyback in their agreements a requirement to participate in the franchise.  
For instance:

8.1. The original Social Security Act of 1935 contains a provision that those who sign up for this program, also simultaneously become subject to the Internal Revenue Code.

*Section 8 of the Social Security Act*  
*INCOME TAX ON EMPLOYEES*

*SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:*

- (1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.*
- (2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall 1 1/2 per centum.*
- (3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.*
- (4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 1/2 per centum.*
- (5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.*

8.2. Most state vehicle codes have “residence” in the state as a prerequisite to signing up for a driver’s license and they also mandate supplying a Social Security Number to get a license. Hence, by signing up for a driver’s license, you are signing up for the following THREE franchises:

8.2.1. The Vehicle code franchise.

8.2.2. The domicile “civil protection franchise” tied to those who are “residents”. This is what makes the applicant a “taxpayer” in the state’s income tax codes. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

8.2.3. The Social Security Franchise. See:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

9. Offer an opportunity for private citizens not domiciled within the jurisdiction of Congress to “volunteer” by license or private agreement to participate in the franchise and thereby become “public officers” within the Legislative Branch. The IRS Form W-4 and Social Security SS-5 form are an example of such a contract.

9.1. Call these volunteers “taxpayers”.

9.2. Call EVERYONE “taxpayers” so everyone believes that the franchise is MANDATORY.

9.3. Do not even acknowledge the existence of those who do not participate in the franchise. These people are called “nontaxpayers” and they are not mentioned in any IRS publication, even though the following recognize their existence:

9.3.1. The U.S. Supreme Court in *South Carolina v. Regan*, [465 U.S. 367](#) (1984).

9.3.2. *26 U.S.C. §7426*, which refers to them as “persons other than taxpayers”.

9.4. Make the process of signing the agreement invisible by calling it a “Withholding Allowance Certificate” instead of what it really is, which is a “license” to become a “taxpayer” and call all of your earnings “wages” and “gross income”.

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

**Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3.

Title 26: Internal Revenue

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Subpart E—Collection of Income Tax at Source

§31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

10. Create a commissioner to service the franchise who:

10.1. Becomes the “fall guy”, who then establishes a “bureau” without the authority of any law and which is a private corporation that is not part of the U.S. government.

53 Stat. 489

Revenue Act of 1939, 53 Stat. 489

Chapter 43: Internal Revenue Agents

Section 4000 Appointment

*The Commissioner may, whenever in his judgment the necessities of the service so require, employ **competent agents**, who shall be known and designated as internal revenue agents, and, except as provided for in this title, **no general or special agent or inspector of the Treasury Department** in connection with internal revenue, by whatever designation he may be known, **shall be appointed, commissioned, or employed.***

10.2. Creates and manages a PRIVATE company that is not part of the government. The IRS, in fact, is NOT part of the U.S. government and has no legal authority to exist, and therefore can service only those INTERNAL to the government. All agencies that interact DIRECTLY with the PRIVATE public must be authorized by Congress. Hence, “INTERNAL Revenue Service”. See:

Origins and Authority of the Internal Revenue Service, Form #05.005  
<http://sedm.org/Forms/FormIndex.htm>

The above means that everyone who works for the Internal Revenue Service is private contractor not appointed, commissioned, or employed by anyone in the government. They operation on commission and their pay derives from the amount of plunder they steal. See also:

Department of Justice Admits under Penalty of Perjury that the IRS is Not an Agency of the Federal Government, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

11. Create an environment that encourages omission in enforcing justice, irresponsibility, lies, and dishonesty within the bureau that administers the franchise.

11.1. Indemnify these private contractors from liability by giving them “pseudonyms” so that they can disguise their identity and be indemnified from liability for their criminal acts. The IRS Restructuring and Reform Act, Pub.Law 105-206, Title III, Section 3706, 112 Stat. 778 and Internal Revenue Manual (I.R.M.), Section 1.2.4 both authorize these pseudonyms.

11.2. Place a disclaimer on the website of this private THIEF contractor indemnifying them from liability for the truthfulness or accuracy of any of their statements or publications. See Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8.

1 *"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their*  
2 *advisors... While a good source of general information, publications should not be cited to sustain a position."*  
3 *[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]*

4 11.3. Allow employees of the agency to operate without either identifying their full legal birthname but rather a  
5 pseudonym. IRS employees DO NOT use their real name so they can act essentially as anonymous, masked,  
6 international terrorists (the states are nations under the law of nations) sanctioned by law. See:

*Notice of Pseudonym Use and Unreliable Tax Records*, Form #04.206  
<http://sedm.org/Forms/FormIndex.htm>

7 11.4. Omit the most important key facts and information from publications of the franchise administrator that would  
8 expose the proper application of the "tax" and the proper audience. See the following, which is over 2000 pages  
9 of information that are conveniently "omitted" from the IRS website about the proper application of the franchise  
10 and its nature as a "franchise":

*Great IRS Hoax*, Form #11.302  
<http://sedm.org/Forms/FormIndex.htm>

11 11.5. Establish precedent in federal courts that you can't trust anything that anyone in the government tells you, and  
12 especially those who administer the franchise. See:

<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

13 12. Use the lies and deceptions created in the previous step to promote several false perceptions in the public at large that  
14 will expand the market for the franchise. These include:

15 12.1. That the franchise is NOT a franchise, but a mandatory requirement that applies to ALL. In fact it can and does  
16 apply ONLY to statutory "taxpayers" and you have to VOLUNTEER to become a statutory "taxpayer" before it  
17 can have the "force of law" in your case.

18 12.2. That participation is mandatory for ALL, instead of only for franchisees called "taxpayers".

19 12.3. That the IRS is an "agency" of the United States government that has authority to interact directly with the public  
20 at large. In fact, it is a "bureau" that can ONLY lawfully service the needs of other federal agencies within the  
21 Executive Branch and which may NOT interface directly with the public at large.

22 12.4. That the statutes implementing the franchise are "public law" that applies to everyone, instead of "private law" that  
23 only applies to those who individually consent to participate in the franchise.

24 13. Create a system to service those who prepare tax returns for others whereby those who accept being "licensed" and  
25 regulated get special favors. This system created by the IRS essentially punishes those who do not participate by  
26 deliberately giving them horrible service and making them suffer inconvenience and waiting long in line if they don't  
27 accept the "privilege" of being certified. Once they are certified, if they begin telling people the truth about what the law  
28 says and encourage following the law by refusing to volunteer, their credentials are pulled. This sort of censorship is  
29 accomplished through:

30 13.1. IRS Enrolled Agent Program.

31 13.2. Certified Public Accountant (CPA) licensing.

32 13.3. Treasury Circular 230.

33 14. Engage in a pattern of "selective enforcement" and propaganda to broaden and expand the scam. For instance:

34 14.1. Refuse to answer simple questions about the proper application of the franchise and the taxes associated with it.  
35 See:

*If the IRS Were Selling Used Cars*, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/FalseRhetoric/IRSSellingCars.htm>

36 14.2. Prosecute those who submit false TAX returns, but not those who submit false INFORMATION returns. This  
37 causes the audience of "taxpayers" to expand because false reports are connecting innocent third parties to  
38 franchises that they are not in fact engaged in.

39 14.3. Use confusion over the rules of statutory construction and the word "includes" to fool people into believing that  
40 those who are "included" in the franchise are not spelled out in the law in their entirety. This leaves undue discretion  
41 in the hands of IRS employees to compel ignorant "nontaxpayers" to become franchisees. See the following:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

42 14.4. Refuse to define the words used on government forms, use terms that are not defined in the code such as "U.S.  
43 citizen", and try to confuse "words of art" found in the law with common terms in order to use the presumptuous  
44 behavior of the average American to expand the misperception that everyone has a legal DUTY to become a  
45 "franchisee" and a "taxpayer".

46 14.5. Refuse to accept corrected information returns that might protect innocent "nontaxpayers" so that they are inducted  
47 involuntarily into the franchise as well.  
48

1 The above process is WICKED in the most extreme way. It describes EXACTLY how our public servants have made  
2 themselves into our masters and systematically replaced every one of our rights with “privileges” and franchises. The  
3 Constitutional prohibition against this sort of corruption is described as follows by the courts:

4 *“It would be a palpable incongruity to strike down an act of state legislation which, by words of express*  
5 *divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by*  
6 *which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable*  
7 *privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as*  
8 *a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees*  
9 *fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may*  
10 *not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the*  
11 *surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all.*  
12 *It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated*  
13 *out of existence.”*  
14 *[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

15 *“A right common in every citizen such as the right to own property or to engage in business of a character not*  
16 *requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and then*  
17 *permitting its enjoyment upon the payment of a certain sum of money.”*  
18 *[Stevens v. State, 2 Ark. 291, 35 Am.Dec. 72; Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21*  
19 *L.R.A. 416. Note 57 L.R.A. 416]*

20 *“The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an*  
21 *artificial entity which owes its existence and charter power to the State, but the individual's right to live and own*  
22 *property are natural rights for the enjoyment of which an excise cannot be imposed.”*  
23 *[Redfield v. Fisher, 292 Oregon 814, 817]*

24 *“Legislature...cannot name something to be a taxable privilege unless it is first a privilege.” [Taxation West Key*  
25 *43]...“The Right to receive income or earnings is a right belonging to every person and realization and receipt*  
26 *of income is therefore not a ‘privilege’, that can be taxed.”*  
27 *[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.*

28 Through the above process of corruption, the separation of powers is completely destroyed and nearly every American has  
29 essentially been “assimilated” into the Executive Branch of the government, leaving the Constitutional Republic bequeathed  
30 to us by our founding fathers vacant and abandoned. Nearly every service that we expect from government has been  
31 systematically converted over the years into a franchise using the techniques described above. The political and legal changes  
32 resulting from the above have been tabulated to show the “BEFORE” and the “AFTER” so their extremely harmful effects  
33 become crystal clear in your mind. This process of corruption, by the way, is not unique to the United States, but is found in  
34 every major industrialized country on Earth.  
35

1 **Table 1: Effect of turning government service into a franchise**

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
1	Purpose of government	Protection	Provide “social services” and “social insurance” to government “employees” and officers
2	Nature of government	Public trust Charitable trust	For-profit private corporation (see <a href="#">28 U.S.C. §3002(15)(A)</a> )
3	Citizens	The Sovereigns “nationals” but not “citizens” pursuant to <a href="#">8 U.S.C. §1101(a)(21)</a> and <a href="#">1452</a>	1. “Employees” or “officers” of the government 2. “Trustees” of the “public trust” 3. “customers” of the corporation 4. Statutory “U.S. citizens” pursuant to <a href="#">8 U.S.C. §1401</a>
4	Effective domicile of citizens	Sovereign state of the Union	Federal territory and the District of Columbia
5	Ownership of real property is	Legal	Equitable. The government owns the land, and you rent it from them using property taxes.
6	Type of property ownership	Absolute and allodial	Qualified (shared with government). Owned by the public office and managed by the person volunteering into the office.
7	Meaning of word “rights”	Constitutional rights	Statutory privileges under a civil franchise. Constitutional rights don’t exist and are irrelevant.
8	Purpose of tax system	Fund “protection”	1. Socialism. 2. Political favors. 3. Wealth redistribution 4. Consolidation of power and control (corporate fascism) 5. Bribe PRIVATE people to join the franchise and become public officers collecting “benefits”
9	Equal protection	Mandatory	Optional
10	Nature of courts	Constitutional Article III courts in the Judicial Branch	Administrative or “franchise” courts within the Executive Branch
11	Branches within the government	Executive Legislative Judicial	Executive Legislative (Judiciary merged with Executive. See Judicial Code of 1911)
12	Purpose of legal profession	Protect individual rights	1. Protect collective (government) rights. 2. Protect and expand the government monopoly. 3. Discourage reforms by making litigation so expensive that it is beyond the reach of the average citizen. 4. Persecute dissent.
13	Lawyers are	Unlicensed	Privileged and licensed and therefore subject to control and censorship by the government.

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
14	Votes in elections cast by	“Electors”	“Franchisees” called “registered voters” who are surety for bond measures on the ballot. That means they are subject to a “poll tax”.
15	Driving is	A common right	A licensed “privilege”
16	Marriage is	A common right	A licensed “privilege”
17	Purpose of the military	Protect the sovereign citizens No draft within states of the Union is lawful. See Federalist Paper #15	1. Expand the corporate monopoly internationally 2. Protect public servants from the angry populace who want to end the tyranny.
18	Money is	1. Based on gold and silver. 2. Issued pursuant to Article 1, Section 8. Clause 5.	1. A corporate bond or obligation borrowed from the Federal Reserve at interest. 2. Issued pursuant to Article 1, Section 8. Clause 2.
19	Purpose of sex	Procreation	Recreation
20	Responsibility	The individual sovereign is responsible for all his actions and choices.	The collective “social insurance company” is responsible. Personal responsibility is outlawed.
21	Meaning of “State”, “this State”	“Body politic” and NOT “body corporate”	“Body corporate” and NOT “body politic”. There is no body politic and everyone is presumed to be part of the body corporate as a public officer.
22	Meaning of “in this State” or “in the State” in statutes	PHYSICALLY PRESENT within the geographic limits of the territory composing the state.	LEGALLY and NOT PHYSICALLY present within the corporation as a “person” and therefore “public officer” of the corporation.
23	Real party in interest in criminal actions filed by the state	Specific human being injured who is within the body politic	Private CORPORATION called “State of”. Most actions are “penal” or “quasi criminal” rather than “criminal” in a classical sense. Such penal actions can only be associated with franchisees under a civil franchise.

1 If you would like to know more about the subjects discussed in this section, please refer to the following free memorandums  
2 of law on our website focused exclusively on this subject:

- 3 1. *Corporatization and Privatization of the Government*, Form #05.024  
4 <http://sedm.org/Forms/FormIndex.htm>  
5 2. *Government Instituted Slavery Using Franchises*, Form #05.030  
6 <http://sedm.org/Forms/FormIndex.htm>

7 **3. Identity Theft Basics**

8 **3.1 Bible prohibits identity theft by MEN and the slavery and exploitation it produces**

9 Government identity theft relies on the abuse of franchises to enslave people. All such franchises, in turn, are based on the  
10 lending of specific government property to its victims. As we know from the Bible, all such lending of property is the main  
11 method of creating SLAVERY:

12 *“The rich rules over the poor,*  
13 *And **the borrower is servant to the lender.**”*  
14 *[Prov. 22:7, Bible, NKJV]*

1 Government identity theft is immoral and sinister because it exploits the needs and weaknesses of people to enslave, abuse,  
2 and steal from them. For a video on how this process works, see:

[How the World Works](https://sedm.org/liberty-university-2-6-how-the-world-works/), John Perkins  
<https://sedm.org/liberty-university-2-6-how-the-world-works/>

3 Government franchises accomplish the slavery and even legalize it by finding things that people absolutely need and can't  
4 do without, creating only one entity (a state-sanctioned monopoly) to provide it, and then lending it to them with usurious  
5 conditions. Examples of such exploitation are found throughout the Bible:

6 1. The story of the famine in Egypt found in the book of Genesis. It was this sort of oppression that Moses was  
7 commissioned to end by taking the Israelites out of Egypt.

8 *"When that year had ended, they came to him the next year and said to him, "We will not hide from my lord  
9 that our money is gone; my lord also has our herds of livestock. There is nothing left in the sight of my lord  
10 but our bodies and our lands. Why should we die before your eyes, both we and our land? Buy us and our land  
11 for bread, and we and our land will be servants of Pharaoh; give us seed, that we may live and not die, that the  
12 land may not be desolate."*  
13 *[Gen. 47:18-22, Bible, NKJV]*

14 2. The usury described in the book of Nehemiah. Like Moses, Nehemiah was commissioned by God to free the Jews  
15 from this sort of usury.

16 *And there was a great outcry of the [socialist] people and their wives [at the voting booths and in the jury boxes]  
17 against their Jewish brethren [who were building the wall].*

18 *For there were those who said, " We, our sons, and our daughters are many; therefore let us get grain [through  
19 government usury by unjust taxation], that we may eat and live."*

20 *There were also some who said, "We have mortgaged our lands and vineyards and houses, that we might buy  
21 grain because of the famine."*

22 *There were also those who said, "We have borrowed money for the king's tax on our lands and vineyards. Yet  
23 now our flesh is as the flesh of our brethren, our children as their children; and indeed we are forcing our  
24 sons and our daughters to be slaves [to the king and his taxes and the bankers], and some of our daughters  
25 have been brought into slavery. It is not in our power to redeem them, for other men have our lands and  
26 vineyards."*  
27 *[Neh. 5:1-5, Bible, NKJV]*

28 3. The scene in the temple in which money changers were committing usury in the temple, causing Jesus to get extremely  
29 angry and flip the tables over. See Matt. 21.

30 There are lots of terms that could be and often are used to describe government identity theft:

- 31 1. Usury.
- 32 2. Exploitation.
- 33 3. Theft.
- 34 4. Slavery.
- 35 5. Corruption.

36 The Bible forbids all such forms of usury, abuse, and exploitation with the following scripture:

#### 37 *Lending to the Poor*

38 **"If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help  
39 him, like a stranger or a sojourner, that he may live with you. Take no usury or interest from him; but fear  
40 your God, that your brother may live with you. You shall not lend him your money for usury, nor lend him  
41 your food at a profit. I am the Lord your God, who brought you out of the land of Egypt, to give you the land of  
42 Canaan and to be your God. 'And if one of your brethren who dwells by you becomes poor, and sells himself  
43 to you, you shall not compel him to serve as a slave. As a hired servant and a sojourner he shall be with you,  
44 and shall serve you until the Year of Jubilee. And then he shall depart from you—he and his children with him—  
45 and shall return to his own family. He shall return to the possession of his fathers. For they are My servants,**

1 **whom I brought out of the land of Egypt; they shall not be sold as slaves.** *You shall not rule over him with*  
2 *rigor, but you shall fear your God."*  
3 *[Lev. 25:35-43, Bible, NKJV]*

4 The Bible also forbids those who are OFFERED such usury to consent to it or any franchise that implements it:

5 *"I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and*  
6 *I said, 'I will never break My covenant with you. And **you shall make no covenant [contract or franchise or***  
7 ***agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their***  
8 ***[man/government worshipping socialist] altars.'** But you have not obeyed Me. Why have you done this?"*

9 *"Therefore I also said, **I will not drive them out before you; but they will become as thorns [terrorists and***  
10 ***persecutors] in your side and their gods will be a snare [slavery!] to you.'"***

11 *So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up*  
12 *their voices and wept.*  
13 *[Judges 2:1-4, Bible, NKJV]*

14  
15 ***"You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan***  
16 ***government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by***  
17 ***becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me***  
18 ***[God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a***  
19 ***snare to you."***  
20 *[Exodus 23:32-33, Bible, NKJV]*

### 21 **3.2 Definition**

22 For the purposes of this document, we define "identity theft" as all the following:

- 23 1. The conversion of PRIVATE property to PUBLIC property without the EXPRESS, written consent of the owner. By  
24 "property", we mean anything that can be exclusively owned by a PRIVATE human being.
- 25 2. Accomplishing the theft or conversion by involuntarily changing the civil status of the party. This is done by:  
26 2.1. Changing the domicile of the party to a foreign jurisdiction OR. .  
27 2.2. Adding a franchise status to their identity without their consent.  
28 Civil status includes domicile, franchise statuses such as "citizen", "resident", "taxpayer", "driver", etc.

29 Item 2 above is referred to as a "usufruct":

30 **USUFRUCT.** *In the civil law. The right of enjoying a thing, the property of which is vested in another, and to*  
31 *draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering*  
32 *the substance of the thing. Civ.Code La. art. 533. Mulford v. Le Franc, 26 Cal. 102; Modern Music Shop v.*  
33 *Concordia Fire Ins. Co. of Milwaukee, 131 Misc. 305, 226 N.Y.S. 630, 635.*

34 **Under Greek Law.** *A right attached to the person which may not be inherited. New England Trust Co. v. Wood,*  
35 *Mass., 93 N.E.2d. 547, 549.*

#### 36 ***Imperfect Usufruct***

37 *An imperfect or quasi usufruct is that which is if things which would be useless to the usufrucary if he did not*  
38 *consume or expend them or change the substance of them; as, money, grain, liquors. Civ.Code La. art. 534.*

39 *See Quasi Usufruct infra.*

#### 40 ***Legal Usufruct***

41 *See that title.*

#### 42 ***Perfect Usufruct***

43 *An usufruct in those things which the usufructuary can enjoy without changing their substance, though their*  
44 *substance may be diminished or deteriorate naturally by time or by the use to which they are applied, as, a house,*  
45 *a piece of land, furniture, and other movable effects. Civ.Code La. art. 534.*

## Quasi Usufruct

In the civil law. Originally the usufruct gave no right to the substance of the thing, and consequently none to its consumption; hence only an inconsumable thing could be the object of it, whether movable or immovable. But in later times the right of usufruct was, by analogy, extended to consumable things, and therewith arose the distinction between true and quasi usufructs. See Mackeld. Rom. Law, §307; Civ. Code La. art. 534. See Imperfect Usufruct, *supra*.

[Black's Law Dictionary, Fourth Edition, p. 1713]

For details on “civil status”, see:

1. *Foundations of Freedom Course*, Form #12.021, Video 3: Status, Rights, and Privileges  
SLIDES: <http://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>  
VIDEO: <http://www.youtube.com/watch?v=ymC1GPE0gss>
2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

### 3.3 Result of identity theft: “dissimulation”

Definition of “dissimulation”:

#### ***dissimulation***

noun

Synonyms and Antonyms of DISSIMULATION

1. *the inclination or practice of misleading others through lies or trickery <got whatever she wanted through shameless dissimulation>*

**Synonyms** [artifice](#), [cheating](#), [cozenage](#), [craft](#), [craftiness](#), [crookedness](#), [crookery](#), [cunning](#), [cunningness](#), [deceitfulness](#), [deception](#), [deceptiveness](#), [dishonesty](#), [dissembling](#), [dissimulation](#), [double-dealing](#), [dupery](#), [duplicity](#), [fakery](#), [foxiness](#), [fraud](#), [guile](#), [guilefulness](#), [williness](#)

**Related Words** [equivocation](#), [lying](#), [mendacity](#), [prevarication](#); [chicane](#), [chicanery](#), [fraudulence](#), [hanky-panky](#), [jugglery](#), [legerdemain](#), [mountebankery](#), [obliquity](#), [skulduggery](#) (or [skullduggery](#)), [subterfuge](#), [swindling](#), [trickery](#), [wile](#); [falsehood](#), [falsity](#), [fib](#), [untruth](#); [hypocrisy](#), [insincerity](#), [sanctimoniousness](#), [two-facedness](#); [artfulness](#), [caginess](#) (also [cageyness](#)), [deviousness](#), [shrewdness](#); [teacherousness](#), [underhandedness](#), [unscrupulousness](#); [covertness](#), [furtiveness](#), [secrecy](#), [shadiness](#), [sneakiness](#), [stealthiness](#); [oiliness](#), [shiftiness](#), [slickness](#), [slipperiness](#), [slyness](#), [smoothness](#)

**Near Antonyms** [candidness](#), [candor](#), [directness](#), [frankness](#), [openness](#), [plainness](#), [plainspokenness](#); [honesty](#), [probity](#); [dependability](#), [reliability](#), [reliableness](#), [solidity](#), [trustability](#), [trustiness](#), [trustworthiness](#); [decency](#), [goodness](#), [incorruptibility](#), [integrity](#), [righteousness](#), [truthfulness](#), [uprightness](#), [virtuousness](#)

**Antonyms** [artlessness](#), [forthrightness](#), [good faith](#), [guilelessness](#), [ingenuousness](#), [sincerity](#)

2. *the pretending of having virtues, principles, or beliefs that one in fact does not have <teenagers indulging in dissimulation simply in order to be one of the in crowd>*

**Synonyms** [cant](#), [dissembling](#), [dissimulation](#), [insincerity](#), [piousness](#)

**Related Words** [deceit](#), [deceitfulness](#), [deception](#), [deceptiveness](#), [dishonesty](#), [double-dealing](#), [falsity](#), [perfidy](#), [two-facedness](#); [affectation](#), [affectedness](#), [pretense](#) (or [pretence](#)), [pretension](#), [pretentiousness](#), [sanctimoniousness](#), [self-righteousness](#), [self-satisfaction](#); [duplicity](#), [fakery](#), [falseness](#), [fraudulentness](#), [shamming](#); [artificiality](#), [glibness](#), [oiliness](#), [smoothness](#), [unctuousness](#)

**Near Antonyms** [candor](#), [directness](#), [forthrightness](#), [frankness](#), [honesty](#), [openheartedness](#), [openness](#), [probity](#), [straightforwardness](#), [truthfulness](#); [artlessness](#), [guilelessness](#), [naturalness](#), [unaffectedness](#)

**Antonyms** [genuineness](#), [sincereness](#), [sincerity](#)

[Merriam Webster Online Dictionary: Dissimulation, Downloaded 10/13/2015;

SOURCE: <http://www.merriam-webster.com/thesaurus/dissimulation>]

1 If you want some humorous but true examples of why presumption is evil because it causes us to judge things too quickly  
2 and to believe things which often aren't true, see the following.

- 3 1.  [#1: Hospital](https://sedm.org/liberty-university/liberty-university-2-10-1-hospital/)  
4 <https://sedm.org/liberty-university/liberty-university-2-10-1-hospital/>
- 5 2.  [#2: Airplane](https://sedm.org/liberty-university/liberty-university-2-10-2-airplane/)  
6 <https://sedm.org/liberty-university/liberty-university-2-10-2-airplane/>
- 7 3.  [#3: Home](https://sedm.org/liberty-university/liberty-university-2-10-3-home/)  
8 <https://sedm.org/liberty-university/liberty-university-2-10-3-home/>
- 9 4.  [#4: Dad in Car](https://sedm.org/liberty-university/liberty-university-2-10-4-dad-in-car/)  
10 <https://sedm.org/liberty-university/liberty-university-2-10-4-dad-in-car/>
- 11 5.  [#5: Park](https://sedm.org/liberty-university/liberty-university-2-10-5-park/)  
12 <https://sedm.org/liberty-university/liberty-university-2-10-5-park/>

13 All of the people in the above videos are "[dis simulated](#)", meaning that they have been made to appear like something they  
14 are not. This is the same thing that most human beings are victim of: They are wrongfully made to appear as "[public officer](#)"  
15 and "[taxpayer](#)" franchisees because of the [false and fraudulent information returns](#) filed against them that the Department of  
16 Justice (D.O.J.), because of "selective enforcement" and conflict of interest, refuses to prosecute.

### 17 **3.4 Necessary conditions for identity theft to successfully occur: Legal Ignorance, Unaccountability, and** 18 **Conflict of Interest**

19 Before government identity theft can be institutionalized and widespread, certain pre-conditions must be established and  
20 manufactured in the society. We mention these preconditions because any remedy to eliminate government identity theft  
21 must directly address and/or eliminate these conditions.

#### 22 **3.4.1 Legal Ignorance**

23 Before the general populace can be deceived about their true identity and passively consent to it, they must be made legally  
24 ignorant about the following subjects:

- 25 1. Law.
- 26 2. The Constitution.
- 27 3. The Separation of Powers.
- 28 4. The two contexts for legal "terms": CONSTITUTIONAL and STATUTORY.

29 Ignorance of the above subjects enables, protects, and facilitates the false presumptions and equivocation that are used to  
30 effect the identity theft. For all the ways that false presumptions are abused to violate due process and steal from people, see:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

#### 31 **3.4.2 Unaccountability**

32 Those who effect the identity theft using false information returns, rigged forms, and false presumptions must be protected  
33 from the criminal consequences of their actions. Philip Zimbardo's studies on the psychology of evil revealed that people  
34 will certainly become evil if their evil is protected from accountability. See:

- 35 1. [The Psychology of Evil: The Lucifer Effect in Action](#) (OFFSITE LINK) – Philip Zimbardo. What causes people to  
36 become evil.  
37 [http://www.youtube.com/watch?v=1uCaAGx\\_dPY](http://www.youtube.com/watch?v=1uCaAGx_dPY)
- 38 2. [Lucifer Effect](#) (OFFSITE LINK) – Philip Zimbardo. How good people are transformed to do and think and believe evil  
39 <http://lucifereffect.com/>

- 1 3. Stanford Prison Experiment (OFFSITE LINK) – Philip Zimbardo. Why power corrupts and motivates government  
2 corruption  
3 <http://prisonexp.org/>
- 4 4. Milgram Experiment (OFFSITE LINK) – study that analyzes environmental factors that cause people to become evil.  
5 This study is important for those who want to direct their reforms of government to PREVENT evil.  
6 [http://en.wikipedia.org/wiki/Milgram\\_experiment](http://en.wikipedia.org/wiki/Milgram_experiment)

7 Creating unaccountability and protecting evil is done by the CRIMINAL MISUSE or ABUSE of the following:

- 8 1. Anonymity. IRS Agents do not use their full legal birthname. See:  
9 1.1. IRS Internal Revenue Manual, Section 1.2.4:  
10 <http://www.irs.gov/irm/part1/ch02s06.html>  
11 1.2. IRS Restructuring and Reform Act of 1998, Pub.L. 105-206, Title III, Section 3706, July 22, 1998, 112 Stat. 778:  
12 <http://famguardian.org/Publications/IRSRRRA98/IRSReformAct.pdf>  
13 1.3. Department of Justice Criminal Tax Manual, Section 40.01  
14 <http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.01>
- 15 2. Immunity, including official, judicial, and sovereign immunity. See:  
16 

<i>Sovereignty and Freedom Page, Section 12</i> , Family Guardian Fellowship <a href="http://famguardian.org/Subjects/Freedom/Freedom.htm">http://famguardian.org/Subjects/Freedom/Freedom.htm</a>
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3. Keeping the whereabouts of judges secret. The residence of judges cannot be revealed through legal discovery.

### 17 **3.4.3 Conflict of Interest**

18 In addition to legal ignorance, the judges and lawyers who administer the legal system must be placed in a situation where  
19 they have a conflict of interest and will be rewarded financially for effecting the identity theft. This is done by:

- 20 1. Making judges into “taxpayers” so they can become the target of political persecution by the revenue department if  
21 they properly enforce and protect the civil status of parties.  
22 1.1. This began first with the Revenue Act of 1918, 40 Stat. 1065, Section 213(a) and was declared unconstitutional.  
23 1.2. The second attempt to make judges taxpayers occurred in the Revenue Act of 1932, 47 Stat. 169 and this time it  
24 stuck.  
25 1.3. This conflict of interest is also documented in *Evans v. Gore*, 253 U.S. 245 (1920), *Miles v. Graham*, 268 U.S.  
26 501 (1925), *O’Malley v. Woodrough*, 309 U.S. 277 (1939), and *U.S. v. Hatter*, 532 U.S. 557, 121 S.Ct. 1782,  
27 (2001).
- 28 2. Allowing judges to serve as BOTH franchise judges under Article IV of the Constitution and CONSTITUTIONAL  
29 judges under Article III. When given a choice of the two, they will always pick the Article IV franchise judge status,  
30 because it financially rewards them and unduly elevates their own importance and jurisdiction.
- 31 3. Allowing the revenue collectors to financially reward judges and prosecutors for convicting those who do not consent  
32 to the identity theft. See 26 U.S.C. §7623, Internal Revenue Manual (I.R.M.), Section 25.2.2.

33 We emphasize that it is a CRIME for judges to preside over any case in which they have a conflict of interest, and especially  
34 a FINANCIAL conflict of interest. See 28 U.S.C. §§144, 455 and 18 U.S.C. §208. Here is what the founding father said  
35 about this conflict of interest in the Federalist Papers.

36 *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER*  
37 *OVER HIS WILL.”*  
38 *[Alexander Hamilton, Federalist Paper No. 79]*

39 Below is the way God himself describes the corrupted dilemma we find ourselves in because we have abandoned the path  
40 laid by our founding fathers, as described in [Isaiah 1:1-26](#):

41 *Alas, sinful nation,*  
42 *A people laden with iniquity*  
43 *A brood of evildoers*  
44 *Children who are corrupters!*  
45 **They have forsaken the Lord**  
46 *They have provoked to anger*  
47 *The Holy One of Israel,*

1 They have turned away backward.  
2 Why should you be stricken again?  
3 **You will revolt more and more.**  
4 **The whole head is sick [they are out of their minds!: insane or STUPID or both].**  
5 **And the whole heart faints....**

6 Wash yourselves, make yourselves clean;  
7 **Put away the evil of your doings from before My eyes.**  
8 **Cease to do evil,**  
9 **Learn to do good;**  
10 **Seek justice.**  
11 **Rebuke the oppressor [the IRS and the Federal Reserve and a corrupted judicial system];**  
12 **Defend the fatherless,**  
13 **Plead for the widow [and the "nontaxpayer"]....**

14 **How the faithful city has become a harlot!**  
15 **It [the Constitutional Republic] was full of justice;**  
16 **Righteousness lodged in it,**  
17 **But now murderers [and abortionists, and socialists, and democrats, and liars and corrupted judges].**  
18 Your silver has become dross,  
19 Your wine mixed with water.  
20 **Your princes [President, Congressmen, Judges] are rebellious,**  
21 **Everyone loves bribes,**  
22 **And follows after rewards.**  
23 **They do not defend the fatherless,**  
24 **nor does the cause of the widow [or the "nontaxpayer"] come before them.**

25 **Therefore the Lord says,**  
26 *The Lord of hosts, the Mighty One of Israel,*  
27 *"Ah, I will rid Myself of My adversaries,*  
28 *And take vengeance on My enemies.*  
29 **I will turn My hand against you,**  
30 **And thoroughly purge away your dross,**  
31 **And take away your alloy.**  
32 **I will restore your judges [eliminate the BAD judges] as at the first,**  
33 **And your counselors [eliminate the BAD lawyers] as at the beginning.**  
34 **Afterward you shall be called the city of righteousness, the faithful city."**  
35 **[Isaiah 1:1-26, Bible, NKJV]**

36 So according to the Bible, the *real* problem is corrupted lawyers and judges and people who are after money and rewards,  
37 and God says the way to fix the corruption and graft is to **eliminate the bad judges and lawyers**. Whose job is that? It is the  
38 even more corrupted Congress! (see [28 U.S.C. §134\(a\)](#) and [28 U.S.C. §44\(b\)](#))

39 *"O My people! Those who lead you cause you to err,*  
40 *And destroy the way of your paths."*  
41 **[Isaiah 3:12, Bible, NKJV]**

42 *"The king establishes the land by justice; but he who receives bribes overthrows it."*  
43 **[Prov. 29:4, Bible, NKJV]**

44 Can thieves and corrupted judges and lawyers and jurors, who are all bribed with unlawfully collected money they lust after  
45 in the pursuit of socialist benefits, reform themselves if left to their own devices?

46 *"When you [the jury] saw a thief [the corrupted judges and lawyers paid with extorted and stolen tax money],*  
47 *you consented with him, And have been a partaker with adulterers."*  
48 **[Psalm 50:18, Bible, NKJV]**

49 **"The people will be oppressed,**  
50 **Every one by another and every one by his [socialist] neighbor [sitting on a jury who**  
51 **was indoctrinated and brainwashed in a government school to trust government];**  
52 *The child will be insolent toward the elder,*  
53 *And the base toward the honorable."*  
54 **[Isaiah 3:5, Bible, NKJV]**

55 *"It must be conceded that there are rights [and property] in every free government beyond the control of the State*  
56 *[or any judge or jury]. A government which recognized no such rights, which held the lives, liberty and property*  
57 *of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository*

1 of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to  
2 call it so--but it is not the less a despotism."  
3 [*Loan Ass'n v. Topeka*, 87 U.S. (20 Wall.) 655, 665 (1874)]

4 The answer is an emphatic no. It is up to **We The People** as the sovereigns in charge of our lawless government to right this  
5 massive injustice because a corrupted legislature and judiciary and the passive socialist voters in charge of our government  
6 today simply cannot remedy their own addiction to the money that was stolen from their neighbor by the *criminals* they  
7 elected into office. These elected representatives were supposed to be elected to *serve and protect* the people, but they have  
8 become the worst abusers of the people because they only got into politics and government for selfish reasons. Notice we  
9 didn't say they got into "public service", because we would be lying to call it that. It would be more accurate to call what  
10 they do "self-service" instead of "public service". One of our readers has a name for these kinds of people. He calls them  
11 SLAT: Scum, Liars, and Thieves. If you add up all the drug money, all the stolen property, all the white collar crime together,  
12 it would all pale in comparison to the "extortion under the color of law" that our own de facto government and the totally  
13 corrupted people who work for it are instituting against its own people. If we solve no crime problem other than that one  
14 problem, then the government will have done the most important thing it can do to solve our crime problem and probably  
15 significantly reduce the prison population at the same time. There are lots of people in jail who were put there wrongfully  
16 for income tax crimes that aren't technically even crimes. These people were maliciously prosecuted by a corrupted Satan  
17 worshipping DOJ with the complicity of a corrupted judiciary and they MUST be freed because they have become slaves and  
18 political prisoners of a corrupted state for the sake of statutes that operate as the equivalent of a "civil religion" and which are  
19 not and cannot be law in their case. That's right: the corrupted state has erected a counterfeit church and religion that is a  
20 cheap imitation of God's design complete with churches, prayers, priests, deacons, tithes, and even its own "Bible" (franchise)  
21 and they have done so in violation of the First Amendment. The nature of that civil religion is exhaustively described below:

*Socialism: The New American Civil Religion*, Form #05.016  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

### 22 **3.5 Social Security Numbers (SSNs) and Taxpayer Identification Numbers (TINs) are what the FTC calls a** 23 **"franchise mark"**

24 The Federal Trade Commission (F.T.C.) has defined a commercial franchise as follows:

25 ". . . a commercial business arrangement is a "franchise" if it satisfies three definitional elements. Specifically,  
26 the franchisor must:

- 27 (1) promise to provide a trademark or other commercial symbol;  
28 (2) promise to exercise significant control or provide significant assistance in the operation of the business; and  
29 (3) require a minimum payment of at least \$500 during the first six months of operations."  
30 [FTC Franchise Rule Compliance Guide, May 2008, p. 1;  
31 SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

32 In the context of the above document, the "Social Security Number" or "Taxpayer Identification Number" function essentially  
33 as what the FTC calls a "franchise mark". It behaves as what we call a "de facto license" to represent Caesar as a public  
34 officer:

35 "A franchise entails the right to operate a business that is "identified or associated with the franchisor's  
36 trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with  
37 the franchisor's trademark." The term "trademark" is intended to be read broadly to cover not only trademarks,  
38 but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the  
39 "trademark" or "mark" element.

40 **The franchisor [the government] need not own the mark itself, but at the very least must have the right to**  
41 **license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the**  
42 **business - either by selling goods or performing services identified with the mark or by using the mark, in**  
43 **whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule**  
44 **coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."**  
45 [FTC Franchise Rule Compliance Guide, May 2008;  
46 SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

47 This same SSN or TIN "franchise mark" is what the Bible calls "the mark of the beast". It defines "the Beast" as the  
48 government or civil rulers:

1 *"And I saw **the beast, the kings of the earth, and their armies**, gathered together to make war against Him who*  
2 *sat on the horse and against His army."*  
3 *[Rev. 19:19, Bible, NKJV]*

4 *"He [the government BEAST] causes all, both small and great, rich and poor, free and slave, to receive a mark*  
5 *on their right hand or on their foreheads,<sup>17</sup> and that no one may buy or sell except one who has the mark or<sup>18</sup> the*  
6 *name of the beast, or the number of his name.*  
7 *[Rev. 13:16-17, Bible, NKJV]*

8 The "business" that is "operated" or "licensed" by THE BEAST in statutes is called a "trade or business" which is defined as  
9 follows:

10 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

11 *"The term 'trade or business' [includes](#) the performance of the functions of a [public office](#)."*

12 Those engaged in "the trade or business" franchise activity are officers of Caesar and have fired God as their civil protector.  
13 By becoming said public officers or officers of Caesar, they have violated the FIRST COMMANDMENT of the Ten  
14 Commandments, because they are "serving other gods", and the pagan god they server is a man:

15 *"You shall have no other gods [including governments or civil rulers] before Me.*

16 *"You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in*  
17 *the earth beneath, or that is in the water under the earth; **you shall not bow down to them nor serve them. For***  
18 ***I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and***  
19 ***fourth generations of those who hate Me.** but showing mercy to thousands, to those who love Me and keep My*  
20 *commandments.*  
21 *[Exodus 20:3-6, Bible, NKJV]*

22 By "bowing down" as indicated above, the Bible means that you cannot become UNEQUAL or especially INFERIOR to any  
23 government or civil ruler under the civil law. In other words, you cannot surrender your equality and be civilly governed by  
24 any government or civil ruler under the Roman system of civil law or "statutes". That is not to say that you are lawless or an  
25 "anarchist" by any means, because you are still accountable under equity and the common law in any court. All civil statutory  
26 law makes the government superior and you inferior so you can't consent to a domicile and thereby become subject to it. The  
27 word "subjection" in the following means INFERIORITY:

28 *"Protectio trahit subjectionem, subjectio projectionem.*  
29 *Protection draws to it subjection, subjection, protection. Co. Litt. 65."*  
30 *[Bouvier's Maxims of Law, 1856;*  
31 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

32 Below are ways one becomes subject to Caesar's civil statutory "codes" and civil franchises as a "subject", and thereby  
33 surrenders their equality to engage in government idolatry:

- 34 1. Domicile by choice: Choosing domicile within a specific jurisdiction.
- 35 2. Domicile by operation of law. Also called domicile of necessity:
  - 36 2.1. Representing an entity that has a domicile within a specific jurisdiction even though not domiciled oneself in said  
37 jurisdiction. For instance, representing a federal corporation as a public officer of said corporation, even though  
38 domiciled outside the federal zone. The authority for this type of jurisdiction is, for instance, Federal Rule of  
39 Civil Procedure 17(b).
  - 40 2.2. Becoming a dependent of someone else, and thereby assuming the same domicile as that of your caregiver. For  
41 instance, being a minor and dependent and having the same civil domicile as your parents. Another example is  
42 becoming a government dependent and assuming the domicile of the government paying you the welfare check.
  - 43 2.3. Being committed to a prison as a prisoner, and thereby assuming the domicile of the government owning or  
44 funding the prison.

45 Those who violate the First Commandment by doing any of the above become subject to the civil statutory franchises or  
46 codes. They are thereby committing the following form of idolatry because they are nominating a King to be ABOVE them  
47 rather than EQUAL to them under the common law:

1 Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are  
2 old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER  
3 them]".

4 But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.  
5 And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected  
6 Me [God], that I should not reign over them. According to all the works which they have done since the day that  
7 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods  
8 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their  
9 voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign  
10 over them."

11 So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be the  
12 behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own  
13 chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his  
14 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to  
15 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be  
16 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive  
17 groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give  
18 it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest  
19 young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your  
20 sheep. And you will be his servants. And you will cry out in that day because of your king whom you have  
21 chosen for yourselves, and the LORD will not hear you in that day."

22 Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us,  
23 that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles."  
24 [1 Sam. 8:4-20, Bible, NKJV]

### 25 **3.6 God changes the identity of those he calls, just like the government does with its franchises by using a** 26 **franchise mark**

27 Throughout the Bible, the name of a person is synonymous with their identity and their purpose. When God calls someone  
28 to serve him, He changes their name and identity and thereby puts his "mark" and calling on them. The new name becomes  
29 synonymous with the privileges, authority, and rights they enjoy as God's agent and elect. This is EXACTLY how franchises  
30 work: associating a new status or title to an otherwise private person to transform them into a public officer or agent.  
31 Examples include:

- 32 1. When God called Abram in Gen. 12, He changed the name to Abraham in Gen. 17:5 and Neh. 9:7.
- 33 2. When God called Jacob, He changed the name to Israel in Gen. 32:28 and Gen. 35:10.

34 God also uses unclear names for Himself to remind us mere humans that no one can use or invoke His name to control Him.  
35 He did this by calling himself "I AM".

36 And God said to Moses, "I AM WHO I AM." And He said, "Thus you shall say to the children of Israel, 'I AM  
37 has sent me to you.'" Moreover God said to Moses, "Thus you shall say to the children of Israel: 'The Lord God  
38 of your fathers, the God of Abraham, the God of Isaac, and the God of Jacob, has sent me to you. This is My name  
39 forever, and this is My memorial to all generations.'" [Exodus 3:14-15, Bible, NKJV]

41 Jesus said that those who refuse to confess or acknowledge the NAME of the Father will not be acknowledged BY Him to  
42 the father. In other words, they will not have a civil status or any privileges in the Kingdom of Heaven private corporation:

43 *Confess Christ Before Men*

44 "Therefore whoever confesses Me before men, him I will also confess before My Father who is in heaven. But  
45 whoever denies Me before men, him I will also deny before My Father who is in heaven.  
46 [Matt. 10:32-33, Bible, NKJV]

47 God also uses names and labels to curse people:

48 "Your name will be a curse word among my people, for the Sovereign Lord will destroy you and will call his true  
49 servants by another name."  
50 [Isaiah 65:15, Bible, NKJV]

1                    *"And I will make you an object of ridicule, and your name will be infamous throughout the ages." "*  
2                    *[Jer. 23:40, Bible, NKJV]*

3 When believers call upon God, they indicate their submission and agency on His behalf by admitting that they bear His name.  
4 They use the phrase "in Jesus' name" when asking for something, for instance. This is an indirect admission that they know  
5 they need to be His agent to invoke His blessings and protections, kind of like most people falsely believe that they must  
6 admit to being a "citizen" to invoke the protection of their *patris patriae* government:

7                    *"O Lord, hear. O Lord, forgive. O Lord, listen and act! For your own sake, do not delay, O my God, for your*  
8                    *people and your city bear your name."*  
9                    *[Dan. 9:19, Bible, NKJV]*

10 Remembering God's name and keeping his law are synonymous in the Bible. In other words, if you invoke a status under  
11 His Bible protection franchise, you have to obey it:

12                    *"I remember Your name in the night, O LORD,*  
13                    *And I keep Your law.*  
14                    *This has become mine,*  
15                    *Because I kept Your precepts."*  
16                    *[Psalm 119:55-56, Bible, NKJV]*

17 Those who are obeying God's law are described as being "in HIM", meaning legally WITHIN the Heaven Inc. private  
18 corporation as its agent and officer:

19                    *"And we have known and believed the love that God has for us. **God is love, and he who abides in love [obedience***  
20                    ***to God's Laws] abides in [and is a FIDUCIARY of] God, and God in him."***  
21                    *[1 John 4:16, Bible, NKJV]*

22  

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23                    *"Now by this we know that we know Him [God], if we **keep** His commandments. He who says, "I know Him," and*  
24                    *does not **keep** His commandments, is a liar, and the truth is not in him. But whoever keeps His word, truly the*  
25                    *love of God is perfected **in him**. By this we know that we are **in Him [His fiduciaries]**. He who says he **abides in***  
26                    ***Him [as a fiduciary]** ought himself also to walk just as He [Jesus] walked."*  
27                    *[1 John 2:3-6, Bible, NKJV]*

28 Likewise, when SATAN calls his followers, he like God also puts his "mark" on them so as to make them into his agents and  
29 officers:

- 30 1. In Rev. 13:15-18, Satan abuses his power to put a mark symbolizing his name on all those who worship and serve him.  
31 By "serve" we believe the Bible means "to act as an agent or officer under the delegated authority of law". The mark  
32 is described as synonymous with the power to conduct commerce. The only thing in the context of commercial law  
33 that is synonymous with such a power is a "franchise mark", as we explained in the previous section. Note that in the  
34 below passage "number" and "name" are used synonymously.

35                    *"He was granted power to give breath to the image of the beast, that the image of the beast should both speak*  
36                    *and cause as many as would not worship the image of the beast to be killed. He causes all, both small and great,*  
37                    *rich and poor, free and slave, to receive a mark on their right hand or on their foreheads, and that no one may*  
38                    *buy or sell except one who has the mark or the name of the beast, or the **number of his name**.*

39                    *Here is wisdom. Let him who has understanding calculate the number of the beast, for it is the number of a man:*  
40                    *His number is 666."*  
41                    *[Rev. 13:15-18, Bible, NKJV]*

- 42 2. God warns His elect and believers NOT to receive Satan's mark and thereby become, essentially an "agent of Satan":

43                    *Then a third angel followed them, saying with a loud voice, "If anyone worships the beast and his image, and*  
44                    *receives his mark on his forehead or on his hand, he himself shall also drink of the wine of the wrath of God,*  
45                    *which is poured out full strength into the cup of His indignation. He shall be tormented with fire and brimstone*  
46                    *in the presence of the holy angels and in the presence of the Lamb. And the smoke of their torment ascends*  
47                    *forever and ever; and they have no rest day or night, who worship the beast and his image, and whoever receives*  
48                    *the **mark of his name**."*  
49                    *[Rev. 14:9-11, Bible, NKJV]*

1 3. Those who accept Satan’s mark or name then become the first people judged by God at the final judgment:

2 *First Bowl: Loathsome Sores*

3 *So the first went and poured out his bowl upon the earth, and a foul and loathsome sore came upon the men who*  
4 *had the mark of the beast and those who worshiped his image.*  
5 *[Rev. 16:2, Bible, NKJV]*

6 Throughout the Bible, God refers to believers as “the elect”. What He is really talking about are people who HE CALLED  
7 to act as His agents on Earth. These people have acquired a new name and put on the “new man” described in Eph. 4:17.  
8 “New Man” is a franchise persona indicating they have a new identity as an agent of God:

9 *“For false christs and false prophets will rise and show great signs and wonders to deceive, if possible, even **the***  
10 ***elect.**”*  
11 *[Matt. 24:24, Bible, NKJV]*

12 *“And unless the Lord had shortened those days, no flesh would be saved; but for **the elect**’s sake, whom He chose,*  
13 *He shortened the days.”*  
14 *[Mark 13:20, Bible, NKJV]*

15 *“For false christs and false prophets will rise and show signs and wonders to deceive, if possible, even **the elect.**”*  
16 *[Mark 13:22, Bible, NKJV]*

17 *“Even so then, at this present time there is a remnant according to the election of grace.”*  
18 *[Romans 11:5, Bible, NKJV]*

19 *“What then? Israel has not obtained what it seeks; but **the elect** have obtained it, and the rest were blinded.”*  
20 *[Romans 11:7, Bible, NKJV]*

21 *“Concerning the gospel they are enemies for your sake, but concerning the election they are beloved for the sake*  
22 *of the fathers.”*  
23 *[Romans 11:28, Bible, NKJV]*

24 *“Therefore, as **the elect** of God, holy and beloved, put on tender mercies, kindness, humility, meekness,*  
25 *longsuffering;”*  
26 *[Colossians 3:12, Bible, NKJV]*

27 *“I charge you before God and the Lord Jesus Christ and **the elect** angels that you observe these things without*  
28 *prejudice, doing nothing with partiality.”*  
29 *[1 Tim. 5:21, Bible, NKJV]*

30 *“Therefore I endure all things for the sake of **the elect**, that they also may obtain the salvation which is in Christ*  
31 *Jesus with eternal glory.”*  
32 *[2 Tim. 2:10, Bible, NKJV]*

33 In the context of “the elect”, it is important to note that WE cannot do the “electing”. Only GOD can do it. Only God can  
34 appoint his agents as the Sovereign. We can’t choose Him, He has to choose US and can fire us at any time. See:

<p><i>Why We Can’t Choose God</i>, R.C. Sproul <a href="https://www.ligonier.org/posts/why-we-cant-choose-god">https://www.ligonier.org/posts/why-we-cant-choose-god</a></p>
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35 An agent of God, or “the elect” as God calls them, is someone who owes an enforceable civil OBLIGATION to God under  
36 His Law as His trustee and representative. The existence of that civil obligation within God’s law in secular terms, makes  
37 them an OFFICER of God:

38 *“The term office’ has no legal or technical meaning attached to it, distinct from its ordinary acceptations. An*  
39 *office is a public charge or employment; but, as every employment is not an office, it is sometimes difficult to*  
40 *distinguish between employments which are and those which are not offices.... A public officer is one who has*  
41 *some duty to perform concerning the public; and he is not the less a public officer when his duty is confined*  
42 *to narrow limits, because it is the duty, and the nature of that duty, which makes him a public officer, and not*  
43 *the extent of his authority.’ 7 Bac. Abr. 280; Carth. 479.... Where an employment or duty is a continuing*  
44 *[\*\*\*65] one, which is defined by rules prescribed by law and not by contract, such a charge or employment is*  
45 *an office, and the person who performs it is an officer.... The powers vested in the government of the state of*  
46 *Mississippi are either legislative, judicial, or executive; and these respective branches of power have been*

1 committed to separate bodies of magistracy.... Whether an office has been created by the constitution itself, or by  
2 statute, ... the incumbent, as a component member of one of the bodies of the magistracy, is vested with a portion  
3 of the power of the government.... The words civil office under the state'... import an office in which is reposed  
4 some portion of the sovereign power of the state, and of necessity having some connection with the legislative,  
5 judicial, or executive departments of the government.... The local and limited power and duties of the levee  
6 commissioner can have no effect in determining the question whether his office is not an office under the state. A  
7 member of the board of county police, or a justice of the peace, is as much an officer under the state as the  
8 executive, the heads of department, or a member of the judiciary. The powers attached [\*\*\*66] to the office of  
9 levee commissioner evidently pertain to the executive branch of the government. Clothed with a portion of the  
10 power vested in that department, the commissioner, in the discharge of his proper functions, exercises as clearly  
11 sovereign power as the governor or a sheriff." Shelby v. Alcorn, 36 Miss. 273, 288-290, 292. The constitution  
12 provided that "no senator [\*233] or representative" should, during his term, "be appointed to any civil office of  
13 profit under this state," which had been created during his legislative term. The object of the clause was manifest,  
14 and the office of levee commissioner was held to be within the mischief which the prohibition was intended to  
15 prevent.

16 [[Ricker's Petition, 66 N.H. 207 \(1890\)](#)]

17 To see how this relabeling and attaching what we call a "civil status" to change people's identities and appoint them as agents  
18 of God works, the story of Shadrach, Meshach, and Abed-Nego in Daniel 1 of the Bible is very instructive.

19 1. When King Nebuchadnezzar called the three young boys, he changed their names along with the prophet Daniel.

20 *Then the king instructed Ashpenaz, the master of his eunuchs, to bring some of the children of Israel and some of*  
21 *the king's descendants and some of the nobles, young men in whom there was no blemish, but good-looking, gifted*  
22 *in all wisdom, possessing knowledge and quick to understand, who had ability to serve in the king's palace, and*  
23 *whom they might teach the language and literature of the Chaldeans. And the king appointed for them a daily*  
24 *provision of the king's delicacies and of the wine which he drank, and three years of training for them, so that at*  
25 *the end of that time they might serve before the king. Now from among those of the sons of Judah were Daniel,*  
26 *Hananiah, Mishael, and Azariah. **To them the chief of the eunuchs gave names: he gave Daniel the name***  
27 ***Beltshazzar; to Hananiah, Shadrach; to Mishael, Meshach; and to Azariah, Abed-Nego.***  
28 [[Daniel 1:3-7, Bible, NKJV](#)]

29 2. The names King Nebuchadnezzar gave his new appointees were associated with the invented pagan gods of the King.

30 2.1. Daniel meant "God is my judge".

31 2.2. Hananiah meant "Yahweh is gracious" in Hebrew.

32 2.3. Mishael meant "who is what God is".

33 2.4. Azariah meant "Yahweh is my helper".

34 3. After the renaming, the names meant the following:

35 3.1. Beltshazzar meant "Baal protect his life".

36 3.2. Shadrach meant "the command of Aku" after the Babylonian moon god.

37 3.3. Meshach meant "who is what Aku is".

38 3.4. Abed-Nego meant "servant of Nebo", in honor of the second greatest Babylonian god.

39 4. King Nebuchadnezzar also tried to bribe his appointees (franchisees) with edible delicacies and luxury so that they  
40 would never think about going back to their old diet and lifestyle.

41 4.1. The reason he gave gifts and bribes to his appointees is that he wanted to create a sense of moral and legal  
42 obligation on their part:

43 CALIFORNIA CIVIL CODE  
44 DIVISION 3. OBLIGATIONS  
45 PART 2. CONTRACTS  
46 CHAPTER 3. CONSENT  
47 [Section 1589](#)

48  
49 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations  
50 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

51 4.2. This is the same PRIVILEGED and enfranchised life of luxury that Babylon the Great Harlot is living in the  
52 Book of Revelation.

53 4.3. In modern legal terms, these bribes/gifts would be described as "privileges" or "grants" or "benefits" derived  
54 from a franchise.

55 4.4. The three appointees of the King RESISTED the bribes and would not eat them. They wanted to remain FREE of  
56 moral or legal obligation to the king. Instead, they ate only water and vegetables. In other words, they would not  
57 accept the "benefits" of the franchise offered by the King so they could remain free and accountable to their God  
58 and without conflict of interest. As Jesus said: "No man can serve two masters." Luke 16:13.

- 1 5. King Nebuchadnezzar wanted his appointees to forget their God, their temple, their history, and their lifestyle.
- 2 6. When the King prosecuted the three appointees for refusing to violate their religious beliefs or commit idolatry in
- 3 Daniel 3, he threw them in the fire and God rescued them and vindicated them for their act of defiance and obedience.
- 4 Ultimately, this eventually brought the King to later renounce his pagan gods and accept the Lord.

5 The transformation described above was revealed by Pastor David Jeremiah in his “Agents of Babylon” sermon series in the  
6 sermon entitled “The Hostage”.

*Agents of Babylon: The Hostage*, David Jeremiah  
<https://www.davidjeremiah.org/store/product/agents-of-babylon-0896>  
<https://www.youtube.com/watch?v=6D9pRBBantg>

7 You can also read about the above story on Wikipedia:

Wikipedia topic: Shadrach, Meshach, and Abednego  
[https://en.wikipedia.org/wiki/Shadrach,\\_Meshach,\\_and\\_Abednego](https://en.wikipedia.org/wiki/Shadrach,_Meshach,_and_Abednego)

8 The new identities assigned by the king related to the gods worshipped by the king. The mark given by Satan and The Beast  
9 in the Book of Revelation similarly is a mark associated with the pagan idol worshipped by those who reject God as their  
10 king. In modern legal terminology, that mark is called a “franchise mark” and it is symbolized by a Social Security Number  
11 (SSN) or Taxpayer Identification Number (TIN), as we pointed out in the previous section.

12 *"A franchise entails the right to operate a business that is "identified or associated with the franchisor's*  
13 *trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with*  
14 *the franchisor's trademark." The term "trademark" is intended to be read broadly to cover not only trademarks,*  
15 *but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the*  
16 *"trademark" or "mark" element.*

17 **The franchisor [the government] need not own the mark itself, but at the very least must have the right to**  
18 **license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the**  
19 **business - either by selling goods or performing services identified with the mark or by using the mark, in**  
20 **whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule**  
21 **coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."**  
22 *[FTC Franchise Rule Compliance Guide, May 2008;*  
23 *SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]*

24 What is the moral of the story?

- 25 1. The context of the story was the Babylonian captivity of 70 years.
- 26 2. The captivity occurred after Jerusalem was invaded by the Babylonians and the Israelites were kidnapped and held
- 27 hostage in Babylon by the King of Babylon.
- 28 3. The Prophet Daniel was one of the Israelites held hostage by the King of Babylon.
- 29 4. While Babylon, the Israelites were “foreigners and strangers”, like modern Christians are in a pagan secular society.
- 30 See:

*Non-Resident Non-Person Position*, Form #05.020  
<http://sedm.org/Forms/FormIndex.htm>

- 31 5. The captivity in Babylon for 70 years was a punishment meted out by God for the idolatry and disobedience of the
- 32 Israelites.
- 33 6. Jeremiah 29 of the Bible describes how Christians who are faithful “foreigners” and “strangers” in the place they live,
- 34 like the Israelites in Babylon, are to behave toward the society they are foreigners in. See:

*How to live free in a slave society: Jeremiah 29 commentary*, Family Guardian Fellowship  
<http://famguardian.org/forums/topic/how-to-live-free-in-a-slave-society-jeremiah-29-commentary/>

- 35 7. The King of Babylon was an agent of God in administering the punishment given by God.<sup>17</sup>
- 36 8. Daniel did not resist God’s punishment for the idolatry of his brethren, but was a faithful steward under several kings.
- 37 9. The story illustrates that the consequence of our sin, disobedience, and idolatry is that we like the Israelites will be
- 38 “scattered abroad” and be punished by civil rulers while we are foreigners held in captivity.

<sup>17</sup> See: *Socialism: The New American Civil Religion*, Form #05.016, Section 8.2.3 entitled “Civil Rulers are a Punishment by God for Those who Can’t or Won’t Government Themselves”; <http://sedm.org/Forms/FormIndex.htm>.

- 1 10. The Babylon spoken of in the Book of Daniel is metaphorically the SAME “Babylon the Great Harlot” spoken of in the  
2 Book of Revelation.
- 3 11. In modern times, Babylon is a metaphor for the District of Columbia. The bribes from the King are now the SSN and  
4 TIN, which is used to kidnap the legal identity of those accepting the privilege and transport it to what Mark Twain  
5 calls “The District of Criminals”. In fact, “United States” in a legal and corporate sense MEANS this city. To sign any  
6 government form that admits you are “in the United States” essentially means to join the corporation as an  
7 enfranchised public officer. The officer represents the corporation, and under Federal Rule of Civil Procedure 17, the  
8 place of domicile of the corporation becomes the effective domicile of the public officer while he or she is on official  
9 business. There is no difference between the PHYSICAL kidnapping of the Babylonian King and the LEGAL  
10 kidnapping of the financial terrorists in the District of Criminals.
- 11 12. God in the Book of Revelation commanded those in Babylon the Great Harlot to flee it. By “in” we believe he means  
12 “LEGALLY WITHIN” the U.S. Inc. federal corporation as a public officer called a “citizen”, “resident”, “taxpayer”,  
13 “driver”, “spouse”, etc:

14 *"And I heard another voice from heaven [God] saying, 'Come out of her [Babylon the Great Harlot, a democratic*  
15 *state full of socialist non-believers], my people [Christians], lest you share in her sins, and lest you receive of*  
16 *her plagues.'"*  
17 *[Revelation 18:4, Bible, NKJV]*

#### 18 **4. Introduction to the “Straw man”**

19 The “straw man” is the only lawful vehicle by which all government identity theft can be accomplished. This memorandum  
20 of law will not go into detail on the subject of the “straw man”. That subject is covered in:

[Proof That There Is a “Straw Man”, Form #05.042](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

21 For the purposes of review of the above document, the following itemized list is a summary of how the “straw man” operates:

- 22 1. What people call the “straw man” is real. It is recognized in the legal dictionary, in fact.
- 23 2. Three requirements must be met in order for a “straw man” to lawfully exist:
- 24 2.1. A commercial transaction involving real or personal property.
- 25 2.2. Agency of one or more persons on behalf of an artificial entity who accomplish the commercial transaction.
- 26 2.3. Property being acquired by a party that otherwise is not allowed or not lawful.
- 27 3. The government had to create the straw man because without it, nearly everyone would be entirely beyond their reach  
28 as an *exclusively private person* and a sovereign.
- 29 3.1. The ability to regulate private conduct, in fact, is “repugnant to the constitution”, according to the U.S. Supreme  
30 Court. [City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 \(1997\).](#)
- 31 3.2. The straw man makes it possible for the government to regulate private conduct *indirectly*, rather than directly,  
32 using the office that the government created and which you consented to occupy by applying for government  
33 franchises and benefits and thereby exercising your right to contract. The government can only tax that which it  
34 created. Since it didn’t create the natural being, then it had to create something else and fool you into believing  
35 that you are that person using “words of art”, smoke, and mirrors.

36 *“The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power*  
37 *to create; and there is a plain repugnance in conferring on one government [THE FEDERAL*  
38 *GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other,*  
39 *with respect to those very measures, is declared to be supreme over that which exerts the control.”*  
40 *[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]*

41 *“What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which*  
42 *certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the*  
43 *permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,*  
44 *and can be revoked or altered only by the authority that made it. The life-giving principle [act of creation] and*  
45 *the death-doing stroke [power to destroy] must proceed from the same hand.”*  
46 *[VanHorne’s Lessee v. Dorrance, 2 U.S. 304 (1795)]*

47 *“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law*  
48 *[including a tax law] involving the power to destroy.”*  
49 *[Providence Bank v. Billings, 29 U.S. 514 (1830)]*

- 1 4. The key to understanding the straw man is to understand the law of PROPERTY. The heart of the law of property are  
2 the following concepts:  
3 4.1. Ownership of a thing implies the right to exclude ALL OTHERS from either USING or BENEFITTING from the  
4 use of a thing.  
5 4.2. Property includes not only PHYSICAL things but rights or privileges to use a thing.  
6 4.3. Physical possession of a material thing does NOT imply OWNERSHIP.  
7 4.4. Rights over the possessor of a physical thing may lawfully be acquired by handing that physical thing to a person  
8 and giving them notice of the obligations that attach to TEMPORARY possession or use of that thing. For instance,  
9 20 C.F.R. §422.103(d) says that Social Security Cards and numbers are property of the government EVEN AFTER  
10 you receive physical custody of them. The Social Security Card also says this and emphasizes that the card must  
11 be returned to the government OWNER upon request.

12 *"How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by*  
13 *equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on***  
14 ***the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of***  
15 ***the donor could be at all accomplished, consistently with the entire ownership of the property passing to the***  
16 ***donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the***  
17 ***donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.*  
18 *Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by*  
19 *imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or*  
20 *with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in*  
21 *this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)*  
22 *by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in*  
23 *which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every***  
24 ***equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating***  
25 ***an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect***  
26 ***to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal***  
27 ***obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just***  
28 ***explained."***

29 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]*

- 30 5. In law, all rights are "property". The purpose of creating the straw man is to allow the government to acquire PUBLIC  
31 rights and CIVIL jurisdiction over OTHERWISE EXCLUSIVELY PRIVATE property WITHOUT compensating the  
32 human beings it acquires them from. Without the straw man, this acquisition of otherwise EXCLUSIVELY PRIVATE  
33 property would be unlawful but with the straw man, it is not unlawful. There are four main "rights" or types of property  
34 that the government acquires by creating the straw man that they cannot otherwise lawfully possess in the context of  
35 EXCLUSIVELY PRIVATE persons:  
36 5.1. They cannot lawfully impose duties or obligations upon human beings without compensation. This is a violation  
37 of the Thirteenth Amendment prohibition against involuntary servitude. This prohibition, unlike the Bill of Rights,  
38 applies everywhere, including on federal territory.  
39 5.2. They cannot lawfully abuse their power to tax to pay public monies to private persons.  
40 5.3. They cannot lawfully maintain records about private persons without their consent.  
41 5.4. They cannot lawfully use, benefit from, or tax your private property without your consent, whether express or  
42 implied.  
43 6. The "straw man" in all the contexts we have been able to identify is simply:  
44 6.1. A "public officer" or agent within the government.  
45 6.2. An artificial entity that is usually the subject of a trust. That trust is usually an extension of the "public trust",  
46 meaning the government. The trust document is the Constitution.

47 *"Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government,*  
48 *through the domain of jurisdiction merely Federal, to recognize to be property.*

49 *And this principle follows from the structure of the respective Governments, State and Federal, and their*  
50 *reciprocal relations. **They are different agents and trustees of the people of the several States, appointed with***  
51 ***different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions,***  
52 ***are mutually obligatory."***

53 *[Dred Scott v. Sandford, 60 U.S. 393 (1856)]*

- 54 7. The straw man is a creation of the government.  
55 7.1. The straw man is therefore "property" of the government. The essence of ownership over "property" is the protected  
56 right to exclude its use by others and to deprive others of any of the "benefits" arising from its use.

- 1 7.2. Only those expressly authorized by the government can therefore lawfully “benefit” commercially from the  
 2 government’s creation and property. That authorization must be found somewhere within the franchise agreement  
 3 that created the straw man.
- 4 7.3. You as a private human being cannot therefore lawfully take control of or benefit from the straw man without  
 5 IMPLICITLY CONSENTING to become a trustee and public officer of the government operating under the terms  
 6 of the franchise agreement that created the straw man and regulates its activities. Within Internal Revenue Code,  
 7 Subtitle A, for instance, the “straw man” is a franchisee called a “taxpayer” as defined in 26 U.S.C. §7701(a)(14).  
 8 7.4. If you try to commercially benefit from the straw man WITHOUT accepting the associated liabilities and the public  
 9 office that goes with it, then you are stealing property from the government and you will lose in court every time  
 10 and deserve to lose. This idea is the reason why so many people lose in court who try to cancel debts, transfer  
 11 liabilities of the straw man to others, or file bills of exchange liening the straw man in satisfaction of tax debts. All  
 12 such activities amount essentially to stealing property from the government.
- 13 7.5. Income taxes essentially amount to the “rent” you pay for the “privilege” of availing yourself of the “benefits” of  
 14 the franchise associated with the straw man such as:
- 15 7.5.1. Unemployment insurance.  
 16 7.5.2. Medicare benefits.  
 17 7.5.3. Social security benefits.  
 18 7.5.4. A fiat currency system that makes it easy to borrow.
- 19 8. If you want to identify who the “straw man” is in the law, start with the definitions for the following terms:
- 20 8.1. “person”. See, for instance, 26 U.S.C. §6671(b) and 26 U.S.C. §7343, all of whom are officers or employees of  
 21 federal corporations and not natural beings.
- 22 8.2. “individual”. See 26 C.F.R. §1.1441-1(c)(3), which is defined as an alien or nonresident alien who is then defined  
 23 in 26 C.F.R. §1.1-1(a)(2)(ii) as being engaged in the “trade or business” franchise.
- 24 8.3. “taxpayer”. See 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313. This is a “person” engaged in the “trade or business”  
 25 franchise and therefore a “public office” within the U.S. government.
- 26 8.4. “citizen”. See 26 C.F.R. §1.1-1(c). Defined as an artificial entity with a domicile in the District of Columbia (see  
 27 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 28 8.5. “resident”. See 26 U.S.C. §7701(b)(1)(A). Defined as an artificial entity that is an alien with a domicile in the  
 29 District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 30 8.6. “employee”. See 5 U.S.C. §2105, 26 U.S.C. §3401(c), and 26 C.F.R. §31.3401(c)-1.
- 31 8.7. “U.S. person” as defined in 26 U.S.C. §7701(a)(30), where the “U.S.” they mean is the government and not any  
 32 geographical place.
- 33 8.8. “trade or business”. 26 U.S.C. §7701(a)(26) defines this as “the functions of a public office”. Only public officers  
 34 can lawfully exercise the functions of a public office. You have to be a public officer for the national government  
 35 in order for them to acquire extraterritorial jurisdiction in a foreign state, which is what the states of the Union are  
 36 in relation to the national government under the Constitution.

37 *“The United States government is a foreign corporation with respect to a state.”*  
 38 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

- 39 9. The usual method for creating the “straw man” is the exercise of your right to contract by applying for and accepting  
 40 government franchises and other so-called “benefits”. In other words, the exercise of your right to contract creates the  
 41 artificial “person” or “public office” or “res” that is the only lawful subject of nearly all government legislation. For  
 42 details on how these franchises operate, see:

43 *Government Instituted Slavery Using Franchises*, Form #05.030  
 44 <http://sedm.org/Forms/FormIndex.htm>

- 45 10. All government franchises:
- 46 10.1. Are “Property” within the meaning of Article 4, Section 3, Clause 2 of the United States government.  
 47 10.2. Are implemented as contracts and must meet all the same criteria as contracts in order to be enforceable.

48 *As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon*  
 49 *valuable considerations, for purposes of individual advantage as well as public benefit,<sup>18</sup> and thus a franchise*  
 50 *partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is*  
 51 *subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be*  
*granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising*  
*it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted,*

<sup>18</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

1 it becomes the property of the grantee, and is a private right, subject only to the governmental control growing  
2 out of its other nature as publici juris.<sup>19</sup>

3 [American Jurisprudence 2d, Franchises, §4: Generally (1999)]

4 10.3. Function as “private law” that “acquires the force of law” and “activates” ONLY upon your voluntary consent.

5 Without your consent, they are NOT “law” *in your specific case* and may NOT lawfully be enforced against you.

6 10.4. May be consented to implicitly (by conduct) or explicitly (in writing).

7 10.5. Create a “res” that is the object of all litigation directed at the franchisee.

8 10.6. May be enforced without any constitutional constraint by the government. Those who accept the “benefits” of the  
9 franchise implicitly surrender their right to complain about violations of their constitutional rights resulting from  
10 enforcement of the franchise agreement:

11 “We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say,  
12 however, that Congress may exercise its power to modify the statutory scheme **free of all constitutional**  
13 **restraint.**”

14 [Flemming v. Nestor, [363 U.S. 603](#) (1960)]

16 “The Government urges that **the Power Company is estopped to question the validity of the Act creating the**  
17 **Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297  
18 U.S. 323] maintain this suit. .... **The principle is invoked that one who accepts the benefit of a statute cannot**  
19 **be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;**  
20 **Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260**  
21 **U.S. 469.**”

22 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

24 “...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity  
25 under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”  
26 [Papasan v. Allain, 478 U.S. 265 (1986)]

28 CALIFORNIA CIVIL CODE  
29 DIVISION 3. OBLIGATIONS  
30 PART 2. CONTRACTS  
31 CHAPTER 3. CONSENT  
32 [Section 1589](#)

33 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations  
34 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

36 11. In the courts, the term “franchise” is disguised using the name “benefits”, “public right”, or “publici juris” in order to  
37 avoid all the problems that the truth can create for those intent on plundering your private property in government or  
38 intent on converting that private property to a public use. See:

[The Government “Benefits” Scam, Form #05.040](#)  
<http://sedm.org/Forms/FormIndex.htm>

39 12. Social Security Numbers and Taxpayer Identification Numbers function as the de facto license number to act as the  
40 “straw man” and exercise the functions of a public office within the government. The term “trade or business”, in fact,  
41 is synonymous with a “public office” in the government.

42 *Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

43 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 44 • Any recipient whose income is effectively connected with the **conduct of a trade or business [public**  
45 **office pursuant to 26 U.S.C. §7701(a)(26)]** in the United States.

46 **Note.** For these recipients, exemption code 01 should be entered in box 6.

47 [ . . . ]

48 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include*  
49 *the TIN on Form 1042-S.*

<sup>19</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

13. The exercise of the duties of the straw man/public office can only lawfully occur in the District of Columbia and not elsewhere as mandated by statute:

TITLE 4 > CHAPTER 3 > § 72  
§ 72. Public offices; at seat of Government

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

14. Federal franchises may only lawfully be created or enforced on federal territory and not within any state of the Union.

*“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

*But very different considerations apply to the **internal commerce** or **domestic trade** of the States. **Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot authorize a trade or business within a State in order to tax it.**”*  
[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

The reason for the above is because the rights of persons protected by the U.S. Constitution within states of the Union are “unalienable”, according to the Declaration of Independence. “Inalienable” means they cannot be bargained away or sold through any commercial process. Since franchises are a commercial process, they cannot lawfully be offered on land protected by the Constitution and therefore may only be offered to persons domiciled on federal territory.

*“We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
- “  
[Declaration of Independence]

*“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*  
[Black’s Law Dictionary, Fourth Edition, p. 1693]

15. Nearly every type of government franchise we have examined eventually links you back to the following circumstances:

- 15.1. Holding a “public office” in the District of Columbia corporation/government.
- 15.2. Domiciled on federal territory and therefore a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or statutory “U.S. resident” (alien) pursuant to 8 U.S.C. §1101(a)(3).
- 15.3. In possession, receipt, or control of some form of government property, including:
  - 15.3.1. Government numbers.
  - 15.3.2. Government information.
  - 15.3.3. Government contracts.
  - 15.3.4. Government franchises.
  - 15.3.5. Government “benefits” or payments.
  - 15.3.6. Private property associated with government numbers and a “public use” in order to procure the benefits of a government franchise.

*“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second, that if he devotes it to a public use, he gives to the public a right to control that***

**USC; and third, that whenever the public needs require, the public may take it upon payment of due compensation.**

[*Budd v. People of State of New York*, 143 U.S. 517 (1892)]

16. All legal actions against the “straw man” are “in rem”. An “in rem” proceeding is one against property:
- 16.1. The property at issue in the controversy is the “res”. The “res” is the “account” that attaches to the “straw man”.
- 16.2. The license number or identifying number associated with the “res” is a synonym for the “res” itself. For instance, Taxpayer Identification Numbers are the “res” in tax proceedings in federal court.
- 16.3. Federal courts which hear matters relating to disputes over franchises and the “straw man” that attaches to the franchise derive all their authority under Article 4, Section 3, Clause 2 of the United States Constitution.
- 16.4. Judges officiating over franchises are acting in an administrative capacity under Article 4, Section 3, Clause 2 of the Constitution rather than in an Article III constitutional capacity. For instance, the United States Tax Court is a legislative franchise court in the Executive rather than judicial branch of the government. It is established pursuant to Article I of the United States Constitution as described in 26 U.S.C. §7441.
- 16.5. All federal district and circuit courts are Article 4, Section 3, Clause 2 “property courts”, which are also called “franchise courts”. See:

*What Happened to Justice?*, Form #06.012

<http://sedm.org/Forms/FormIndex.htm>

- 16.6. All rights are property. Anything that conveys rights is property. Contracts convey rights and are therefore “property”. All franchises are contracts and therefore “property” within the meaning of Article 4, Section 3, Clause 2 of the United States Constitution.
17. No one may lawfully compel you to accept the duties of the straw man or to participate in the franchises which create it. Neither Congress nor any judge may lawfully compel you to accept the duties of a franchisee and use a franchise court without your consent. If they do, they are violating the Thirteenth Amendment prohibition against involuntary servitude.
18. There is nothing inherently wrong with the government’s use of franchises, so long as:
- 18.1. They are required to produce written evidence of EXPRESS consent to participate IN WRITING, not unlike how they require you to prove a waiver of sovereign immunity using a statute if you want to sue them.
- 18.2. They are implemented using voluntary licenses.
- 18.3. They protect your right NOT to volunteer by warning you that they can’t force you to participate and prosecuting all those who force you to participate.
- 18.4. They are not enforced outside of federal territory.
- 18.5. They are not used to undermine the constitutional rights of those not domiciled on federal territory and who are therefore protected by the Constitution.
- 18.6. The government enforces your equal right to engage them in franchises of your own creation using the same mechanisms by which they trap you in their franchises. For instance, if third parties are allowed to volunteer you into the “trade or business” franchise simply by filing an unsigned information return, then you have an equal right to obligate the government to become obligated by similar third party reports under the terms of your own franchise. If they won’t enforce the same rights on your part that they have in this regard, they are violating the requirement for equal protection that is the foundation of the Constitution. This, in fact, is how the following form works: It implements an anti-franchise franchise:

*Tax Form Attachment*, Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

19. If anyone compels you to accept the duties of the franchise or compels you to accept the obligations of the public office or the straw man that attaches to it without compensation that you and not they deem sufficient, then they are:
- 19.1. Engaging in Involuntary servitude in violation of the Thirteenth Amendment, 18 U.S.C. §1581, and 42 U.S.C. §1994 (peonage).
- 19.2. If they are compelling you in court to accept the duties of a franchise that they can’t prove consent on the record to participate, they are also abusing legal process to enslave you in criminal violation of 18 U.S.C. §1589(3) and owe mandatory restitution pursuant to 18 U.S.C. §1593.
- 19.3. Exercising eminent domain over your labor and property without compensation.
- 19.4. Engaging in criminal conversion of your PRIVATE property to a PUBLIC use without your consent pursuant to 18 U.S.C. §654.
- 19.5. If the franchise being enforced is “domicile”, they are engaging in a criminal “protection racket”.
- All of the above prohibitions apply not only within states of the Union, but also on federal territory!

*“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for*

1 *the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services*  
2 *[in their entirety]. This amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended*  
3 *primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican*  
4 *peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of*  
5 *the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or*  
6 *name."*

7 [*Plessy v. Ferguson, 163 U.S. 537, 542 (1896)*]

8 *"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the*  
9 *Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary*  
10 *servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections*  
11 *denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This*  
12 *legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the*  
13 *states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this*  
14 *legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether*  
15 *there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the*  
16 *Republic, wherever his residence may be."*

17 [*Clyatt v. U.S., 197 U.S. 207 (1905)*]

18 20. We have found no evidence from any credible source that the use of the all caps name signifies anything.

19 20.1. Only by associating one's personal property with government property, such as the de facto license number called  
20 the Taxpayer Identification Number or Social Security Number, can a person then be required to satisfy the duties  
21 of the straw man and the public office that it attaches to.

22 20.2. If you argue that the ALL CAPS name means anything in front of a judge or a jury, THEY ARE GOING TO HANG  
23 YOU! Instead, please focus on more substantive issues contained in this memorandum. If you want to know HOW  
24 they will hang you if you use the all caps name argument, see section 7.1 of the following:

*Flawed Tax Arguments to Avoid*, Form #08.004

<http://sedm.org/Forms/FormIndex.htm>

25 21. The usual method of attaching property to the franchise under the I.R.C., for instance, is to avail yourself of any of the  
26 following commercial "benefits" found within the I.R.C. in the context of specific property that is in your name:

27 21.1. A reduced, graduated rate of tax under 26 U.S.C. §1. Those who don't take the graduated rate pay the higher flat  
28 30% rate of tax paid by nonresident aliens in 26 U.S.C. §871(a).

29 21.2. Earned income credits under 26 U.S.C. §32.

30 21.3. "Trade or business" deductions under 26 U.S.C. §162.

31 21.4. Accepting tax treaty benefits that reduce your tax liability under [26 U.S.C. §894](#), [26 U.S.C. §6114](#), [26 U.S.C. §6712](#),  
32 [26 U.S.C. §1\(h\)\(11\)\(C\)\(i\)\(II\)](#), and 26 C.F.R. §1.1441-6.

33 All of the above instances of availing oneself of the commercial "benefits" of the franchise agreement are described  
34 within the regulation at 26 C.F.R. §301.6109-1, in which the conditions are prescribed where disclosure of a Taxpayer  
35 Identification Number are prescribed. For further details, see:

*About SSNs and TINs on Government Forms and Correspondence*, Form #04.104

<http://sedm.org/Forms/FormIndex.htm>

36 22. If you want to avoid participation in a franchise or attack the enforceability of it against you, you must:

37 22.1. Learn EXACTLY how franchise work and all their weak points. You must understand your enemy if you want to  
38 win at war. See:

*Government Instituted Slavery Using Franchises*, Form #05.030

<http://sedm.org/Forms/FormIndex.htm>

39 22.2. Identify yourself as a "nonresident", "transient foreigner", and "stateless person" in relation to the government  
40 granting the franchise. All franchises are implemented as civil law that attaches to the jurisdiction that you claim  
41 domicile within. If you don't have a domicile within their jurisdiction because you are a "nonresi9dent", then they  
42 can't enforce the franchise against you, including penalties.

43 22.3. Insist under penalty of perjury that you received no "benefits" that are enforceable as "rights" in court by virtue of  
44 participation. Any contract that does not create mutually enforceable rights in a constitutional and not franchise  
45 court is unenforceable. Place the burden of proof on the government to prove that you received a "benefit" and that  
46 you were eligible to receive it.

47 22.4. Insist that the government is not allowed to give you any "benefits" under the franchise agreement and that if they  
48 do, they are "gifts" that create no obligation. This is exactly the same thing the government does with the tax  
49 system: Claim that any contributions voluntarily given are gifts that are non-refundable and create no obligation  
50 on their part. See Treasury Decision 3445 below:

<http://famguardian.org/TaxFreedom/CitesByTopic/voluntary.htm>

51 22.5. Not use government identifying numbers in connection with your PRIVATE personal property.

- 1 22.6. Fight their franchise using an anti-franchise. Remember: The foundation of the Constitution is equal protection  
2 and equal rights, which means that you can use the same devious tactics and franchises that they do. For instance,  
3 on the form that regulates the franchise, write “not valid without the attached form.” Then attach your own form  
4 that establishes a franchise that invalidates theirs and makes the recipient into surety for any obligations imposed  
5 upon you for your participation. Our Tax Form Attachment, Form #04.201, does that, for instance.  
6 22.7. Identify yourself as not being the “person”, “individual”, “taxpayer”, “beneficiary”, “employer”, etc. named within  
7 the franchise agreement.  
8 22.8. In the case of the Internal Revenue Code, attach the following form to all tax forms you fill out to avoid a waiver  
9 of rights or conveying consent to participate in the “trade or business” franchise:

[Tax Form Attachment, Form #04.201](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 10 22.9. Include on all government forms that could link you to a franchise the following language:

11 *“All rights reserved, U.C.C. §1-308 and its predecessor, U.C.C. §1-207.”*

- 12 23. There are no easy ways out of the franchise matrix that created the “straw man” other than to learn the law. The enemy  
13 is ignorance, not the government, the IRS, or the income tax:

14 *“My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces*  
15 *it].”*  
16 *[Hosea 4:6, Bible, NKJV]*

- 17 23.1. Anyone who promises you a silver bullet ultimately is going to get you in trouble.  
18 23.2. UCC redemption is an example of an easy way out that we strongly discourage people from getting involved in  
19 commercially. For the reasons why, see:

[Policy Document: UCC Redemption, Form #08.002](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

20 One way or another, whether it is through the false information returns that ignorant third parties including banks file against  
21 you, or whether it is your own ignorance in filling out government forms so as to improperly describe yourself, the message  
22 from the government is loud and clear about their firm desire to exercise eminent domain over everything and everyone and  
23 make them into indentured servants working under a franchise of one kind or another and without compensation or even  
24 respect, and here is the message:

25 *“**We are the Matrix. You will be assimilated. Resistance is futile.** One way or another we will make you into*  
26 *one of our officers and employees without compensation or we will destroy you through selective enforcement if*  
27 *you refuse to cooperate. We don't care that the First Amendment prohibits compelled association or that we*  
28 *can't compel you to contract with us without violating the Constitution. We will just PRESUME that you*  
29 *consented to our franchise agreement, and that agreement places you squarely on federal territory in a place not*  
30 *protected by the Constitution so just kiss your rights goodbye and bend over.*

31 *“Indeed, the practical interpretation put by Congress upon the Constitution has been long*  
32 *continued and uniform to the effect [182 U.S. 244, 279] that **the Constitution is applicable***  
33 ***to territories acquired by purchase or conquest, only when and so far as Congress shall***  
34 ***so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican***  
35 ***form of government' (art. 4, 4), by which we understand, according to the definition of***  
36 ***Webster, 'a government in which the supreme power resides in the whole body of the***  
37 ***people, and is exercised by representatives elected by them,' Congress did not hesitate,***  
38 ***in the original organization of the territories of Louisiana, Florida, the Northwest***  
39 ***Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and***  
40 ***still more recently in the case of Alaska, to establish a form of government bearing a***  
41 ***much greater analogy to a British Crown colony than a republican state of America, and***  
42 ***to vest the legislative power either in a governor and council, or a governor and judges, to***  
43 ***be appointed by the President. It was not until they had attained a certain population that***  
44 ***power was given them to organize a legislature by vote of the people. In all these cases, as***  
45 ***well as in territories subsequently organized west of the Mississippi, Congress thought it***  
46 ***necessary either to extend to Constitution and laws of the United States over them, or to***  
47 ***declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail,***  
48 ***and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of***  
49 ***rights.”***  
50 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

1 You will BEG us to be part of our system or you will be destroyed by corrupted courts and selective enforcement.  
2 See:

3 The Government "Benefits" Scam, Form #05.040  
4 <http://sedm.org/Forms/FormIndex.htm>

5 If we can't assimilate you directly because you know too much and refuse to consent, then we will lie to others  
6 about what the law requires using "words of art" and publications that have disclaimers, be protected in that  
7 irresponsible and unlawful effort by corrupted courts full of "taxpayer" judges, and thereby cause others to file  
8 false reports signed under penalty of perjury such as information returns and CTRs that will connect you to  
9 federal franchises and thereby assimilate you and elect you involuntarily into a "public office" in criminal  
10 violation of 18 U.S.C. §912.

11 "You shall not circulate a false report [information return]. Do not put your hand with the  
12 wicked to be an unrighteous witness."  
13 [Exodus 23:1, Bible, NKJV]

14 "You shall not bear false witness [or file a FALSE REPORT or information return]  
15 against your neighbor."  
16 [Exodus 10:16, Bible, NKJV]

17 "A false witness will not go unpunished, And he who speaks lies shall perish."  
18 [Prov. 19:9, Bible, NKJV]

19 "If a false witness rises against any man to testify against him of wrongdoing, then both  
20 men in the controversy shall stand before the LORD, before the priests and the judges who  
21 serve in those days. And the judges shall make careful inquiry, and indeed, if the witness  
22 is a false witness, who has testified falsely against his brother, then you shall do to him  
23 as he thought to have done to his brother; [enticement into slavery (pursuant to 42 U.S.C.  
24 §1994)] to the demands of others without compensation] so you shall put away the evil  
25 from among you. And those who remain shall hear and fear, and hereafter they shall not  
26 again commit such evil among you. Your eye shall not pity: life shall be for life, eye for  
27 eye, tooth for tooth, hand for hand, foot for foot."  
28 [Deut. 19:16-21, Bible, NKJV]

29 This is what it means when we, the Beast of Revelations and Satan's whore, described our communist plan in 50  
30 U.S.C. §841:

31 [TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
32 [Sec. 841. – Findings and declarations of fact](#)

33 The Congress finds and declares that the Communist Party of the United States [**consisting**  
34 **of the IRS, DOJ, and a corrupted federal judiciary**], although purportedly a political  
35 party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government  
36 of the United States [and replace it with a de facto government ruled by the judiciary]. It  
37 constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in**  
38 **collusion]** within a [constitutional] republic, demanding for itself the rights and  
39 [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in  
40 violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties,  
41 but **denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form**  
42 **#10.002]**. Unlike political parties, which evolve their policies and programs through  
43 public means, by the reconciliation of a wide variety of individual views, and submit those  
44 policies and programs to the electorate at large for approval or disapproval, the policies  
45 and programs of the Communist Party are secretly [**by corrupt judges and the IRS in**  
46 **complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001]**  
47 prescribed for it by the foreign leaders of the world Communist movement [**the IRS and**  
48 **Federal Reserve**]. Its members [**the Congress, which was terrorized to do IRS bidding by**  
49 **the framing of Congressman Trafficant]** have no part in determining its goals, and are not  
50 permitted to voice dissent to party objectives. Unlike members of political parties, members  
51 of the Communist Party are recruited for indoctrination [in the public FOOL system by  
52 homosexuals, liberals, and socialists] with respect to its objectives and methods, and are  
53 organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into  
54 action slavishly the assignments given them by their hierarchical chieftains. **Unlike**  
55 **political parties, the Communist Party [thanks to a corrupted federal judiciary]**  
56 **acknowledges no constitutional or statutory limitations upon its conduct or upon that of its**  
57 **members [ANARCHISTS!, Form #08.020].** The Communist Party is relatively small  
58 numerically, and gives scant indication of capacity ever to attain its ends by lawful political  
59 means. **The peril inherent in its operation arises not from its numbers, but from its failure**  
60 **to acknowledge any limitation as to the nature of its activities, and its dedication to the**

proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to: force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft], Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

If you try to correct these false reports, we will ignore your corrections and rebuttals or call them “frivolous” so we can keep you under our thumb as our indentured servant and slave in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1581.

“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another [under the terms of a COMPELLED franchise agreement], and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”  
[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

The above situation has been prophesied for thousands of years and that prophesy has now come to pass:

“And the smoke of their torment ascends forever and ever; and they have no rest day or night, who worship [serve and subsidize] the beast and his image [the image on the money. Remember what Jesus said about “whose image is this?”], and whoever receives the mark [Social Security Number or Taxpayer Identification Number] of his name.”  
[Rev. 14:11, Bible, NKJV]

When you use the number, you are recruited to join the Matrix, because the regulations say it may only be used by those engaged in a “trade or business” and a “public office” inside the belly of the Beast:

TITLE 26--INTERNAL REVENUE  
CHAPTER 1--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
PART 301\_PROCEDURE AND ADMINISTRATION--Table of Contents Information and Returns  
Sec. 301.6109-1 Identifying numbers.

**(b) Requirement to furnish one's own number—**

**(1) U.S. [government, not geographical United States] persons [GOVERNMENT officers and agents domiciled on federal territory within the Beast].**

Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions. A U.S. person whose number must be included on a document filed by another person must give the taxpayer identifying number so required to the other person on request.

For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see Sec. 31.6011(b)-2 (a) and (b) of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see Sec. 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(2) Foreign persons.

The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons--

1 (i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business [public  
2 office] at any time during the taxable year;

3 The “U.S. person” described above in 26 C.F.R. §301.6109-1(b)(1) is also presumed to be engaged in a public office within  
4 the government, meaning within the belly of the BEAST, as revealed by the following:

5 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART I > § 864](#)  
6 [§ 864. Definitions and special rules](#)

7 (c) *Effectively connected income, etc.*

8 (3) *Other income from sources within United States*

9 All income, gain, or loss from sources within the United States (other than income, gain, or loss to which  
10 paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business [“public  
11 office”] within the United States.

12 The ONLY place where “all income” is connected to a franchise is the government, not the geographical “United States”  
13 mentioned in the Constitution. The Bible confirms that the “Beast” is in fact the government, not a specific person or  
14 geographical region:

15 “And I saw the beast, the kings of the earth, and their armies, gathered together to make war against Him who  
16 sat on the horse and against His army.”  
17 [Rev. 19:19, Bible, NKJV]

18 The “United States” they are referring to above is the government which happens to be in the District of Columbia per 4  
19 U.S.C. §72, not any geographic entity and certainly not anyone in a state of the Union. Mark Twain called the District of  
20 Columbia the “District of Criminals”, and now you know why. 26 U.S.C. §7701(a)(9) and (a)(10) describes the geographic  
21 “United States” for the purposes of taxes, but that is not the main sense in which the term is used in the I.R.C., nor is the  
22 sense intended ever specifically identified in nearly all cases:

23 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#) [Internal Revenue Code]  
24 [Sec. 7701. - Definitions](#)

25 (a) *When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
26 *thereof—*

27 (9) *United States*

28 *The term “United States” when used in a geographical sense includes only the [States](#) and the [District of Columbia](#).*

29 [\(10\) State](#)

30 *The term “State” shall be construed to include the [District of Columbia](#), where such construction is necessary*  
31 *to carry out provisions of this title.*

32  
33 [TITLE 4 > CHAPTER 3 > § 72](#)  
34 [§ 72. Public offices; at seat of Government](#)

35 *All [public] offices attached [e.g. “effectively connected”] to the seat of government shall be exercised **in the***  
36 *[District of Columbia](#), and not elsewhere, except as otherwise expressly provided by law.*  
37 *[SOURCE: <https://www.law.cornell.edu/uscode/text/4/72>]*

38  
39 *Uniform Commercial Code (U.C.C.)*  
40 *§ 9-307. LOCATION OF DEBTOR.*

41 (h) *[Location of United States.]*

42 *The United States is located **in the District of Columbia**.*

1 [SOURCE:

2 <http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm>  
3 [#s9-307\]](#)

4 The office you serve in as the “straw man” is domiciled in the District of Columbia pursuant to Federal Rule of Civil Procedure  
5 17(b). Under that rule, it doesn’t matter where your domicile is as a human being because the civil law that MUST be  
6 enforced against all public officers of the “United States” federal corporation does not come from your choice of domicile as  
7 a human being, but from the place of incorporation of the corporation that you work for as an officer of that corporation under  
8 the terms of the franchise agreement. Bend over!

## 9 **5. Introduction to the Law of Agency**<sup>20</sup>

10 A very important subject to learn is the law of agency. This law is intimately related to franchises because:

- 11 1. All franchises are contracts or agreements.
- 12 2. Contracts produce agency.
- 13 3. Agency, in turn, is how:
  - 14 3.1. PRIVATE property is converted to PUBLIC property.
  - 15 3.2. Public rights are associated with otherwise private individuals.
- 16 4. Civil statuses such as “taxpayer”, “person”, “spouse”, “driver” are the method of representing the existence of the  
17 agency created by contracts and franchises.

18 In the following subsections, we will summarize the law of agency so that you can see how franchises implement it and  
19 thereby adversely impact and take away your PRIVATE rights by converting them to PUBLIC rights, often without your  
20 knowledge. Exploitation of the ignorance of the average American about this subject is the main method that governments  
21 use to unwittingly recruit more taxpayers, surety for government debt, and public officers called “citizens” and “residents”.

22 If you would like to study the law of agency from a legal perspective, please read the following exhaustive free treatise at  
23 Archive.org, which we used in preparing the subsections which follow:

*A Treatise on the Law of Agency in Contract and Tort*, George L Reinhard, A.B., LL. D., The Bowen-Merrill Company,  
1902  
<https://archive.org/details/atreatiseonlawa01reingooq>

### 24 **5.1 Agency generally**

25 Entire legal treatises hundreds of pages in length have been written about the laws of agency. To save you the trouble of  
26 reading them, we summarize the basics below:

- 27 1. The great bulk of trade and commerce in the world is carried on through the instrumentality of agents; that is to say,  
28 persons acting under authority delegated to them by others, and not in their own right or on their own account.
- 29 2. **Parties:** There are two parties involved in agency:
  - 30 2.1. The principal, who is the person delegating the authority or consent.
  - 31 2.2. The agent, who is the person receiving the authority.
- 32 3. **Who is a principal:** A person of sound independent mind who delegates authority to the agent. He is legally  
33 responsible or liable for the acts of the agent, so long as the agent is doing a lawful act authorized by the principal in  
34 his/her sui juris capacity.
- 35 4. **Who is an agent:** An agent-- sometimes called servant, representative, delegate, proxy, attorney-- is a person who  
36 undertakes, by some subsequent ratification of the principal, to transact some business or manage some affair for the  
37 latter, and to render an account of it. He is a substitute for a person, employed to manage the affairs of another. He is a  
38 person duly authorized to act on behalf of another, or one whose unauthorized act has been duly ratified. There are  
39 various classes of agents, each of which is known or recognized by some distinctive appellation or name; as factor,  
40 broker, employee, representative, etc.

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<sup>20</sup> Extracted from *Delegation of Authority Order from God to Christians*, Form #13.007, Section 2.

- 1 5. What is agency: A legal relation, founded upon the express or implied contract of the parties, or created by law, by  
 2 virtue of which one party—the agent—is employed or authorized to represent and act for the other—the principal—in  
 3 business dealings with third persons.
- 4 6. Agency is usually acquired by contract. Contracts are not enforceable without consideration. Therefore, to prove that  
 5 the agency was lawfully created, the principal has the burden of proving that the Agent received “consideration” or  
 6 “benefit” not as the PRINCIPAL defines it, but as the AGENT defines it. We cover this in:
- The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>
- 7 7. Fundamental Principles of Agency: The fundamental principles of the law agency are:  
 8 7.1. Whatever a person does through another, he does through himself.  
 9 7.2. He who does not act through the medium of another is, in law, considered as having done it himself.  
 10 7.3. Those who act through agents must have the legal capacity to do so. That is:  
 11 7.3.1. Lunatics, infants, and idiots cannot delegate authority to someone to manage affairs that they themselves are  
 12 incapable of managing personally.  
 13 7.3.2. Those who delegate authority must be of legal age.  
 14 7.3.3. The act to be delegated must be lawful. You cannot enforce a contract that delegates authority to commit a  
 15 crime.  
 16 7.4. The principal is usually liable for the acts of his agent. He is not liable in all cases for the torts of his agent or  
 17 employee, but only for those acts committed in the course of the agency or employment; while the agent himself  
 18 is, in such cases, for reasons of public policy, also liable for the same. Broom Legal Maxims 843.  
 19 7.5. Those who receive the “benefits” of agency have a reciprocal duty to suffer the obligations also associated with it.
- 20 8. Each specific form of agency we voluntarily and explicitly accept has a specific civil status associated with it in the  
 21 civil statutory law. Such statuses include:  
 22 8.1. “Taxpayer” under the tax code.  
 23 8.2. “Driver” under the vehicle code.  
 24 8.3. “Spouse” under the family code.
- 25 9. Certain types of agency and the obligations attached to the agency may not be enforceable in court between the parties.  
 26 These include:  
 27 9.1. Agency to commit a crime. This is called a conspiracy.  
 28 9.2. An alienation by the principle of an INALIENABLE right. This includes any surrender of constitutional rights by  
 29 a state citizen protected by the Constitution to any government, even with consent.

30 **5.2 Agency within the Bible**

31 God is a spiritual being who most people have never seen in physical form. As such, to influence the affairs of this physical  
 32 Earth, He must act through His agents. Those agents are called believers, Christians, “god’s family”, etc. in the case of  
 33 Christianity. The law of agency governs His acts and the consequences of those acts as He influences the affairs of this Earth.  
 34 This chapter will therefore summarize the law of agency so that it can be applied to the Bible, which we will regard in this  
 35 document as a delegation order that circumscribes the exercise of God’s agency on Earth by believers.

36 It is very important to study and know the law of agency, because the Bible itself is in fact a delegation of authority from God  
 37 to believers. That delegation of authority occurred when God created the Earth in the book of Genesis and commanded Adam  
 38 and Eve to have dominion over the Earth:

39 *Then God said, “Let Us make man in Our image, according to Our likeness; **let them have dominion over the**  
 40 **fish of the sea, over the birds of the air, and over the cattle, over all the earth and over every creeping thing**  
 41 **that creeps on the earth.**” So God created man in His own image; in the image of God He created him; male and  
 42 female He created them. Then God blessed them, and God said to them, “**Be fruitful and multiply; fill the earth**  
 43 **and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that**  
 44 **moves on the earth.**”  
 45 [Gen. 1:26-28, Bible, NKJV]*

46 Now some facts as we understand them about agency in the Bible:

- 47 1. God describes himself as Law itself:

48 *“**In the beginning was the Word, and the Word was with God, and the Word was God.** He was in the beginning  
 49 with God. All things were made through Him, and without Him nothing was made that was made. In Him was*

1 *life, and the life was the light of men. And the light shines in the darkness, and the darkness did not comprehend*  
2 *it.*  
3 *[John 1:1-5, Bible, NKJV]*

- 4 2. Those who sin are what Jesus called “lawless”. Matt. 7:23. The word “sin” in Latin means “without”. The thing that  
5 people who sin are “without” is the authority of God and His laws.
- 6 3. The “Kingdom of Heaven” is defined in scripture as “God’s will displayed on Earth”. See:  
7 “Kingdom of Heaven” Defined in Scripture, Exhibit #01.014  
8 <http://sedm.org/Exhibits/ExhibitIndex.htm>
- 9 4. Christians are “subjects” in the “Kingdom of Heaven”. Psalm 47:7. A “subject” is an agent and franchise of a specific  
10 “king”.
- 11 5. The Kingdom of Heaven is a private corporation and franchise created and granted by God and not Caesar. As such,  
12 those who are members of it owe nothing to Caesar to receive the “benefits” of participation in it. The creator of a  
13 thing is always the owner. See:  
14 Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship  
15 <http://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>
- 16 6. Those who are acting as agents of God are referred to as being “in Him”. By that we mean they are legally rather than  
17 physically WITHIN the corporation of the Kingdom of Heaven as agents and officers of God in Heaven.

18 *“My mother and My brothers are these who hear the word of God and do it.”*  
19 *[Luke 8:21, Bible, NKJV]*

20 *“He who has [understands and learns] My commandments [laws in the Bible (OFFSITE LINK)]*  
21 *and keeps them, it is he who loves Me. And he who loves Me will be loved by My Father, and I will*  
22 *love him and manifest Myself to him.”*  
23 *[John 14:21, Bible, NKJV]*

24 *“And we have known and believed the love that God has for us. God is love, and he who abides in love [obedience*  
25 *to God’s Laws] abides in [and is a FIDUCIARY of] God, and God in him.”*  
26 *[1 John 4:16, Bible, NKJV]*

27 *“Now by this we know that we know Him [God], if we keep His commandments. He who says, “I know Him,” and*  
28 *does not keep His commandments, is a liar, and the truth is not in him. But whoever keeps His word, truly the*  
29 *love of God is perfected in him. By this we know that we are in Him [His fiduciaries]. He who says he abides in*  
30 *Him [as a fiduciary] ought himself also to walk just as He [Jesus] walked.”*  
31 *[1 John 2:3-6, Bible, NKJV]*

- 32 7. Those who accept God and become believers take on a new identity, which in effect is that of an agent and servant of  
33 God:

#### 34 Character of the New Man

35 *Therefore, as the elect of God, holy and beloved, put on tender mercies, kindness, humility, meekness,*  
36 *longsuffering; bearing with one another, and forgiving one another, if anyone has a complaint against another;*  
37 *even as Christ forgave you, so you also must do. But above all these things put on love, which is the bond of*  
38 *perfection. And let the peace of God rule in your hearts, to which also you were called in one body; and be*  
39 *thankful. Let the word of Christ dwell in you richly in all wisdom, teaching and admonishing one another in*  
40 *psalms and hymns and spiritual songs, singing with grace in your hearts to the Lord. And whatever you do in*  
41 *word or deed, do all in the name of the Lord Jesus, giving thanks to God the Father through Him.*  
42 *[Colossians 3:12-17, Bible, NKJV]*

43 The “one body” spoken of above is the private corporation called the “Kingdom of Heaven” to put it in legal terms.  
44 When it says “Let the word of Christ dwell in you”, he means to follow your delegation order, which is God’s word.  
45 When it says “do all in the name of the Lord Jesus”, they mean that you are acting as an AGENT of the Lord Jesus  
46 24 hours a day, 7 days a week. If God gets the credit or the “benefit”, then He is the REAL actor and responsible party  
47 under the law of agency.

- 48 8. While acting as “agents” or “servants” of God in strict conformance with God’s delegation of authority order in the  
49 Bible, the party liable for the consequences of those acts is the Master or Principal of the agency under the law of  
50 agency, which means God and not the person doing the act.
- 51 9. The phrase “free exercise of religion” found in the First Amendment refers to our right and ability to be faithful agents  
52 of God, 24 hours a day, 7 days a week.

1 9.1. Any attempt to interfere with the exercise of that agency is an interference of your right to contract.

2 9.2. Any attempt to command agents of God to violate their delegation order is a violation of the First Amendment.

3 This includes commanding believers to do what God forbids or forbidding them to do what God commands.

- 4 10. The law of agency allows that one can fulfill multiple agencies simultaneously. You can be a father, brother, son,  
5 employer, employee, taxpayer, citizen (even of multiple countries) all simultaneously, but in different contexts and in  
6 relation to different people or “persons”. HOWEVER, the Bible forbids Christians from simultaneously being  
7 “subjects” under His law and “subjects” under the civil laws of Caesar. The reason is clear. It creates criminal conflict  
8 of interest and conflicting allegiances:

9 *“No one can serve two masters [two Kings or rulers, for instance]; for either he will hate the one and love the  
10 other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”  
11 [Luke 16:13, Bible, NKJV. Written by a tax collector]*

- 12 11. The First Commandment of the Ten Commandments states that we shall not “serve other gods”, meaning idols. To  
13 “serve” another god literally means to act as the AGENT of that false god or idol. When you execute the will of  
14 another, and especially an EVIL other, you are an agent of that other. Its unavoidable.

- 15 12. All agency begins with an act of consent, contract, or agreement.

16 12.1. Agency cannot lawfully be created WITHOUT consent.

17 12.2. Since God forbids us from becoming agents of false gods or idols and thereby “serving” them in violation of the  
18 First Commandment, He therefore also forbids us from legally allowing or creating that agency by consenting or  
19 exercising our right to contract.

20 ***“My son, if sinners [socialists, in this case] entice you,  
21 Do not consent [do not abuse your power of choice]  
22 If they say, “Come with us,  
23 Let us lie in wait to shed blood [of innocent “nontaxpayers”];  
24 Let us lurk secretly for the innocent without cause;  
25 Let us swallow them alive like Sheol,  
26 And whole, like those who go down to the Pit:  
27 We shall fill our houses with spoil [plunder];  
28 Cast in your lot among us,  
29 Let us all have one purse [the GOVERNMENT socialist purse, and share the stolen LOOT]”--  
30 My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government  
31 FORCE you to associate with them either by forcing you to become a “taxpayer”/government whore or a  
32 “U.S. citizen”].  
33 Keep your foot from their path;  
34 For their feet run to evil,  
35 And they make haste to shed blood.  
36 Surely, in vain the net is spread  
37 In the sight of any bird;  
38 But they lie in wait for their own blood.  
39 They lurk secretly for their own lives.  
40 So are the ways of everyone who is greedy for gain [or unearned government benefits];  
41 It takes away the life of its owners.”  
42 [Proverbs 1:10-19, Bible, NKJV]***

43 *“You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan  
44 government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by  
45 becoming a “resident” or domiciliary in the process of contracting with them], lest they make you sin against  
46 Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely  
47 be a snare to you.”  
48 [Exodus 23:32-33, Bible, NKJV]*

49 *“Awake, awake, O Zion, clothe yourself with strength. Put on your garments of splendor, O Jerusalem, the holy  
50 city. The uncircumcised and defiled will not enter you again. Shake off your dust; rise up, sit enthroned, O  
51 Jerusalem [Christians]. Free yourself from the chains [contracts and franchises] on your neck, O captive  
52 Daughter of Zion. For this is what the LORD says: “You were sold for nothing [free government cheese worth a  
53 fraction of what you had to pay them to earn the right to “eat” it], and without money you will be redeemed.”  
54 [Isaiah 52:1-3, Bible, NKJV]*

55  
56 *“I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and  
57 I said, ‘I will never break My covenant with you. And you shall make no covenant [contract or franchise or  
58 agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their  
59 [man/government worshipping socialist] altars.’ But you have not obeyed Me. Why have you done this?”*

1 "Therefore I also said, 'I will not drive them out before you; but they will become as thorns [terrorists and  
2 persecutors] in your side and their gods will be a snare [slavery!] to you.'"

3 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up  
4 their voices and wept.  
5 [Judges 2:1-4, Bible, NKJV]  
6

7 'For among My [God's] people are found wicked [covetous public servant] men; They lie in wait as one who sets  
8 snares; They set a trap; They catch men. As a cage is full of birds, So their houses are full of deceit. Therefore  
9 they have become great and grown rich. They have grown fat, they are sleek; Yes, they surpass the deeds of the  
10 wicked; They do not plead the cause, The cause of the fatherless [or the innocent, widows, or the nontaxpayer];  
11 Yet they prosper, And the right of the needy they do not defend. Shall I not punish them for these things?' says the  
12 Lord. 'Shall I not avenge Myself on such a nation as this?'

13 "An astonishing and horrible thing Has been committed in the land: The prophets prophesy falsely, And the  
14 priests [judges in franchise courts that worship government as a pagan deity] rule by their own power; And My  
15 people love to have it so. But what will you do in the end?"  
16 [Jer. 5:26-31, Bible, NKJV]

17 13. We all sin, and when we do so, we are agents of Satan:

18 13.1. We are agents of Satan ONLY within the context of that specific sin, and not ALL contexts. Below is a  
19 commentary on Luke 4:7 which demonstrates this:

20 Wilt worship before me (προσκυνησῆς ἐνώπιον ἐμοῦ [proskunēsēis enōpion emou]). Matt. 4:9 has it more bluntly  
21 "worship me." That is what it really comes to, though in Luke the matter is more delicately put. It is a condition  
22 of the third class (ἐάν [ean] and the subjunctive). Luke has it "thou therefore if" (σὺ οὖν ἔαν [su oun ean]), in a  
23 very emphatic and subtle way. It is the ingressive aorist (προσκυνησῆς [proskunēsēis]), just bow the knee once  
24 up here in my presence. The temptation was for Jesus to admit Satan's authority by this act of prostration (fall  
25 down and worship), a recognition of authority rather than of personal merit. It shall all be thine (ἔσται σου πᾶσα  
26 [estai sou pāsa]). **Satan offers to turn over all the keys of world power to Jesus. It was a tremendous grand-**  
27 **stand play, but Jesus saw at once that in that case he would be the agent of Satan in the rule of the world by**  
28 **bargain and graft instead of the Son of God by nature and world ruler by conquest over Satan.** The heart of  
29 Satan's program is here laid bare. Jesus here rejected the Jewish idea of the Messiah as an earthly ruler merely.  
30 "He rejects Satan as an ally, and thereby has him as an implacable enemy" (Plummer.)  
31 [Robertson, A. T. (1933). *Word Pictures in the New Testament* (Lk 4:7). Nashville, TN: Broadman Press]

32 13.2. Those who sin and therefore act as "agents of Satan" are separated or removed from the protection of God and  
33 His Law. In effect, they have abandoned their office under His delegation order as Christians and are "off duty"  
34 acting in a private capacity rather than as an agent. They are serving or "worshipping" the ego of self rather than  
35 a greater being above them.

36 14. When we do good, we are agents of God fulfilling our delegation of authority order in the Bible. That is why the Bible  
37 says to do all for the glory of God RATHER than self.

38 15. Since we all sin and we all do good, then we serve both God and Satan at different times. In that sense, we are serving  
39 God and Mammon at the same time, but in different contexts and in relation to different audiences. For instance:

40 15.1. When we serve government, we violate the First Commandment by "serving other gods" if that government has  
41 any rights above our own or above that of any ordinary man. That's idolatry.

42 15.2. We are also sinning and therefore acting as agents of Satan if the government forces us to do things God forbids  
43 or NOT do things that He commands.

44 In other words, we are exceeding our delegation order and therefore are acting in a PRIVATE capacity and therefore  
45 outside the protection of God's law and delegation order. This is EXACTLY the same mechanism that government  
46 uses to protect its own agents, and it's a cheap imitation of how God does the same thing.

47 If you would like an exhaustive treatise proving that the Bible is in fact a delegation of authority order from God to Christians,  
48 please read the following on our site:

[Delegation of Authority Order from God to Christians](http://sedm.org/Forms/FormIndex.htm), Form #13.007  
<http://sedm.org/Forms/FormIndex.htm>

49 5.3 Agency within government

1 The law of agency dictates the entire organization of government and the legal system it implements and enforces. For  
2 instance:

- 3 1. The source of sovereignty is the People as individuals.
- 4 2. The People as individuals get together and act as a collective to agree on a Constitution. The will of the majority is  
5 what delegates that authority.
- 6 3. The Constitution then delegates a portion of the sovereign powers of individual humans to public servants using the  
7 Constitution.
- 8 4. The people then elect “representatives” in the Legislative Branch, who are their agents, to implement the declared  
9 intent of the Constitution.
- 10 5. The representatives of the people in the Legislative Branch then vote to enact civil statutory codes that implement the  
11 Constitution among those who are employed by the government as public servants.

12 *“All the powers of the government [including ALL of its civil enforcement powers against the public] must be*  
13 *carried into operation **by individual agency, either through the medium of public officers, or contracts made***  
14 *with [private] individuals.”*  
15 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

16 *“The reason why States are “bodies politic and corporate” is simple: just as a corporation is an entity that can*  
17 *act only through its agents, “[t]he State is a political corporate body, can act only through agents, and can*  
18 *command only by laws.” Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black’s*  
19 *Law Dictionary 159 (5th ed. 1979) (“[B]ody politic or corporate”: “A social compact by which the whole people*  
20 *covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for*  
21 *the common good”). As a “body politic and corporate,” a State falls squarely within the Dictionary Act’s*  
22 *definition of a “person.”*  
23 *[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]*

- 24 6. The civil statutory codes function in effect as a contract or compact that can and does impose duties only upon agents  
25 of the government called “citizens” and “residents”.
  - 26 6.1. Those who did not consent to BECOME agents of the government called “citizens” or “residents” are non-  
27 resident non-persons. They are protected by the Constitution and the common law, rather than the statutory civil  
28 law.
  - 29 6.2. Disputes between “citizens” or “residents” on the one hand, and non-resident non-persons on the other, must be  
30 governed by the common law, because otherwise a taking of property without just compensation has occurred in  
31 which the rights enforced by the civil law are the property STOLEN by those enforcing it against non-residents.
- 32 7. The Executive Branch then executes the statutes, which in effect are their “delegation order”.
  - 33 7.1. The first step in “executing” the statutes is to write interpretive regulations specifying how the statutes will be  
34 implemented.
  - 35 7.2. The interpretive regulations are then published in the Federal Register to give the public the constitutionally  
36 required “reasonable notice” of the obligations they create upon the public, if any.
  - 37 7.3. When the Executive Branch acts WITHIN the confines of their delegation order, they are agents of the state and  
38 are protected by official, judicial, and sovereign immunity.
  - 39 7.4. When the Executive Branch exceeds their delegation order in the statutes, they are deemed by the courts to be  
40 acting in a private capacity and therefore must surrender official, judicial, and sovereign immunity and come  
41 down to the level of an ordinary human who has committed a trespass.
- 42 8. The Judicial Branch then fulfills the role of arbitrating disputes:
  - 43 8.1. Under the civils statutory codes, we have disputes between:
    - 44 8.1.1. The Legislative and Executive Branch.
    - 45 8.1.2. The government and private humans.
    - 46 8.1.3. Two humans when they have injured each other.
  - 47 8.2. Under the constitution and the common law we have disputes between two EQUAL parties which have no duty to  
48 each OTHER than that of “justice” itself, which is legally defined as the right to be left alone.

49 Some basic principles underlie the above chain of delegation of authority:

- 50 1. The People as individuals cannot delegate an authority to THE COLLECTIVE that they do not individually and  
51 personally have.

52 *Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

1 *Nemo plus juris ad alienum transferre potest, quam ispe habent. One cannot transfer to another a right which he*  
2 *has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

3 *Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by*  
4 *himself.*

5 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it*  
6 *himself. Co. Litt. 258.*

7 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*  
8 *15 Bin. Ab. 327.*

9 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy [the Constitution]. 4*  
10 *Co. 24.*

11 *What a man cannot transfer, he cannot bind by articles [the Constitution].*

12 *[Bouvier's Maxims of Law, 1856; SOURCE:*  
13 <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 14 2. The People as a collective cannot delegate an authority to a government through a Constitution that the people  
15 individually and personally do not also have.  
16 3. Those receiving an authority delegated through the Constitution have a fiduciary duty to the public they serve:

17 *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
18 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>21</sup>*  
19 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***  
20 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under***  
21 ***every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain***  
22 ***from a discharge of their trusts. <sup>22</sup> That is, a public officer occupies a fiduciary relationship to the political***  
23 ***entity on whose behalf he or she serves. <sup>23</sup> and owes a fiduciary duty to the public. <sup>24</sup> It has been said that the***  
24 ***fiduciary responsibilities of a public officer cannot be less than those of a private individual. <sup>25</sup> Furthermore,***  
25 *it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence*  
26 *and undermine the sense of security for individual rights is against public policy.<sup>26</sup>“*  
27 *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

- 28 4. The agent or public servant cannot be greater than or have more rights or powers than his master in the eyes of the law.  
29 In other words, public servants and people they serve must be EQUAL in the eyes of the law at all times:

30 *Remember the word that I [Jesus] said to you, “A [public] servant is not greater than his master.” If they*  
31 *persecuted Me, they will also persecute you. If they kept My word, they will keep yours also.*  
32 *[John 15:20, Bible, NKJV]*

- 33 5. The act of delegating specific authority from a private human with unalienable rights cannot cause a surrender of the  
34 authority from whom it is delegated, because according to the Declaration of Independence, rights created by God and  
35 bestowed upon human beings are UNALIENABLE, which means that you are legally incapable of surrendering them  
36 entirely.

<sup>21</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>22</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>23</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>24</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>25</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>26</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 "We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**  
2 **with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
3 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
4 -"  
5 [Declaration of Independence]

6 "Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."  
7 [Black's Law Dictionary, Fourth Edition, p. 1693]

#### 8 **5.4 Illegal uses of agency or compelled agency**

- 9 1. Certain types of agency and the obligations attached to the agency may not be enforceable in court between the parties.  
10 Any attempt to enforce therefore constitutes a TORT and even in many cases a CRIME. These include:
- 11 1.1. Agency to commit a crime. This is called a conspiracy.
  - 12 1.2. An alienation by the principle of an INALIENABLE right. This includes any surrender of constitutional rights by  
13 a state citizen protected by the Constitution to any government, even with consent.
- 14 2. Illegal uses of agency include:
- 15 2.1. **Duress**: Duress occurs when someone is compelled to accept the duties of a specific civil status through threats,  
16 unlawful government enforcement, threats of unlawful enforcement, violence, or coercion of some kind.  
17 Examples include:
    - 18 2.1.1. Offering or enforcing franchises outside the exclusive territorial jurisdiction of a specific government. This  
19 is private business activity.
    - 20 2.1.2. Offering or enforcing franchises among those who are not eligible because their rights are Unalienable and  
21 therefore cannot lawfully be given away as per the Declaration of Independence.
    - 22 2.1.3. Tax collection notices sent to non-residents who are not statutory "taxpayers".
    - 23 2.1.4. Compelling people to fill out government applications signed under penalty of perjury that misrepresent  
24 their status. This is criminal witness tampering.
    - 25 2.1.5. Nor providing a status block on every government form to offer "Other" or "Nonresident" or "Not subject  
26 but not statutorily exempt".
    - 27 2.1.6. Threatening to withhold private employment or commercial relations unless people declare a civil status in  
28 relation to government that they do not want. This is extortion.<sup>27</sup>
  - 29 2.2. **Identity theft** occurs when someone is associated with a civil status, usually on a government form or application,  
30 that they do not consent to have or which they cannot lawfully have. See:  

<p>Government Identity Theft, Form #05.046 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
--
- 31 3. **Duress**: It is an important principle of law that when a party is under coercion or duress, the real actor is the SOURCE  
32 of the duress, and not the person forced to do the act. This principle also applies to those under the compulsion of a  
33 civil statute, as indicated by the U.S. Supreme Court in the State Action Doctrine:

34 *For petitioner to recover under the substantive count of her complaint, she must show a deprivation of a right*  
35 *guaranteed to her by the Equal Protection Clause of the Fourteenth Amendment. **Since the 'action inhibited by***  
36 ***the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States.'***  
37 *Shelley v. Kraemer, 334 U.S. 1, 13, 68 S.Ct. 836, 842, 92 L.Ed. 1161 (1948), **we must decide, for purposes of this***  
38 ***case, the following 'state action' issue: Is there sufficient state action to prove a violation of petitioner's***  
39 ***Fourteenth Amendment rights** if she shows that Kress refused her service because of a state-enforced custom*  
40 *compelling segregation of the races in Hattiesburg restaurants?*

41 *In analyzing this problem, it is useful to state two polar propositions, each of which is easily identified and*  
42 *resolved. **On the one hand, the Fourteenth Amendment plainly prohibits a State itself from discriminating***  
43 ***because of race. On the other hand, § 1 of the Fourteenth Amendment does not forbid a private party, not***  
44 ***acting against a backdrop of state compulsion or involvement, to discriminate on the basis of race in his***  
45 ***personal affairs as an expression of his own personal predilections. As was said in Shelley v. Kraemer, supra,***  
46 ***§ 1 of '(that Amendment erects no shield against merely private conduct, however discriminatory or wrongful.'***  
47 ***334 U.S., at 13, 68 S.Ct., at 842.***

48 ***At what point between these two extremes a State's involvement in the refusal becomes sufficient to make the***  
49 ***private refusal to serve a violation of the Fourteenth Amendment, is far from clear under our case law. If a***  
50 ***State had a law requiring a private person to refuse service because of race, it is clear beyond dispute that the***  
51 ***law would violate the Fourteenth Amendment and could be declared invalid and enjoined from enforcement.***

<sup>27</sup> On this subject, Leon Trotsky, the Soviet communist said: "In a country where the sole employer is the State...the old principle: who does not work shall not eat, has been replaced by a new one: who does not obey shall not eat."

Nor can a State enforce such a law requiring discrimination through either convictions of proprietors who refuse to discriminate, or trespass prosecutions of patrons who, after being denied service pursuant to such a law, refuse to honor a request to leave the premises.<sup>40</sup>

The question most relevant for this case, however, is a slightly different one. It is whether the decision of an owner of a restaurant to discriminate on the basis of race under the compulsion of state law offends the Fourteenth Amendment. Although this Court has not explicitly decided the Fourteenth Amendment state action issue implicit in this question, underlying the Court's decisions in the sit-in cases is the notion that a State is responsible for the discriminatory act of a private party when the State, by its law, has compelled the act. As the Court said in Peterson v. City of Greenville, 373 U.S. 244, 248, 83 S.Ct. 1119, 1121 (1963): 'When the State has commanded a particular result, it has saved to itself the power to determine that result and thereby 'to a significant extent' has 'become involved' in it.' Moreover, there is much support in lower court opinions for the conclusion that discriminatory acts by private parties done under the compulsion of state law offend the Fourteenth Amendment. In Baldwin v. Morgan, supra, the Fifth Circuit held that '(t)he very act of posting and maintaining separate (waiting room) facilities when done by the (railroad) Terminal as commanded by these state orders is action by the state.' The Court then went on to say: 'As we have pointed out above the State may not use race or color as the basis for distinction. It may not do so by direct action or through the medium of others who are under State compulsion to do so.' Id., 287 F.2d at 755—756 (emphasis added). We think the same principle governs here.

For state action purposes it makes no difference of course whether the racially discriminatory act by the private party is compelled by a statutory provision or by a custom having the force of law—in either case it is the State that has commanded the result by its law. Without deciding whether less substantial involvement of a State might satisfy the state action requirement of the Fourteenth Amendment, we conclude that petitioner would show an abridgement of her equal protection right, if she proves that Kress refused her service because of a state-enforced custom of segregating the races in public restaurants.  
[Adickes v. Kress Company, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d. 142 (1970)]

## **6. Public v. Private**

A very important subject is the division of legal authority between PUBLIC and PRIVATE rights. On this subject the U.S. Supreme Court held:

*"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."  
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

If you can't "execute" them, then you ALSO can't enforce them against ANYONE else. Some people might be tempted to say that we all construe them against the private person daily, but in fact we can't do that WITHOUT being a public officer WITHIN the government.

"The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can act only through its agents, "[t]he State is a political corporate body, can act only through agents, and can command only by laws." Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's Law Dictionary 159 (5th ed. 1979) ("[B]ody politic or corporate": "A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good"). As a "body politic and corporate," a State falls squarely within the Dictionary Act's definition of a "person."  
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

If we do enforce the law as a private nonresident human, we are criminally impersonating a public officer in violation of 18 U.S.C. §912. Other U.S. Supreme Court cites also confirm why this must be:

"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals."  
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the

1 protection of his life and property. His rights are such as existed by the law of the land long antecedent to the  
2 organization of the state, and can only be taken from him by due process of law, and in accordance with the  
3 Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his  
4 property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he  
5 does not trespass upon their rights.

6 “Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated  
7 for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the  
8 laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not  
9 authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long  
10 as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and  
11 find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered  
12 a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these  
13 franchises had been employed, and whether they had been abused, and demand the production of the corporate  
14 books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged  
15 with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its  
16 books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating  
17 questions unless protected by an immunity statute, it does not follow that a corporation, vested with special  
18 privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. “  
19 [Hale v. Henkel, 201 U.S. 43 (1906)]

20 You MUST therefore be an agent of the government and therefore a PUBLIC officer in order to “make constitutions or laws  
21 or administer, execute, or ENFORCE EITHER”. Examples of “agents” or “public officers” of the government include all  
22 the following:

- 23 1. “person” (26 U.S.C. §7701(a)(1)).
- 24 2. “individual” (26 C.F.R. §1441-1(c)(3)).
- 25 3. “taxpayer” (26 U.S.C. §7701(a)(14)).
- 26 4. “withholding agent” (26 U.S.C. §7701(a)(16)).

27 *“The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the*  
28 *company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it*  
29 *cannot justly exercise any control, nor upon whom it can justly lay any burden.”*  
30 *[United States v. Erie R. Co., 106 U.S. 327 (1882)]*

31 So how do you “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!

32 Likewise, if ONLY public officers can “administer, execute, or enforce” the law, then the following additional requirements  
33 of the law are unavoidable and also implied:

- 34 1. Congress cannot impose DUTIES against private persons through the civil law. Otherwise the Thirteenth Amendment  
35 would be violated and the party executing said duties would be criminally impersonating an agent or officer of the  
36 government in violation of 18 U.S.C. §912.
- 37 2. Congress can only impose DUTIES upon public officers through the civil statutory law.
- 38 3. The civil statutory law is law for GOVERNMENT, and not PRIVATE persons. See:

[Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

- 39 4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
- 40 5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even  
41 if you consent to volunteer.
- 42 6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per  
43 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

44 [TITLE 4 > CHAPTER 3 > § 72](#)  
45 [§ 72. Public offices; at seat of Government](#)

46 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
47 *except as otherwise expressly provided by law.*

- 48 7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:  
49 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on  
50 official business interacting with PRIVATE humans.

- 1 7.2. The Public Records exception to the Hearsay Exceptions Rule, Federal Rule of Evidence 803(8) applies.  
 2 EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly  
 3 admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such  
 4 evidence, he is:  
 5 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of  
 6 Powers.  
 7 7.2.2. Criminally obstructing justice.

8 If you would like to study the subject of private property and its protection further after reading the following subsections,  
 9 please refer to the following vast resources on the subject:

- 10 1. Private v. Public Property/Rights and Protection Playlist, SEDM Youtube Channel  
 11 <https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXyn6AUF0KTu>  
 12 2. Enumeration of Inalienable Rights, Form #10.002 – list of your PRIVATE rights and the authorities that prove that  
 13 they exist  
 14 3. Separation Between Public and Private Course, Form #12.025  
 15 <http://sedm.org/Forms/FormIndex.htm>  
 16 4. Legal Remedies for the Protection of Private Rights Course, Form #12.019  
 17 <http://sedm.org/Forms/FormIndex.htm>  
 18 5. Property and Privacy Protection Topic, Family Guardian Fellowship  
 19 <http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>  
 20 6. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights, Family Guardian Fellowship  
 21 <http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>

## 22 6.1 Introduction

23 In order to fully understand and comprehend the nature of franchises, it is essential to thoroughly understand the distinctions  
 24 between PUBLIC and PRIVATE property. The following subsections will deal with this important subject extensively. In  
 25 the following subsections, we will establish the following facts:

- 26 1. There are TWO types of property:  
 27 1.1. Public property. This type of property is protected by the CIVIL law.  
 28 1.2. Private property. This type of property is protected by the COMMON law.  
 29 2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally  
 30 defined.

31 *Property. That which is peculiar or proper to any person; that which **belongs exclusively to one**. In the strict  
 32 legal sense, **an aggregate of rights which are guaranteed and protected by the government**. *Fulton Light, Heat  
 33 & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. *The term is said to extend to every species of valuable  
 34 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
 35 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it.  
 36 That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or  
 37 subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have  
 38 to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no  
 39 way depends on another man's courtesy.**

40 *The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal,  
 41 tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which  
 42 goes to make up wealth or estate. **It extends to every species of valuable right and interest, and includes real  
 43 and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of  
 44 one's property rights by actionable wrong.** *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332  
 45 P.2d. 250, 252, 254.*

46 [ . . . ]

47 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

- 48 3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO  
 49 legal “persons”: PUBLIC and PRIVATE.  
 50 3.1. The CIVIL law attaches to the PUBLIC person.

1 3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person.  
2 This is consistent with the following maxim of law.

3 *Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
4 *When two rights [public right v. private right] concur in one person, it is the same as if they were two separate*  
5 *persons. 4 Co. 118.*  
6 *[Bouvier's Maxims of Law, 1856;*  
7 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

8 4. That the purpose of the Constitution and the establishment of government itself is to protect EXCLUSIVELY  
9 PRIVATE rights.

10 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
11 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
12 *these [EXCLUSIVELY PRIVATE, God-given] rights, Governments are instituted among Men, deriving their*  
13 *just powers from the consent of the governed. -"*  
14 *[Declaration of Independence, 1776]*

15 The VERY FIRST step in protecting PRIVATE rights and PRIVATE property is to prevent such property from being  
16 converted to PUBLIC property or PUBLIC rights without the consent of the owner. In other words, the VERY FIRST  
17 step in protecting PRIVATE rights is to protect you from the GOVERNMENT'S OWN theft. Obviously, if a  
18 government becomes corrupted and refuses to protect PRIVATE rights or recognize them, there is absolutely no reason  
19 you can or should want to hire them to protect you from ANYONE ELSE.

20 5. The main method for protecting PRIVATE rights is to impose the following burden of proof and presumption upon  
21 any entity or person claiming to be "government":

22 *"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government*  
23 *or the CIVIL law unless and until the government meets the burden of proving, WITH EVIDENCE, on the record*  
24 *of the proceeding that:*

- 25 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.  
26 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the  
27 Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public  
28 servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily  
29 domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights  
30 to a real, de jure government, even WITH their consent.  
31 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be  
32 operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and  
33 which is therefore NOT protected by official, judicial, or sovereign immunity.

34 Note that the above is not a quote from a third party, but from us. It is how we propose that you force the government  
35 to satisfy the burden of proof that they are NOT thieves who have made a business out of STEALING your otherwise  
36 private property. Use it when both in an administrative and legal setting in combination with Form #05.025 to keep the  
37 burden of proof on the government and off you.

38 6. That the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution and therefore such  
39 conduct cannot lawfully become the subject of any civil statutory law.

40 *"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under*  
41 *a constitution. 194 B.R. at 925. "*  
42 *[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

43 7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply  
44 PUBLIC "persons" and therefore public offices within the government and not PRIVATE human beings. All such  
45 offices are creations and franchises of the government and therefore property of the government subject to its exclusive  
46 control.

47 8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:

48 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated  
49 physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In  
50 some cases, that public office is also called a "citizen" or "resident".

51 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your PRIVATE  
52 property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.

- 1 9. That there are VERY SPECIFIC and well-defined rules for converting PRIVATE property into PUBLIC PROPERTY  
2 and OFFICES, and that all such rules require your express consent except when a crime is involved.
- 3 10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of “person” or  
4 “individual” without PROVING with evidence that you consented to the status AND had the CAPACITY to lawfully  
5 consent at the time you consented, they are:
- 6 10.1. Violating due process of law.  
7 10.2. Imposing involuntary servitude.  
8 10.3. STEALING property from you. We call this “theft by presumption”.  
9 10.4. Kidnapping your identity and moving it to federal territory.  
10 10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.
- 11 11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to  
12 PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE  
13 that all governments must protect your right NOT to participate in franchises or be held accountable for the  
14 consequences of receiving a “benefit” you did not consent to receive and/or regarded as an INJURY rather than a  
15 “benefit”:

16 *Invito beneficium non datur.*

17 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
18 *considered as assenting. Vide Assent.*

19 *Quilibet potest renunciare juri pro se inducto.*

20 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*

21 *Inst. n. 83.*

22 *[Bouvier’s Maxims of Law, 1856,*

23 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

24 For an example of how this phenomenon works in the case of the Internal Revenue Code, Subtitles A and C “trade or business”  
25 franchise, see:

*Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008*  
<http://sedm.org/Forms/FormIndex.htm>

26 As an example of why an understanding of this subject is EXTREMELY important, consider the following dialog at an IRS  
27 audit in which the FIRST question out of the mouth of the agent is ALWAYS “What is YOUR Social Security Number?”:

28 \_\_\_\_\_  
29  
30 **IRS AGENT:** What is YOUR Social Security Number?

31  
32 **YOU:** 20 C.F.R. §422.103(d) says SSNs belong to the government. The only way it could be MY number is if I am appearing  
33 here today as a federal employee or officer on official business. If that is the case, no, I am here as a private human  
34 being and not a government statutory “employee” in possession or use of “public property” such as a number.  
35 Therefore, I don’t HAVE a Social Security Number. Furthermore, I am not lawfully eligible and never have been  
36 eligible to participate in Social Security and any records you have to the contrary are FALSE and FRAUDULENT  
37 and should be DESTROYED.

38  
39 **IRS AGENT:** That’s ridiculous. Everyone HAS an SSN.

40  
41 **YOU:** Well then EVERYONE is a STUPID whore for acting as a federal employee or agent without compensation THEY  
42 and not YOU determine. The charge for my services to act as a federal “employee” or officer or trustee in possession  
43 of public property such as an SSN is ALL the tax and penalty liability that might result PLUS \$1,000 per hour. Will  
44 you agree in writing pay the compensation I demand to act essentially as your federal coworker, because if you  
45 don’t, then it’s not MY number?

46  
47 **IRS AGENT:** It’s YOUR number, not the government’s.

48  
49 **YOU:** Well why do the regulations at 20 C.F.R. §422.103(d) say it belongs to the Social Security Administration (S.S.A.)  
50 instead of me? I am not appearing as a Social Security employee at this meeting and its unreasonable and prejudicial  
51 for you to assume that I am. I am also not appearing here as “federal personnel” as defined in [5 U.S.C. §552a\(a\)\(13\)](#).  
52 I don’t even qualify for Social Security and never have, and what you are asking me to do by providing an INVALID

1 and knowingly FALSE number is to VIOLATE THE LAW and commit fraud by providing that which I am not  
2 legally entitled to and thereby fraudulently procure the benefits of a federal franchise. Is that your intention?

3  
4 IRS AGENT: Don't play word games with me. It's YOUR number.

5  
6 YOU: Well good. Then if it's MY number and MY property, then I have EXCLUSIVE control and use over it. That is what  
7 the word "property" implies. That means I, and not you, may penalize people for abusing MY property. The penalty  
8 for wrongful use or possession of MY property is all the tax and penalty liability that might result from using said  
9 number for tax collection plus \$1,000 per hour for educating you about your lawful duties because you obviously  
10 don't know what they are. If it's MY property, then your job is to protect me from abuses of MY property. If you  
11 can penalize me for misusing YOUR procedures and forms, which are YOUR property, then I am EQUALLY  
12 entitled to penalize you for misusing MY property. Are you willing to sign an agreement in writing to pay for the  
13 ABUSE of what you call MY property, because if you aren't, you are depriving me of exclusive use and control  
14 over MY property and depriving me of the equal right to prevent abuses of my property??

15  
16 IRS AGENT: OK, well it's OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to  
17 you?

18  
19 YOU: You DIDN'T assign it to ME as a private person, which is what I am appearing here today as. You can't lawfully  
20 issue public property such as an SSN to a private person. That's criminal embezzlement. The only way it could  
21 have been assigned to me is if I'm acting as a "public officer" or federal employee at this moment, and I am NOT.  
22 I am here as a private person and not a public employee. Therefore, it couldn't have been lawfully issued to me.  
23 Keep this up, and I'm going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of [18](#)  
24 [U.S.C. §641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I'm not here as a public officer and  
25 you are asking me to act like one without compensation and without legal authority. Where is the compensation  
26 that I demand to act as a fiduciary and trustee over your STINKING number, which is public property? I remind  
27 you that the very purpose why governments are created is to PROTECT and maintain the separation between "public  
28 property" and "private property" in order to preserve my inalienable constitutional rights that you took an oath to  
29 support and defend. Why do you continue to insist on co-mingling and confusing them in order to STEAL my labor,  
30 property, and money without compensation in violation of the Fifth Amendment takings clause?

31  
32 Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end  
33 that sort of inquiry, and many times will also end his collection efforts.

## 34 **6.2 What is "Property"?**

35 Property is legally defined as follows:

36 *Property. That which is peculiar or proper to any person; that which **belongs exclusively to one**. In the strict  
37 legal sense, **an aggregate of rights which are guaranteed and protected by the government**. *Fulton Light, Heat  
38 & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
39 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to  
40 dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it.  
41 That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or  
42 subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have  
43 to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no  
44 way depends on another man's courtesy.*

45 *The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal,  
46 tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which  
47 goes to make up wealth or estate. **It extends to every species of valuable right and interest, and includes real  
48 and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of  
49 one's property rights by actionable wrong.** *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332  
50 P.2d. 250, 252, 254.*

51 *Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
52 beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only  
53 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
54 389 S.W.2d. 745, 752.*

1 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing,  
2 as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230  
3 Or. 439, 370 P.2d. 694, 697.

4 Goodwill is property, *Howell v. Bowden*, *TexCiv. App.*, 368 S.W.2d. 842, &18; as is an insurance policy and  
5 rights incident thereto, including a right to the proceeds, *Harris v. Harris*, 83 N.M. 441,493 P.2d. 407, 408.

6 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal  
7 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation  
8 tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q 223.0. See  
9 also Property of another, *infra*. *Dusts*. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest  
10 in things and not the things themselves.  
11 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

12 Keep in mind the following critical facts about "property" as legally defined:

- 13 1. The essence of the "property" right, also called "ownership", is the RIGHT TO EXCLUDE others from using or  
14 benefitting from the use of the property.

15 "*We have repeatedly held that, as to property reserved by its owner for private use, 'the right to exclude [others*  
16 *is] 'one of the most essential sticks in the bundle of rights that are commonly characterized as property.'*"  
17 *Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United*  
18 *States, 444 U.S. 164, 176 (1979).* "  
19 [*Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)*]

20  
21 "*In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the*  
22 *property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without*  
23 *compensation.*"  
24 [*Kaiser Aetna v. United States, 444 U.S. 164 (1979)*]

25 [*11*] See, e. g., *United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);*  
26 *United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961).* As stated by Mr. Justice Brandeis, "[a]n essential element  
27 of individual property is the legal right to exclude others from enjoying it." *International News Service v.*  
28 *Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).*

- 29 2. It's NOT your property if you can't exclude EVERYONE, including the GOVERNMENT from using, benefitting from  
30 the use, or taxing the specific property.  
31 3. All constitutional rights and statutory privileges are property.  
32 4. Anything that conveys a right or privilege is property.  
33 5. Contracts convey rights or privileges and are therefore property.  
34 6. All franchises are contracts between the grantor and the grantee and therefore property.

### 35 6.3 "Public" v. "Private" property ownership

36 Next, we would like to compare the two types of property: Public v. Private. There are two types of ownership of "property":  
37 Absolute and Qualified. The following definition describes and compares these two types of ownership:

38 *Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of*  
39 *Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary*  
40 *right in a thing or claim. The entirety of the powers of use and disposal allowed by law.*

41 *The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing*  
42 *belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession,*  
43 *enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.*

44 *Ownership of property is either absolute or qualified. The ownership of property is absolute when a single*  
45 *person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only*  
46 *to general laws. The ownership is qualified when it is shared with one or more persons, when the time of*  
47 *enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.*

1 *There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all*  
 2 *domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the*  
 3 *goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.*

4 *In connection with burglary, "ownership" means any possession which is rightful as against the burglar.*

5 *See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership;*  
 6 *Ostensible ownership; Owner; Possession; Title.*  
 7 *[Black's Law Dictionary, Sixth Edition, p. 1106]*

8 Participation in franchises causes PRIVATE property to transmute into PUBLIC property. Below is a table comparing these  
 9 two great classes of property and the legal aspects of their status.

10 **Table 2: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the USA Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal
10	Conversion to opposite type of property by	1. Removing government identifying number. 2. Donation.	1. Associating with government identifying number. <sup>28</sup> 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

11 Private and Public property MUST, at all times, remain completely separate from each other. If in fact rights are  
 12 UNALIENABLE as declared in the Declaration of Independence, then you aren't allowed legally to consent to donate them  
 13 to any government. Hence, they must remain private. You can't delegate that authority to anyone else either, because you  
 14 can't delegate what you don't have:

15 *"Derativa potestas non potest esse major primitiva.*  
 16 *The power which is derived cannot be greater than that from which it is derived."*

17 *"Nemo plus juris ad alienum transfere potest, quam ispe habent.*  
 18 *One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175."*  
 19 *[Bouvier's Maxims of Law, 1856;*  
 20 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

<sup>28</sup> See: *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012.

1 For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and  
2 how governments illegally try to convert PRIVATE to PUBLIC in order to STEAL from you, see:

[Separation Between Public and Private Course](http://sedm.org/Forms/FormIndex.htm), Form #12.025  
<http://sedm.org/Forms/FormIndex.htm>

#### 3 **6.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights**

4 The main purpose for which all governments are established is the protection of EXCLUSIVELY PRIVATE rights and  
5 property. This purpose is the foundation of all the just authority of any government as held by the Declaration of  
6 Independence:

7 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
8 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
9 these rights, Governments are instituted among Men, deriving their just powers from the consent of the  
10 governed, -"  
11 *[Declaration of Independence, 1776]**

12 The fiduciary duty that a public officer who works for the government has is founded upon the requirement to protect  
13 PRIVATE property.

14 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
15 exercised in behalf of the government or of all citizens who may need the intervention of the officer."<sup>29</sup>  
16 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level  
17 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under  
18 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain  
19 from a discharge of their trusts.<sup>30</sup> That is, a public officer occupies a fiduciary relationship to the political  
20 entity on whose behalf he or she serves.<sup>31</sup> and owes a fiduciary duty to the public.<sup>32</sup> It has been said that the  
21 fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>33</sup> Furthermore,  
22 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
23 and undermine the sense of security for individual rights is against public policy.<sup>34</sup>"  
24 *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]**

25 The VERY FIRST step that any lawful de jure government must take in protecting PRIVATE property and PRIVATE rights  
26 is to protect it from being converted to PUBLIC/GOVERNMENT property. After all: If the people you hire to protect you  
27 won't even do the job of protecting you from THEM, why should you hire them to protect you from ANYONE ELSE?

28 The U.S. Supreme Court has also affirmed that the protection of PRIVATE rights and PRIVATE property is "the foundation  
29 of the government" when it held the following. The case below was a challenge to the constitutionality of the first national  
30 income tax, and the U.S. government rightfully lost that challenge:

31 *"Here I close my opinion. I could not say less in view of questions of such gravity that they go down to the very*  
32 *foundations of the government. If the provisions of the Constitution can be set aside by an act of Congress, where*  
33 *is the course of usurpation to end?"*

<sup>29</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>30</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>31</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>32</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>33</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>34</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1           The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of  
2 PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others larger**  
3 **and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing  
4 intensity and bitterness.”

5           [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first  
6 income tax passed by Congress that included people in states of the Union. They declared that first income tax  
7 UNCONSTITUTIONAL, by the way]

8 In the above landmark case, the lawyer for the petitioner, Mr. Choate, even referred to the income tax as COMMUNISM,  
9 and he was obviously right! Why? Because communism like socialism operates upon the following political premises:

- 10 1. All property is PUBLIC property and there IS no PRIVATE property.
- 11 2. The government owns and/or controls all property and said property is GRANTED to the people with strings or  
12 conditions attached.
- 13 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or  
14 equal protection under the law without the right of PRIVATE property. In that sense, the government or the “state” is  
15 a pagan idol with “supernatural powers” because human beings are “natural” and they are inferior to the collective.
- 16 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:  
17 4.1. The REAL owner is the government.  
18 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.  
19 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE  
20 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a  
21 PUBLIC office synonymous with the government itself.
- 22 5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone  
23 who is in charge of the PROPERTY of the public. It is otherwise a crime to use public property for a PRIVATE use or  
24 benefit. That crime is called theft or conversion:

25           “**Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either  
26 fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the  
27 sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58.  
28 An agency for the state, the duties of which involve in their performance the exercise of some portion of the  
29 sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State,  
30 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of  
31 Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52  
32 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for**  
33 **such time as de- notes duration and continuance, with Independent power to control the property of the public,**  
34 **or with public functions to be exercised in the supposed interest of the people, the service to be compensated by**  
35 **a stated yearly salary, and the occupant having a designation or title, the position so created is a public office.**  
36 State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
37 [Black's Law Dictionary, Fourth Edition, p. 1235]

38 Look at some of the planks of the Communist Manifesto, Karl Marx and confirm the above for yourself:

- 39 1. Abolition of property in land and application of all rents of land to public purposes.
- 40 2. A heavy progressive or graduated income tax.

41 [ . . . ]

42 [Wikipedia topic: “The Communist Manifesto”, Downloaded 12-27-2011; SOURCE:  
43 [http://en.wikipedia.org/wiki/The\\_Communist\\_Manifesto](http://en.wikipedia.org/wiki/The_Communist_Manifesto)]

44 The legal definition of “property” confirms that one who OWNS a thing has the EXCLUSIVE right to use and dispose of and  
45 CONTROL the use of his or her or its property and ALL the fruits and “benefits” associated with the use of such property.  
46 The implication is that you as the PRIVATE owner have a right to EXCLUDE ALL OTHERS including all governments  
47 from using, benefitting from, or controlling your property. Governments, after all, are simply legal “persons” and the  
48 constitution guarantees that ALL “persons” are equal. If your neighbor can’t benefit from your property without your consent,  
49 then neither can any so-called “government”.

50           **Property.** That which is peculiar or proper to any person; that which **belongs exclusively to one.** In the strict  
51 legal sense, **an aggregate of rights which are guaranteed and protected by the government.** Fulton Light, Heat  
52 & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable  
53 right and interest. **More specifically, ownership; the unrestricted and exclusive right to a thing; the right to**  
54 **dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with**  
55 **it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular**  
56 **things or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a**

man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which goes to make up wealth or estate. **It extends to every species of valuable right and interest, and includes real and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of one's property rights by actionable wrong.** *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.

Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether beneficial, or a private ownership. *Davis v. Davis*. *TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.

[. . .]

[*Black's Law Dictionary, Fifth Edition, p. 1095*]

In a lawful de jure government under our constitution:

1. All "persons" are absolutely equal under the law. No government can have any more rights than a single human being, no matter how many people make up that government. If your neighbor can't take your property without your consent, then neither can the government. The only exception to this requirement of equality is that artificial persons do not have constitutional rights, but only such "privileges" as statutory law grants them. See:

[Requirement for Equal Protection and Equal Treatment](http://sedm.org/Forms/FormIndex.htm), Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

2. All property is CONCLUSIVELY presumed to be EXCLUSIVELY PRIVATE until the GOVERNMENT meets the burden of proof on the record of the legal proceeding that you EXPRESSLY consented IN WRITING to donate the property or use of the property to the PUBLIC:

*"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. **That property for income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];** second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."*

[*Budd v. People of State of New York*, [143 U.S. 517](#) (1892)]

3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.
4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC otherwise PRIVATE property.
5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If it is, the constitutional violation is called "eminent domain" without compensation or STEALING, in violation of the Fifth Amendment Takings Clause.
6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.
  - 6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public persona and the public office it represents.

- 1 6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking  
 2 without compensation has occurred, because all property associated with such numbers was unlawfully converted  
 3 and STOLEN.
- 4 7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to  
 5 EXCLUDE the government from participation in their relationship.
- 6 7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing  
 7 board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE  
 8 relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE and government may not tax or  
 9 regulate or arbitrate the relationship in any way under the terms of the license franchise.
- 10 7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural  
 11 consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the  
 12 GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE "protection".  
 13 Therefore, even those who have applied for government license numbers are NOT obligated to use them in  
 14 connection with any specific transaction and may not have their licenses suspended or revoked for failure or  
 15 refusal to use them for a specific transaction.
- 16 8. If the government invades the commercial relationship between you and those you do business with by forcing either  
 17 party to use or invoke the license number or pursue remedies or "benefits" under the license, they are:
- 18 8.1. Interfering with your UNALIENABLE right to contract.
- 19 8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
- 20 8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
- 21 8.4. Compelling you to accept a public "benefit", where the "protection" afforded by the license is the "benefit".

22 The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION,  
 23 usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and that  
 24 you have to prove that they CONSENTED to let you keep the fruits of it. They can't and never have proven that they have  
 25 such a right, and all such presumptions are a violation of due process of law.

26 (1) [8:4993] *Conclusive presumptions affecting protected interests:*

27 *A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected*  
 28 *liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due***  
 29 ***process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland*  
 30 *Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that*  
 31 *unmarried fathers are unfit violates process]*  
 32 *[Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34]*

33 In order to unconstitutionally and TREASONOUSLY circumvent the above limitation on their right to presume, corrupt  
 34 governments and government actors will play "word games" with citizenship and key definitions in the ENCRYPTED "code"  
 35 in order to KIDNAP your legal identity and place it OUTSIDE the above protections of the constitution by:

- 36 1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the  
 37 GOVERNMENT and not YOUR PRIVATE PROPERTY. See:

*Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes*, Form #05.008  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

- 38 2. Abusing fraudulent information returns to criminally and unlawfully "elect" you into public offices in the government:

*Correcting Erroneous Information Returns*, Form #04.001  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>

- 39 3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to  
 40 occupy the office.
- 41 4. PRESUMING that ALL of the four contexts for "United States" are equivalent.
- 42 5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They  
 43 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY  
 44 "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See the document below:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

1 6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

2 7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they  
3 mean in EVERY context.

4 8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For  
5 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then  
6 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

7 9. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that  
8 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
9 have only one "domicile" but many "residences" and BOTH require your consent. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

10 10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their  
11 definitions, in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

12 11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the  
13 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC  
14 POLICY for the written law.

15 12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United  
16 States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)  
17 [publications](#) and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

18 This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

19 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
20 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
21 ***not mean to leave room for the play and action of purely personal and arbitrary power."***  
22 *[Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071]*

23 Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he astutely said:

24 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
25 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
26 *scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow,***  
27 ***and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the***  
28 ***States and the government be consolidated into one. To this I am opposed."***  
29 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

30 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
31 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
32 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
33 ***all power in the hands of that government in which they have so important a freehold estate."***  
34 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

35 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
36 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*  
37 *of a general and special government to a general and supreme one alone. **This will lay all things at their feet,***  
38 ***and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'**"*  
39 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

40 *"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the*  
41 *center of all power, it will render powerless the checks provided of one government on another and will become*  
42 ***as venal and oppressive as the government from which we separated."***  
43 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

1 "What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"  
2 scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the  
3 hands of the General Government!"  
4 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

5 The key to preventing the unconstitutional abuse of presumption by the corrupted judiciary and IRS to STEAL from people  
6 is to completely understand the content of the following memorandum of law and consistently apply it in every interaction  
7 with the government:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

8 It ought to be very obvious to the reader that:

- 9 1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and  
10 unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These  
11 rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
- 12 2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner  
13 and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
- 14 3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC  
15 property, then they are:
  - 16 3.1. Defeating the very purpose for which they were established as a "government". Hence, they are not a true  
17 "government" but a de facto private corporation PRETENDING to be a "government", which is a CRIME under  
18 18 U.S.C. §912.
  - 19 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without  
20 compensation.
  - 21 3.3. Trying to STEAL from you.
  - 22 3.4. Violating their fiduciary duty to the public.

## 23 **6.5 The Right to be left alone**

24 The purpose of the Constitution of the United States of America is to confer the "right to be left alone", which is the essence  
25 of being sovereign:

26 *"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*  
27 *recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a*  
28 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*  
29 *Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the***  
30 ***Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized***  
31 ***men."***  
32 *[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,*  
33 *494 U.S. 210 (1990)]*

34 The legal definition of "justice" confirms that its purpose is to protect your right to be "left alone":

35 PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

36 *"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the*  
37 *lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue*  
38 *springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different*  
39 *spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual*  
40 *life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or*  
41 *the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise*  
42 *to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,*  
43 *to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the*  
44 *neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own*  
45 *life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and*  
46 *permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."*  
47 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]*

48 The Bible also states the foundation of justice by saying:

1 "Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no harm."  
2 [Prov. 3:30, Bible, NKJV]

3 And finally, Thomas Jefferson agreed with the above by defining "justice" as follows in his First Inaugural Address:

4 "With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing  
5 more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another, shall  
6 leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from  
7 the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close  
8 the circle of our felicities."  
9 [Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

10 Therefore, the word "injustice" means interference with the equal rights of others absent their consent and which constitutes  
11 an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of "justice",  
12 anything done with your consent cannot be classified as "injustice" or an injury.

13 Those who are "private persons" fit in the category of people who must be left alone as a matter of law:

14 "There is a clear distinction in this particular case between an individual and a corporation, and that the latter  
15 has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual  
16 may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own  
17 way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom,  
18 beyond the protection of his life and property. His rights are such as existed by the law of the land long  
19 antecedent to the organization of the State, and can only be taken from him by due process of law, and in  
20 accordance with the constitution. Among his rights are a refusal to incriminate himself, and the immunity of  
21 himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public  
22 so long as he does not trespass upon their rights."  
23 [Hale v. Henkel, 201 U.S. 43, 74 (1906)]

24  
25 Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)  
26 Payroll Deduction Agreements

27 **2. Private employers, states, and political subdivisions are not required to enter into payroll deduction**  
28 **agreements.** Taxpayers should determine whether their employers will accept and process executed agreements  
29 before agreements are submitted for approval or finalized.  
30 [SOURCE: <http://sedm.org/Exhibits/EX05.043.pdf>]

31 The U.S. Supreme Court has also held that the ability to regulate what it calls "private conduct" is repugnant to the  
32 constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing  
33 your right to be left alone:

34 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes  
35 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*  
36 *v. Reese*, 92 U.S. 214, 218 (1876); *United States v. Harris*, 106 U.S. 629, 639 (1883); *James v. Bowman*, 190 U.S.  
37 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see,  
38 e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *United States v. Guest*, 383 U.S. 745  
39 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been  
40 questioned."  
41 [City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

42 Only by taking on a "public character" or engaging in "public conduct" rather than a "private" character may our actions  
43 become the proper or lawful subject of federal or state legislation or regulation.

44 "One great object of the Constitution is to permit citizens to structure their private relations as they choose  
45 subject only to the constraints of statutory or decisional law. [500 U.S. 614, 620]

46 To implement these principles, courts must consider from time to time where the governmental sphere [e.g.  
47 "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private  
48 parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity  
49 to such an extent that its participants must be deemed to act with the authority of the government and, as a  
50 result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the  
51 "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional  
52 obligations. *Moose Lodge, supra*, at 172. "

[...]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see *Lugar*, supra, 457 U.S. at 939, our cases disclose certain principles of general application. **Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, 485 U.S. 478 (1988); *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961); whether the actor is performing a traditional governmental function, see *Terry v. Adams*, 345 U.S. 461 (1953); *Marsh v. Alabama*, 326 U.S. 501 (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, 483 U.S. 522, 544-545 (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, 334 U.S. 1 (1948).** Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action. [*Edmonson v. Leesville Concrete Company*, 500 U.S. 614 (1991)]

The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that pertain to licensed or privileged activities or franchises, all of which:

1. Cause the licensee or franchisee to represent a “public office” and work for the government.
2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity. See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a “person” within the I.R.C. criminal and penalty provisions as an officer or employee of a corporation.
3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

IV. PARTIES > Rule 17.  
(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

- (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
- (2) for a corporation [or the officers or “public officers” of the corporation], by the law under which it was organized; and**
- (3) for all other parties, by the law of the state where the court is located, except that:
  - (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
  - (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

4. Create a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes. For instance, the definition of “individual” within 5 U.S.C. §552(a)(2) reveals that it is a government employee with a domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman. The office is the “individual”, and not the man or woman who fills it:

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a  
§ 552a. Records maintained on individuals

(a) Definitions.— For purposes of this section—

(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;

If you don’t maintain a domicile on federal territory, which is called the “United States” in the U.S. Code, or you don’t work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an

1 “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law,  
2 but the author of the law!

3 “Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are  
4 ordinarily construed to exclude it.”  
5 [United States v. Cooper Corporation, 312 U.S. 600 (1941)]

6 “There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country  
7 sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution  
8 entrusted to it: All else is withheld.”  
9 [Juilliard v. Greenman, 110 U.S. 421 (1884)]

10 “Sovereignty itself is, of course, not subject to law for it is the author and source of law;”  
11 [Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

12 “Under our form of government, the legislature is NOT supreme. It is only one of the organs of that ABSOLUTE  
13 SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the government, it can only  
14 exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts.. are utterly  
15 VOID.”  
16 [Billings v. Hall, 7 CA. 1]

17 “In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired  
18 by force or fraud, or both...In America, however the case is widely different. Our government is founded upon  
19 compact. Sovereignty was, and is, in the people.”  
20 [The Betsy, 3 Dall 6]

21 In summary, the only way the government can control you through civil law is to connect you to public conduct or a “public  
22 office” within the government executed on federal territory. If they are asserting jurisdiction that you believe they don’t  
23 have, it is probably because:

- 24 1. You misrepresented your domicile as being on federal territory within the “United States” or the “State of \_\_\_” by  
25 declaring yourself to be either a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or a statutory “resident” (alien)  
26 pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
- 27 2. You filled out a government application for a franchise, which includes government benefits, professional licenses,  
28 driver’s licenses, marriage licenses, etc.
- 29 3. Someone else filed a document with the government which connected you to a franchise, even though you never  
30 consented to participate in the franchise. For instance, IRS information returns such as Forms W-2, 1042-S, 1098, and  
31 1099 presumptively connect you to a “trade or business” in the U.S. government pursuant to 26 U.S.C. §6041. A “trade  
32 or business” is then defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. The only way to prevent  
33 this evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See:

Correcting Erroneous Information Returns, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

### 34 **6.6 The PUBLIC You (straw man) vs. the PRIVATE You (human)**

35 It is extremely important to know the difference between PRIVATE and PUBLIC “persons”, because we all have private and  
36 public identities. This division of our identities is recognized in the following maxim of law:

37 *Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
38 *When two rights [public right v. private right] concur in one person, it is the same as if they were two separate*  
39 *persons.* 4 Co. 118.  
40 [Bouvier’s Maxims of Law, 1856;  
41 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

42 The U.S. Supreme Court also recognizes the division of PUBLIC v. PRIVATE:

43 “A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he  
44 administer or execute them.”  
45 [United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

1 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be  
2 carried into operation by individual agency, either through the medium of public officers, or contracts made  
3 with [private] individuals."  
4 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

6 "...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual  
7 and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an  
8 examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is  
9 entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to  
10 the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may  
11 tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the  
12 protection of his life and property. His rights are such as existed by the law of the land long antecedent to the  
13 organization of the state, and can only be taken from him by due process of law, and in accordance with the  
14 Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his  
15 property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he  
16 does not trespass upon their rights.

17 "Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated  
18 for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the  
19 laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not  
20 authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long  
21 as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and  
22 find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered  
23 a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these  
24 franchises had been employed, and whether they had been abused, and demand the production of the corporate  
25 books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged  
26 with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its  
27 books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating  
28 questions unless protected by an immunity statute, it does not follow that a corporation, vested with special  
29 privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. "  
30 [Hale v. Henkel, 201 U.S. 43 (1906)]

31 The next time you are in court as a PRIVATE person, here are some questions for the next jury, judge, or government  
32 prosecutor trying to enforce a civil obligation upon you as a PRESUMED public officer called a "citizen", "resident",  
33 "person", or "taxpayer":

- 34 1. How do you, a PRIVATE human, "OBEY" a law without "EXECUTING" it? We'll give you a hint: It CAN'T BE  
35 DONE!
- 36 2. What "public office" or franchise does the government claim to have "created" and therefore have the right to control  
37 in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
- 38 3. Who is the "customer" in the context of the IRS: The STATUTORY "taxpayer" public office or the PRIVATE human  
39 filling the office?
- 40 4. Who gets to define what a "benefit" is in the context of "customers"? Isn't it the human volunteering to be surety for  
41 the "taxpayer" office and not the government grantor of the public office franchise?
- 42 5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a  
43 BENEFIT? Does that "end the privilege" and the jurisdiction to tax and regulate?
- 44 6. Does the national government claim the right to create franchises within a constitutional state in order to tax them?  
45 The Constitution says they CANNOT and that this is an "invasion" within the meaning of Article 4, Section 4 of the  
46 Constitution:

47 "Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and  
48 with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to  
49 trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive  
50 power; and the same observation is applicable to every other power of Congress, to the exercise of which the  
51 granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

52 But very different considerations apply to the internal commerce or domestic trade of the States. Over this  
53 commerce and trade Congress has no power of regulation nor any direct control. This power belongs  
54 exclusively to the States. No interference by Congress with the business of citizens transacted within a State  
55 is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly  
56 granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive  
57 power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It  
58 is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,  
59 and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus

1 limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing  
2 subjects. **Congress cannot authorize a trade or business within a State in order to tax it.**  
3 [License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

- 4 7. Isn't a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the  
5 DUTIES of the office? Isn't this a violation of the First Commandment NOT to serve "other gods", which can and  
6 does mean civil rulers or governments?

7 *But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.  
8 **And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected  
9 Me [God], that I should not reign over them.** According to all the works which they have done since the day that  
10 I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods  
11 [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their  
12 voice. **However, you shall solemnly forewarn them, and show them the behavior of the king who will reign  
13 over them.**"*  
14 [1 Sam. 8:6-9, Bible, NKJV]

- 15 8. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form  
16 isn't even signed by anyone in the government, such as a tax form or social security application, and therefore couldn't  
17 POSSIBLY be a valid contract anyway? Isn't this a FRAUD upon the United States and criminal bribery, using illegal  
18 "withholdings" to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.  
19 9. How can a judge enforce civil statutory law that only applies to public officers without requiring proof on the record  
20 that you are CONSENSUALLY and LAWFULLY engaged in a public office? In other words, that you waived  
21 sovereign immunity by entering into a contract with the government.

22 *"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to  
23 the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would  
24 unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one  
25 man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man,  
26 who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction  
27 in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the  
28 United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a  
29 source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial  
30 authorities of the State and the general government. Anything which can prevent a Federal Officer from the  
31 punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt,  
32 as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, **considering the  
33 constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases  
34 cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction  
35 of the King's Bench universal in all personal actions.**"*  
36 [United States v. Worrall, 2 U.S. 384 (1798)  
37 SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)]

- 38 10. Isn't this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON'T  
39 consent and they won't let you TALK about the ABSENCE of your consent?  
40 11. Isn't it a violation of due process of law to PRESUME that you are public officer WITHOUT EVIDENCE on the  
41 record from an unbiased witness who has no financial interest in the outcome?

42 *"A presumption is an assumption of fact that the law requires to be made from another fact or group of facts  
43 found or otherwise established in the action. **A presumption is not evidence.**"*  
44 [Black's Law Dictionary, Sixth Edition, p. 1185]

45  
46 ***"If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not  
47 due process of law. [ . . . ] the presumption of innocence under which **guilt must be proven by legally obtained  
48 evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal  
49 process; and the guarantee that an individual will not be tried more than once for the same offence (double  
50 jeopardy).***  
51 [Black's Law Dictionary, Sixth Edition, p. 500]

- 3 12. If the judge won't enforce the requirement that the government as moving party has the burden of proving WITH  
4 EVIDENCE that you were LAWFULLY "appointed or elected" to a public office, aren't you therefore PRESUMED to  
5 be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?
- 6 13. Isn't the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully  
7 occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally "influencing" the PUBLIC you.
- 8 14. Isn't an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn't the  
9 rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights  
10 without just compensation in violation of the Fifth Amendment Takings Clause?
- 11 15. Don't the rights that UNCONSTITUTIONAL presumptions prejudicially convey to the government constitute a taking  
12 of rights without just compensation in violation of the Fifth Amendment Takings Clause?
- 13 16. By what authority does the judge impose federal civil law within a constitutional state of the Union because:  
14 16.1. Constitutional states are legislatively but not constitutionally foreign jurisdiction.  
15 16.2. Federal Rule of Civil Procedure 17(b) requires that those with a domicile outside of federal territory cannot be  
16 sued under federal law.  
17 16.3. The Rules of Decision Act, 28 U.S.C. §1652 dictates that state rather than federal law applies.  
18 16.4. National franchises and the PRIVATE law that implements them cannot be offered or enforced within  
19 constitutional states per License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).
- 20 17. Even if we ARE lawfully serving in a public office, don't we have the right to:  
21 17.1. Be off duty?  
22 17.2. Choose WHEN we want to be off duty?  
23 17.3. Choose WHAT financial transactions we want to connect to the office?  
24 17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling  
25 something "voluntary" and yet refusing to protect those who do NOT consent to "volunteer", don't they?  
26 17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance,  
27 do we have a right not to become a FEDERAL officer when we sign up for a STATE "driver's license" and  
28 "public office" that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO  
29 become a FEDERAL officer at the same time.  
30 If the answer to all the above is NO, then there ARE no PRIVATE rights or PRIVATE property and there IS no  
31 "government" because governments only protect PRIVATE rights and private property!

32 We'd love to hear a jury, judge, or prosecutor address this subject before they haul him away in a straight jacket to the nuthouse  
33 because of a completely irrational and maybe even criminal answer.

34 The next time you end up in front of a judge or government attorney enforcing a civil statute against you, you might want to  
35 insist on proof in the record during the process of challenging jurisdiction as a defendant or respondent:

- 36 1. WHICH of the two "persons" they are addressing or enforcing against.  
37 2. How the two statuses, PUBLIC v. PRIVATE, became connected.  
38 3. What specific act of EXPRESS consent connected the two. PRESUMPTION alone on the part of government can't. A  
39 presumption that the two became connected WITHOUT consent is an unconstitutional eminent domain in violation of  
40 the Fifth Amendment Takings Clause.

41 In a criminal trial, such a question would be called a "bill of particulars".

42 We can handle private and public affairs from the private, but we cannot handle private affairs from the public. The latter is  
43 one of the biggest mistakes many people make when trying to handle their commercial and lawful (private) or legal (public)  
44 affairs. Those who use PUBLIC property for PRIVATE gain in fact are STEALING and such stealing has always been a  
45 crime.

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<sup>35</sup> Levasseur v. Field (Me), 332 A.2d. 765; Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703 (superseded by statute on other grounds as stated in Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113); Connizzo v. General American Life Ins. Co. (Mo App), 520 S.W.2d. 661.

1 In law, all rights attach to LAND, and all privileges attach to one's STATUS under voluntary civil franchises. An example  
2 of privileged statuses include "taxpayer" (under the tax code), "person", "individual", "driver" (under the vehicle code), and  
3 "spouse" (under the family code). Rights are PRIVATE, PRIVILEGES are PUBLIC.

4 In our society, the PRIVATE "straw man" was created by the application for the birth certificate. It is a legal person under  
5 contract law and under the Uniform Commercial Code (U.C.C.), with capacity to sue or be sued under the common law. It  
6 is PRIVATE PROPERTY of the human being described in the birth certificate.

7 The PUBLIC officer "straw man" (e.g. statutory "taxpayer") was created by the Application for the Social Security Card,  
8 SSA Form SS-5. It is a privileged STATUS under an [unconstitutional national franchise](#) of the [de facto government](#). It is  
9 PROPERTY of the national government. The PUBLIC "straw man" is thoroughly described in:

*Proof that There Is a "Straw Man", Form #05.042*  
<http://sedm.org/Forms/FormIndex.htm>

10 The PRIVATE "John Doe" is a statutory "non-resident non-person" not engaged in the "trade or business"/PUBLIC  
11 OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of  
12 Confederation. He has inalienable rights and unlimited liabilities. Those unlimited liabilities are described in

*The Unlimited Liability Universe*  
<http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

13 The PUBLIC "JOHN DOE" is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401,  
14 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). He exists in the privileged [socialist democracy](#). He has "benefits", franchises,  
15 obligations, immunities, and limited liability.

16 In the PRIVATE, money is an ASSET and always in the form of something that has intrinsic value, i.e. gold or silver. Payment  
17 for anything is in the form of commercial set off.

18 In the PUBLIC, money is a LIABILITY or debt and normally takes the form of a promissory note, i.e. a Federal Reserve  
19 Note (FRN), a check, bond, or note. Payment is in the form of discharge in the future.

20 The PRIVATE realm is the basis for all contract and commerce under the Uniform Commercial Code (U.C.C.). The PUBLIC  
21 realm was created by the bankruptcy of the PRIVATE entity. Generally, creditors can operate from the PRIVATE. PUBLIC  
22 entities are all debtors (or slaves). The exercise of the right to contract by the PRIVATE straw man makes human beings into  
23 SURETY for the PUBLIC straw man.

24 Your judicious exercise of your right to contract and the requirement for consent that protects it is the main thing that keeps  
25 the PUBLIC separate from the PRIVATE. See:

*Requirement for Consent, Form #05.003*  
<http://sedm.org/Forms/FormIndex.htm>

26 **Be careful how you use your right to contract!** It is the most DANGEROUS right you have because it can destroy ALL  
27 of your PRIVATE rights by converting them to PUBLIC rights and offices.

28 **"These general rules are well settled:**

29 **(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a**  
30 **euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation**  
31 **to provide a remedy through the courts.** *United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32*  
32 *L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35;*  
33 *De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108.*

34 **(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive.** *Wilder*  
35 *Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A,*  
36 *118; Arnson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558,*  
37 *25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that*  
38 *the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the*

1 *remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special*  
2 *tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the*  
3 *construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v.*  
4 *MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122,*  
5 *57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 12,*  
6 *1919."*  
7 *[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]*

8 All PUBLIC franchises are contracts or agreements and therefore participating in them is an act of contracting.

9 *"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*  
10 *that it does in fact constitute a contract when the requisite element of a consideration is present.<sup>36</sup> Conversely, a*  
11 *franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-*  
12 *franchisee.<sup>37</sup> "*  
13 *[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]*

14 Franchises include Social Security, income taxation ("trade or business"/public office franchise), unemployment insurance,  
15 driver licensing ("driver" franchise), and marriage licensing ("spouse" franchise).

16 *"You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan*  
17 *government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by*  
18 *becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me*  
19 *[God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a*  
20 *snare to you."*  
21 *[Exodus 23:32-33, Bible, NKJV]*

22 Governments become corrupt by:

- 23 1. Refusing to recognize the PRIVATE.
- 24 2. Undermining or interfering with the invocation of the common law in courts of justice.
- 25 3. Allowing false information returns to be abused to convert the PRIVATE into the PUBLIC without the consent of the  
26 owner.
- 27 4. Destroying or undermining remedies for the protection of PRIVATE rights.
- 28 5. Replacing CONSTITUTIONAL courts with LEGISLATIVE FRANCHISE courts.
- 29 6. Making judges into statutory franchisees such as "taxpayers", through which they are compelled to have a conflict of  
30 interest that ultimately destroys or undermines all private rights. This is a crime and a civil offense in violation of 18  
31 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
- 32 7. Offering or enforcing government franchises to people not domiciled on federal territory. This breaks down the  
33 separation of powers and enforces franchise law extraterritorially.
- 34 8. Abusing "words of art" to blur or confuse the separation between the PUBLIC and the PRIVATE. (deception)
- 35 9. Removing the domicile prerequisite for participation in government franchises through policy rather than, thus  
36 converting them into essentially PRIVATE business ventures that operate entirely through the right to contract.
- 37 10. Abusing sovereign immunity to protect PRIVATE government business ventures, thus destroying competition and  
38 implementing a state-sponsored monopoly.
- 39 11. Refusing to criminally prosecute those who compel participation in government franchises.
- 40 12. Turning citizenship into a statutory franchise, and thus causing people who claim citizen status to unwittingly become  
41 PUBLIC officers.
- 42 13. Allowing presumption to be used as a substitute for evidence in any proceeding to enforce government franchises  
43 against an otherwise PRIVATE party. This violates due process of law, unfairly advantages the government, and  
44 imputes to the government supernatural powers as an object of religious worship.

<sup>36</sup> Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13; State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955; Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co., 141 Va. 69, 126 S.E. 353.

<sup>37</sup> Pennsylvania R. Co. v. Bowers, 124 Pa. 183, 16 A. 836.

1 Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is  
 2 possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.  
 3 Below is a summary:

4 **Table 3: Public v. Private**

#	Characteristic	Private	Public
1	Name	“John Doe”	“JOHN DOE” (idemsonans)
2	Created by	Birth certificate	Application for SS Card, SSA Form SS-5
3	Property of	Human being	Government
4	Protected by	Common law	Statutory franchises
5	Type of rights exercised	Private rights Constitutional rights	Public rights Statutory privileges
6	Rights/privileges attach to	LAND you stand on	Statutory STATUS under a voluntary civil franchise
7	Courts which protect or vindicate rights/privileges	Constitutional courts under Article III in the true Judicial Branch	Legislative administrative franchise courts under Articles 1 and IV in the Executive Branch.
8	Domiciled on	Private property	Public property/federal territory
9	Commercial standing	Creditor	Debtor
10	Money	Gold and silver	Promissory note (debt instrument)
11	Sovereign being worshipped/obeyed	God	Governments and political rulers (The Beast, Rev. 19:19). Paganism
12	Purpose of government	Protect PRIVATE rights	Expand revenues and control over the populace and consolidate all rights and sovereignty to itself
13	Government consists of	Body POLITIC (PRIVATE) <b>and</b> body CORPORATE (PUBLIC)	Body CORPORATE (PUBLIC) <b>only</b> . All those in the body POLITIC are converted into officers of the corporation by abusing franchises.

5 **6.7 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law attaches to your**  
 6 **right to contract**

7 A very important consideration to understand is that:

- 8 1. All EXCLUSIVELY PUBLIC LAW attaches to the government’s own territory. By “PUBLIC”, we mean law that
- 9 runs the government and ONLY the government.
- 10 2. All EXCLUSIVELY PRIVATE law attaches to one of the following:
- 11 2.1. The exercise of your right to contract with others.
- 12 2.2. The property you own and lend out to others based on specific conditions.

13 Item 2.2 needs further attention. Here is how that mechanism works:

14 *“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by*  
 15 *equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on***  
 16 ***the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of***  
 17 ***the donor could be at all accomplished, consistently with the entire ownership of the property passing to the***  
 18 ***donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the***  
 19 ***donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.*  
 20 *Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by*  
 21 *imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or*  
 22 *with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in*  
 23 *this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)*  
 24 *by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in*  
 25 *which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every***  
 26 ***equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating***  
 27 ***an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect***  
 28 ***to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal***

1 obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just  
2 explained.”  
3 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

4 Next, we must describe exactly what we mean by “territory”, and the three types of “territory” identified by the U.S. Supreme  
5 Court in relation to the term “United States”. Below is how the United States Supreme Court addressed the question of the  
6 meaning of the term “United States” (see Black’s Law Dictionary) in the famous case of *Hooven and Allison Co. v. Evatt*,  
7 324 U.S. 652 (1945). The Court ruled that the term United States has three uses:

8 *“The term ‘United States’ may be used in any one of several senses. It may be merely the name of a sovereign*  
9 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory*  
10 *over which the sovereignty of the United States extends, or it may be the collective name of the states which are*  
11 *united by and under the Constitution.”*  
12 [[Hooven and Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)]

13 We will now break the above definition into its three contexts and show what each means.  
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**Table 4: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States**"	"These <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not have exclusive legislative authority over any of the 50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a " <u>Citizen of these united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

The way our present system functions, all PUBLIC rights are attached to federal territory. They cannot lawfully attach to EXCLUSIVELY PRIVATE property because the right to regulate EXCLUSIVELY PRIVATE rights is repugnant to the constitution, as held by the U.S. Supreme Court.

Lastly, when the government enters the realm of commerce and private business activity, it operates in equity and is treated as EQUAL in every respect to everyone else. ONLY in this capacity can it enact law that does NOT attach to its own territory and to those DOMICILED on its territory:

*See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").*

*See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"); O'Neill v. United States, 231 Cl.Ct. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party. [United States v. Winstar Corp., 518 U.S. 839 (1996)]*

If a government wants to reach outside its territory and create PRIVATE law for those who have not consented to its jurisdiction by choosing a domicile on its territory, the ONLY method it has for doing this is to exercise its right to contract.

*Debt and contract [franchise agreement, in this case] are of no particular place.*

1 *Locus contractus regit actum.*  
2 *The place of the contract [franchise agreement, in this case] governs the act.*  
3 *[Bouvier's Maxims of Law, 1856;*  
4 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

5 The most important method by which governments exercise their PRIVATE right to contract and disassociate with the  
6 territorial limitation upon their lawmaking powers is through the use or abuse of franchises, which are contracts.

7 *As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon*  
8 *valuable considerations, for purposes of individual advantage as well as public benefit,<sup>38</sup> and thus a franchise*  
9 *partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is*  
10 *subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be*  
11 *granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in*  
12 *exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But*  
13 *when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental*  
14 *control growing out of its other nature as publici juris.<sup>39</sup>*  
15 *[American Jurisprudence 2d, Franchises, §4: Generally (1999)]*

## 16 **6.8 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution**

17 The following cite establishes that private rights and private property are entirely beyond the control of the government:

18 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
19 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*  
20 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with*  
21 *each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common*  
22 *good." This does not confer power upon the whole people to control rights which are purely and exclusively*  
23 *private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring*  
24 *each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is*  
25 *the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non*  
26 *lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License*  
27 *Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty. . .*  
28 *that is to say, . . . the power to govern men and things." Under these powers the government regulates the*  
29 *conduct of its citizens one towards another, and the manner in which each shall use his own property, when such*  
30 *regulation becomes necessary for the public good. In their exercise it has been customary in England from time*  
31 *immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers,*  
32 *millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services*  
33 *rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States*  
34 *upon some or all these subjects; and we think it has never yet been successfully contended that such legislation*  
35 *came within any of the constitutional prohibitions against interference with private property. With the Fifth*  
36 *Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates*  
37 *of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the*  
38 *weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting*  
39 *hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and*  
40 *draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.*  
41 *[Munn v. Illinois, 94 U.S. 113 (1876),*  
42 *SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

43 Notice that they say that the ONLY basis to regulate private rights is to prevent injury of one man to another by the use of  
44 said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that  
45 these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can  
46 TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most  
47 Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought  
48 to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin they invoked:

49 *"sic utere tuo ut alienum non lædas"*

50 The other phrase to notice in the Munn case above is the use of the word "social compact". A compact is legally defined as  
51 a contract.

<sup>38</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>39</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

1                   *"Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working*  
2 *agreements between and among states concerning matters of mutual concern. A contract between parties, which*  
3 *creates obligations and rights capable of being enforced and contemplated as such between the parties, in their*  
4 *distinct and independent characters. A mutual consent of parties concerned respecting some property or right*  
5 *that is the object of the stipulation, or something that is to be done or forbome. See also Compact clause;*  
6 *Confederacy; Interstate compact; Treaty."*  
7                   *[Black's Law Dictionary, Sixth Edition, p. 281]*

8       Therefore, one cannot exercise their First Amendment right to legally associate with or contract with a SOCIETY and thereby  
9       become a party to the "social compact/contract" without ALSO becoming a STATUTORY "citizen". By statutory citizen,  
10       we really mean a domiciliary of a SPECIFIC municipal jurisdiction, and not someone who was born or naturalized in that  
11       place. Hence, by STATUTORY citizen we mean a person who:

- 12       1. Has voluntarily chosen a civil domicile within a specific municipal jurisdiction and thereby become a "citizen" or  
13       "resident" of said jurisdiction. "citizens" or "residents" collectively are called "inhabitants".
- 14       2. Has indicated their choice of domicile on government forms in the block called "residence" or "permanent address".
- 15       3. CONSENTS to be protected by the regional civil laws of a SPECIFIC municipal government.

16       A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to choose the place of their birth. These  
17       people in federal statutes are called "non-residents". Neither BEING BORN nor being PHYSICALLY PRESENT in a place  
18       is an express exercise of one's discretion or an act of CONSENT, and therefore cannot make one a government contractor  
19       called a statutory "U.S. citizen". That is why birth or naturalization determines nationality but not their status under the  
20       CIVIL laws. All civil jurisdiction is based on "consent of the governed", as the Declaration of Independence indicates. Those  
21       who do NOT consent to the civil laws that implement the social compact of the municipal government they are  
22       PHYSICALLY situated within are called "free inhabitants", "nonresidents", "transient foreigners", or "foreign sovereigns".  
23       These "free inhabitants" are mentioned in the Articles of Confederation, which continue to this day and they are NOT the  
24       same and mutually exclusive to a statutory "U.S. citizen". These "free inhabitants" instead are CIVILLY governed by the  
25       common law RATHER than the civil law.

26       Policemen are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a  
27       CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the  
28       statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil  
29       jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those  
30       rights and claim and enforce them, not through attorneys but in their proper person, have such rights. Nor can those PRIVATE  
31       rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact UNALIENABLE as  
32       the Declaration of Independence indicates.

33                   *"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."*  
34                   *[Black's Law Dictionary, Fourth Edition, p. 1693]*

35       The only people who can consent to give away a right are those who HAVE no rights because domiciled on federal territory  
36       not protected by the Constitution or the Bill of Rights:

37                   *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*  
38 *to the effect [182 U.S. 244, 279] that **the Constitution is applicable to territories acquired by purchase or***  
39 ***conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every***  
40 ***state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the***  
41 ***definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and***  
42 ***is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the***  
43 ***territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,***  
44 ***Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing***  
45 ***a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative***  
46 ***power either in a governor and council, or a governor and judges, to be appointed by the President. It was not***  
47 ***until they had attained a certain population that power was given them to organize a legislature by vote of the***  
48 ***people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress***  
49 ***thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that***  
50 ***the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of***  
51 ***habeas corpus, as well as other privileges of the bill of rights."***  
52                   *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

53       To apply these concepts, the police enforce the "vehicle code", but most of the vehicle code is a civil franchise that they may  
54       NOT enforce without ABUSING the police powers of the state. In recognition of these concepts, the civil provisions of the

1 vehicle code are called "infractions" rather than "crimes". AND, before the civil provisions of the vehicle code may lawfully  
2 be enforced against those using the public roadways, one must be a "resident" with a domicile not within the state, but on  
3 federal territory where rights don't exist. All civil law attaches to SPECIFIC territory. That is why by applying for a driver's  
4 license, most state vehicle codes require that the person must be a "resident" of the state, meaning a person with a domicile  
5 within the statutory but not Constitutional "United States", meaning federal territory.

6 So what the vehicle codes in most states do is mix CRIMINAL and CIVIL and even PRIVATE franchise law all into one  
7 title of code, call it the "Vehicle code", and make it extremely difficult for even the most law abiding "citizen" to distinguish  
8 which provisions are CIVIL/FRANCHISES and which are CRIMINAL, because they want to put the police force to an  
9 UNLAWFUL use enforcing CIVIL rather than CRIMINAL law. This has the practical effect of making the "CODE" not  
10 only a deception, but void for vagueness on its face, because it fails to give reasonable notice to the public at large, WHICH  
11 specific provisions pertain to EACH subset of the population. That in fact, is why they have to call it "the code", rather than  
12 simply "law": Because the truth is encrypted and hidden in order to unlawfully expand their otherwise extremely limited  
13 civil jurisdiction. The two subsets of the population who they want to confuse and mix together in order to undermine your  
14 sovereignty are:

- 15 1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal  
16 jurisdiction. These people are identified by the following statutory terms:
  - 17 1.1. Individuals.
  - 18 1.2. Residents.
  - 19 1.3. Citizens.
  - 20 1.4. Inhabitants.
  - 21 1.5. PUBLIC officers serving as an instrumentality of the government.
- 22 2. Those who do NOT consent to the "social compact" and who therefore are called:
  - 23 2.1. Free inhabitants.
  - 24 2.2. Nonresidents.
  - 25 2.3. Transient foreigners.
  - 26 2.4. Sojourners.
  - 27 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social  
28 compact.

29 So how can they reach those in constitutional states with the vehicle code who are neither domiciled on federal territory nor  
30 representing a public office that is domiciled there? The way they get around the problem of only being able to enforce the  
31 CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

- 32 1. Force those who apply for driver's licenses to misrepresent their status so they appear as either statutory citizens or  
33 public officers on official business. This is done using the "permanent address" block and requiring a Social Security  
34 Number to get a license.
- 35 2. Confuse CONSTITUTIONAL "citizens" with STATUTORY "citizens", to make them appear the same even though  
36 they are NOT.
- 37 3. Arrest people domiciled in constitutional states for driving WITHOUT a license, even though technically these  
38 provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are  
39 STATUTORY but not CONSTITUTIONAL "citizens". This creates the false appearance that EVERYONE must have  
40 a license, rather than only those domiciled on federal territory or representing an office domiciled there.

41 The act of "governing" WITHOUT consent therefore implies CRIMINAL governing, not CIVIL governing. To procure  
42 CIVIL jurisdiction over a private right requires the CONSENT of the owner of the right. That is why the U.S. Supreme Court  
43 states in Munn the following:

44 *"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
45 *individual not affected by his relations to others, he might retain."*  
46 *[Munn v. Illinois, 94 U.S. 113 (1876),*  
47 *SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

48 Therefore, if one DOES NOT consent to join a "society" as a statutory citizen, he RETAINS those SOVEREIGN rights that  
49 would otherwise be lost through the enforcement of the civil law. Here is how the U.S. Supreme Court describes this  
50 requirement of law:

1 "Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations:

4 [1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];

7 [2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and

8 [3] third, that whenever the public needs require, the public may take it upon payment of due compensation."  
9 [Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

10 A PRIVATE right that is unalienable cannot be given away by a citizen, even WITH consent, to a de jure government. Hence, the only people that any government may CIVILLY govern are those without unalienable rights, all of whom MUST therefore be domiciled on federal territory where CONSTITUTIONAL rights do not exist.

13 Notice that when they are talking about "regulating" conduct using CIVIL law, all of a sudden they mention "citizens" instead of ALL PEOPLE. These "citizens" are those with a DOMICILE within federal territory not protected by the Constitution:

15 "Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good."  
16 [Munn v. Illinois, 94 U.S. 113 (1876),  
17 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

19 All "citizens" that they can regulate therefore must be WITHIN the government and be acting as public officers. Otherwise, they would continue to be PRIVATE parties beyond the CIVIL control of any government. Hence, in a Republican Form of Government where the People are sovereign:

- 22 1. The only "subjects" under the civil law are public officers in the government.
- 23 2. The government is counted as a STATUTORY "citizen" but not a CONSTITUTIONAL "citizen". All  
24 CONSTITUTIONAL citizens are human beings and CANNOT be artificial entities. All STATUTORY citizens, on the  
25 other hand, are artificial entities and franchises and NOT CONSTITUTIONAL citizens.

26 "A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation  
27 per 28 U.S.C. §3002(15)(A) ] is a citizen, resident, or inhabitant of the state or country by or under the laws of  
28 which it was created, and of that state or country only."  
29 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

31 "Citizens of the United States within the meaning of this Amendment must be natural and not artificial  
32 persons; a corporate body is not a citizen of the United States."<sup>14</sup>

33 FOOTNOTES:

34  
35  
36 14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
37 corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth  
38 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
39 impairment by the law of a State." Orient Ins. Co. v. Dagg, 172 U.S. 557, 561 (1869). This conclusion was in  
40 harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
41 were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2.  
42 See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912); Berea College v. Kentucky, 211 U.S. 45 (1908);  
43 Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928); Grosjean v. American Press Co., 297 U.S.  
44 233, 244 (1936).

45 [SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:  
46 [http://www.law.cornell.edu/aml#amd14a\\_hd1](http://www.law.cornell.edu/aml#amd14a_hd1)]

- 47 3. The only statutory "citizens" are public offices in the government.
- 48 4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

1 These observations are consistent with the very word roots that form the word "republic". The following video says the word  
2 origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must therefore JOIN  
3 "the public" and become a public officer before you can partake of said PUBLIC right.

Overview of America, SEDM Liberty University, Section 2.3

<http://sedm.org/LibertyU/LibertyU.htm>

4 This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American  
5 government as:

6 *"A government of the people, by the people, and for the people."*

7 You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing  
8 they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this  
9 subject proving such a conclusion:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

10 The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the  
11 reach of the civil law are:

- 12 1. Free inhabitants.
- 13 2. Not a statutory "person" under the civil law or franchise statute in question.
- 14 3. Not "individuals" under the CIVIL law if they are human beings. All statutory "individuals", in fact, are identified as  
15 "employees" under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory  
16 "individual" that we have been able to find.
- 17 4. "foreign", a "transient foreigner", and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.
- 18 5. NOT "subject to" but also not necessarily statutorily "exempt" under the civil or franchise statute in question.

19 For a VERY interesting background on the subject of this section, we recommend reading the following case:

Mugler v. Kansas, 123 U.S. 623 (1887)

SOURCE: [http://scholar.google.com/scholar\\_case?case=12658364258779560123](http://scholar.google.com/scholar_case?case=12658364258779560123)

## 20 **6.9 Lawful methods for converting PRIVATE property into PUBLIC property**

21 Next, we must carefully consider all the rules by which EXCLUSIVELY PRIVATE property is lawfully converted into  
22 PUBLIC property subject to government control or civil regulation. These rules are important, because the status of a  
23 particular type of property as either PRIVATE or PUBLIC determines whether either COMMON LAW or STATUTORY  
24 LAW apply respectively.

25 In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status  
26 or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one  
27 wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the  
28 government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise. Below  
29 is an example from a U.S. Department of Justice guide for prosecuting "sovereign citizens" that proves WHY this is the case:

30 *"What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often*  
31 *helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it.*  
32 *For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the*  
33 *defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. **To***  
34 *refute claims that wages are not income, that the defendant did not understand the meaning of "wages," or*  
35 *that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the*  
36 *prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the*  
37 *definition of income on a loan application. They also do not hesitate to check the "yes" box to the question*  
38 *"are you a U.S. citizen." Any evidence that the defendant accepted Government benefits, such as*

1 unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to refute  
2 the defendant's claims that he or she is not a citizen subject to federal laws."  
3 [*Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin,*  
4 *Volume 61, No. 2, March 2013, p. 48;*  
5 SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

6 The bottom line is that if you accept a government benefit, they PRESUME the right to rape and pillage absolutely  
7 ANYTHING you own. Our Path to Freedom, Form #09.015 process, by the way, makes the use of the above OFFENSE by  
8 the government in prosecuting you IMPOSSIBLE. The exhaustive list of attachment forms we provide which define the  
9 terms on all government forms they could use as evidence to prove the above also defeat the above tactic by U.S. Attorneys.  
10 Also keep in mind that the above tactic is useful against the GOVERNMENT as an offensive weapon. If your property is  
11 private, you can grant it to THEM with FRANCHISE conditions found in Form #06.027. If they argue that you can't do it  
12 to them, indirectly they are destroying the main source of THEIR jurisdiction as well. Let them shoot themselves in the foot  
13 in front of the jury!

14 Below is a detailed list of the rules for converting PRIVATE property to PUBLIC property:

- 15 1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms  
16 this:

17 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
18 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
19 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
20 *-"*  
21 [*Declaration of Independence, 1776*]

- 22 2. Government protects private rights by keeping "public [government] property" and "private property" separate and never  
23 allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private  
24 from what is public with the goal of protecting mainly what is private. See:

[Government Conspiracy to Destroy the Separation of Powers](http://sedm.org/Forms/FormIndex.htm), Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

- 25 3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise  
26 of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises  
27 are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to  
28 contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

29 *"Voluntati non fit injuria.*  
30 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

31 *Consensus tollit errorem.*  
32 *Consent removes or obviates a mistake. Co. Litt. 126.*

33 *Melius est omnia mala pati quam malo consentire.*  
34 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

35 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
36 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*  
37 [*Bouvier's Maxims of Law, 1856;*  
38 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

- 39 4. In law, all rights are "property".

40 **Property.** *That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal*  
41 *sense, an aggregate of rights which are guaranteed and protected by the government. Fulton Light, Heat &*  
42 *Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable*  
43 *right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to*  
44 *dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it.*  
45 *That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or*  
46 *subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have*  
47 *to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no*  
48 *way depends on another man's courtesy.*

1 The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal,  
2 tangible or intangible, visible or invisible, real or personal, everything that has an exchangeable value or which  
3 goes to make up wealth or estate. **It extends to every species of valuable right and interest, and includes real  
4 and personal property, easements, franchises, and incorporeal hereditaments, and includes every invasion of  
5 one's property rights by actionable wrong.** *Labberton v. General Cas. Co. of America*, 53 Wash.2d. 180, 332  
6 P.2d. 250, 252, 254.

7 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
8 beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only  
9 ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*,  
10 389 S.W.2d. 745, 752.

11 **Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical  
12 thing, as right to possess, use and dispose of it.** *Cereghino v. State By and Through State Highway Commission*,  
13 230 Or. 439, 370 P.2d. 694, 697.  
14 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

15 By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private  
16 property because they came from God, not from the government. Only what the government creates can become public  
17 property. An example is corporations, which are a public franchise that makes officers of the corporation into public  
18 officers.

- 19 5. The process of taxation is the process of converting "private property" into a "public use" and a "public purpose". Below  
20 are definitions of these terms for your enlightenment.

21 **Public use.** *Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For*  
22 *condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not*  
23 *confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which*  
24 *condemnation is sought and, as long as public has right of use, whether exercised by one or many members of*  
25 *public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use.* *Montana Power*  
26 *Co. v. Bokma, Mont.*, 457 P.2d. 769, 772, 773.

27 *Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent*  
28 *domain, means a use concerning the whole community distinguished from particular individuals. But each and*  
29 *every member of society need not be equally interested in such use, or be personally and directly affected by it;*  
30 *if the object is to satisfy a great public want or exigency, that is sufficient.* *Ringe Co. v. Los Angeles County*, 262  
31 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. *The term may be said to mean public usefulness, utility, or advantage,*  
32 *or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but*  
33 *must be in common, and not for a particular individual. The use must be a needful one for the public, which*  
34 *cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be*  
35 *taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences,*  
36 *changing conceptions of scope and functions of government, and other differing circumstances brought about by*  
37 *an increase in population and new modes of communication and transportation.* *Katz v. Brandon*, 156 Conn.  
38 521, 245 A.2d. 579, 586.

39 See also *Condemnation; Eminent domain.*  
40 [*Black's Law Dictionary, Sixth Edition, p. 1232*]

41  
42 **"Public purpose.** *In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the*  
43 *objects for which, according to settled usage, the government is to provide, from those which, by the like usage,*  
44 *are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax,*  
45 *police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or*  
46 *welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for*  
47 *instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public*  
48 *money generally means such an activity as will serve as benefit to community as a body and which at same time*  
49 *is directly related function of government.* *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d.  
50 789, 794 .

51 *The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be*  
52 *levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow;*  
53 *the essential requisite being that a public service or use shall affect the inhabitants as a community, and not*  
54 *merely as individuals. A public purpose or public business has for its objective the promotion of the public*  
55 *health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents*  
56 *within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote*  
57 *such public purpose or public business."*  
58 [*Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added*]

1 6. The federal government has no power of eminent domain within states of the Union. This means that they cannot  
2 lawfully convert private property to a public use or a public purpose within the exclusive jurisdiction of states of the  
3 Union:

4 **“The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent**  
5 **domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court**  
6 **denies the faculty of the Federal Government to add to its powers by treaty**  
7 **or compact.”**

8 [Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856)]

9 7. The Fifth Amendment prohibits converting private property to a public use or a public purpose without just compensation  
10 if the owner does not consent, and this prohibition applies to the Federal government as well as states of the Union. It  
11 was made applicable to states of the Union by the Fourteenth Amendment in 1868.

12 *Fifth Amendment - Rights of Persons*

13 **No person shall** be held to answer for a capital, or otherwise infamous crime, unless on a presentment or  
14 indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual  
15 service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in  
16 jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor **be**  
17 **deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public**  
18 **use, without just compensation.**

19 [United States Constitution, Fifth Amendment]

20 If the conversion of private property to public property is done without the express consent of the party affected by the  
21 conversion and without compensation, then the following violations have occurred:

22 7.1. Violation of the Fifth Amendment “takings clause” above.

23 7.2. “Conversion” in violation of 18 U.S.C. §654.

24 7.3. Theft.

25 8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves  
26 eminent domain if the owner of the property did not expressly consent to the taking:

27 ***Eminent domain.** The power to take private property for public use by the state, municipalities, and private*  
28 *persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee*  
29 *National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.*

30 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*  
31 *constitutions. However, the Constitution limits the power to taking for a public purpose and prohibits the*  
32 *exercise of the power of eminent domain without just compensation to the owners of the property which is*  
33 *taken. The process of exercising the power of eminent domain is commonly referred to as “condemnation”,*  
34 *or, “expropriation”.*

35 *The right of eminent domain is the right of the state, through its regular organization, to reassert, either*  
36 *temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency*  
37 *and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any*  
38 *part of the territory of the state for the common safety; and in time of peace the legislature may authorize the*  
39 *appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing*  
40 *channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the*  
41 *government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the*  
42 *possession of the property in the manner directed by the constitution and the laws of the state, whenever the public*  
43 *interest requires it.*

44 *See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market*  
45 *value; Just compensation; Larger parcel; Public use; Take.*

46 [Black’s Law Dictionary, Fifth Edition, p. 470]

47 9. The Fifth Amendment requires that any taking of private property without the consent of the owner **must** involve  
48 compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8,  
49 Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the  
50 requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This  
51 is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage

1 in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity  
2 to a public use, public purpose, and public office.  
3 10. There is only ONE condition in which the conversion of private property to public property does NOT require  
4 compensation, which is when the owner donates the private property to a public use, public purpose, or public office.  
5 To wit:

6 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’*  
7 *and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property [or income] which a***  
8 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
9 ***to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL***  
10 ***SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives***  
11 ***to the public a right to control that use; and third, that whenever the public needs require, the public may take***  
12 ***it upon payment of due compensation.”***  
13 *[Budd v. People of State of New York, 143 U.S. 517 (1892) ]*

14 The above rules are summarized below:  
15

**Table 5: Rules for converting private property to a public use or a public office**

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:

11.1. **DIRECT CONVERSION:** Owner donates the property by conveying title or possession to the government.<sup>40</sup>

11.2. **INDIRECT CONVERSION:** Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.<sup>41</sup> All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office. No third party can lawfully convert or donate your private property to a public use, public purpose, or public office without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16).

12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without you actually occupying a “public office” in the government BEFORE you filled out any tax form.

12.2. A withholding agent cannot file IRS Form W-2 against your earnings if you didn’t sign an IRS Form W-4 contract and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public use”.

12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before such a self-assessment, you are a “nontaxpayer” and a private person. After the assessment, you become a “taxpayer” and a public officer in the government engaged in the “trade or business” franchise.

12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess yourself:

*“Our system of taxation is based upon voluntary assessment and payment, not distraint.”  
[Flora v. U.S., 362 U.S. 145 (1960)]*

By assessing yourself, you implicitly give your consent to allow the public the right to control the use of the formerly PRIVATE property donated to a public use.

<sup>40</sup> An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

<sup>41</sup> An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).

1 A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:

- 2 1. Circumvents any of the above rules.
- 3 2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.
- 4 3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific
- 5 case where it:
- 6 3.1. Asserts a right to regulate the use of private property.
- 7 3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.
- 8 3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

9 The next time someone from the government asserts a tax obligation, you might want to ask them the following very insightful  
10 questions based on the content of this section:

- 11 1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from  
12 EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government  
13 jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:
  - 14 1.1. \_\_\_\_ When I was born?
  - 15 1.2. \_\_\_\_ When I became a CONSTITUTIONAL citizen?
  - 16 1.3. \_\_\_\_ When I changed my domicile to a CONSTITUTIONAL and not STATUTORY “State”?
  - 17 1.4. \_\_\_\_ When I indicated “U.S. citizen” or “U.S. resident” on a government form, and the agent accepting it  
18 FALSELY PRESUMED that meant I was a STATUTORY “national and citizen of the United States” per 8  
19 U.S.C. §1401 rather than a CONSTITUTIONAL “citizen of the United States”?
  - 20 1.5. \_\_\_\_ When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise  
21 PRIVATE employer?
  - 22 1.6. \_\_\_\_ When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
  - 23 1.7. \_\_\_\_ When the information return was filed against my otherwise PRIVATE earnings that connected my  
24 otherwise PRIVATE earnings to a PUBLIC office in the national government?
  - 25 1.8. \_\_\_\_ When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a  
26 PUBLIC office in the national government?
  - 27 1.9. \_\_\_\_ When I filed a “taxpayer” form, such as IRS Forms 1040 or 1040NR?
  - 28 1.10. \_\_\_\_ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b).
  - 29 1.11. \_\_\_\_ When I failed to rebut a collection notice from the IRS?
  - 30 1.12. \_\_\_\_ When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC  
31 OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
  - 32 1.13. \_\_\_\_ When the government decided they wanted to STEAL my money and simply TOOK it, and were protected  
33 from the THEFT by a complicit Department of Justice, who split the proceeds with them?
  - 34 1.14. \_\_\_\_ When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize  
35 that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence  
36 requires?
- 37 2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth  
38 Amendment Takings Clause?
- 39 3. If you won’t answer the previous questions, how the HELL am I supposed to receive constitutionally mandated  
40 “reasonable notice” of the following:
  - 41 3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation  
42 or regulation?
  - 43 3.2. EXACTLY what conduct is expected of me by the law?
- 44 4. EXACTLY where in your publications is the first question answered and why should I believe it if even you refuse to  
45 take responsibility for the accuracy of said publications?
- 46 5. EXACTLY where in the statutes and regulations is the first question answered?
- 47 6. How can you refuse to answer the above questions if your own mission statement says you are required to help people  
48 obey the law and comply with the law?

49 **6.10 Unlawful methods abused by government to convert PRIVATE property to PUBLIC property**

50 There are a LOT more ways to UNLAWFULLY convert PRIVATE property to PUBLIC property than there are ways to do  
51 it lawfully. This section will address the most prevalent methods abused by state actors so that you will immediately recognize  
52 them when you are victimized by them. For the purposes of this section CONTROL and OWNERSHIP are synonymous.

1 Hence, if the TITLE of the property remains in your name but there is any aspect of control over the USE of said property  
2 that does not demonstrably injure others, then the property ceases to be absolutely owned and therefore is owned by the  
3 government.

4 Based on the previous section, there is ONLY one condition in which PRIVATE property can be converted to PUBLIC  
5 property without the consent of the owner, which is when it is used to INJURE the rights of others. Any other type of  
6 conversion is THEFT. The U.S. Supreme Court describes that process of illegally CONVERTING property from PRIVATE  
7 to PUBLIC as follows. Notice that they only reference the “citizen” as being the object of regulation, which implies that  
8 those who are “nonresidents” and “transient foreigners” are beyond the control of those governments in whose territory they  
9 have not chosen a civil domicile:

10 *“The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non*  
11 *laedas — is the rule by which every member of society must possess and enjoy his property; and all legislation*  
12 *essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases*  
13 *where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the*  
14 *pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over*  
15 *the property of the citizen [NOT EVERYONE, but only those consent to become citizens by choosing a*  
16 *domicile] does not extend beyond such limits.”*  
17 *[Munn v. Illinois, 94 U.S. 113 (1876)]*

18 Below is a list of the more prevalent means abused by corrupt and covetous governments to illegally convert PRIVATE  
19 property to PUBLIC PROPERTY without the express consent of the owner. Many of these techniques are unrecognizable  
20 to the average American and therefore surreptitious, which is why they continue to be abused so regularly and chronically by  
21 public dis-servants:

- 22 1. Deceptively label statutory PRIVILEGES as RIGHTS.
- 23 2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
- 24 3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees  
25 or people who do not consent to the franchise.
- 26 4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual”  
27 within the franchise. All such “persons” are public officers and not private human beings. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

- 28 5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert  
29 PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
- 30 6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public  
31 office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false  
32 information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

- 33 7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are  
34 NOT, and in fact are mutually exclusive.
- 35 8. Presume that because you submitted an application for a franchise, that you:  
36 8.1. CONSENTED to the franchise and were not under duress.  
37 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

38 CALIFORNIA CIVIL CODE  
39 DIVISION 3. OBLIGATIONS  
40 PART 2. CONTRACTS  
41 CHAPTER 3. CONSENT  
42 [Section 1589](#)  
43

44 *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*  
45 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 46 8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”,  
47 “driver”, “spouse”.

48 If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the  
49 form as NOT connected with any government or statutory law.

- 50 9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:

- 1 9.1. "spouse" under the family code of your state, which is a franchise.
- 2 9.2. "driver" under the vehicle code of your state, which is a franchise.
- 3 9.3. "taxpayer" under the tax code of your state, which is a franchise.
- 4 10. PRESUME in the case of physical PROPERTY that is was situated on federal territory to which the general and
- 5 exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word
- 6 games with geographical "words of art" such as "State" and "United States".
- 7 11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she
- 8 prescribed to change the status of either himself or the property over which they claim a public interest.
- 9 12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above
- 10 presumptions.
- 11 13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C.
- 12 §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be
- 13 illegally compelled because:
- 14 13.1. The party against whom it was compelled was not a statutory "Taxpayer" or "person" or "individual" or to whom
- 15 a duty to furnish said number lawfully applies.
- 16 13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.
- 17 14. Use one franchise as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance,
- 18 they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being
- 19 operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to
- 20 ALSO become a statutory "driver" using the public roadways for commercial activity and thus subject to regulation by
- 21 the state, even though they in fact ARE NOT intending to do so.
- 22 15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in
- 23 an EXCLUSIVELY PRIVATE capacity. For instance:
- 24 15.1. They may have a contractor's license but they are NOT allowed to operate as OTHER than a licensed
- 25 contractor...OR are NOT allowed to operate in an exclusively PRIVATE capacity.
- 26 15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are
- 27 NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent
- 28 to "off duty" at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone
- 29 who DOESN'T work for the government.
- 30 16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory "resident" for ALL purposes,
- 31 rather than JUST the specific reason the ID was issued. Since a "resident" is a public officer, in effect they are
- 32 PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity
- 33 without pay or "benefit" and without the ability to quit. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002, Section 13.4  
<http://sedm.org/Forms/FormIndex.htm>

34 What all of the above government abuses have in common is that they do one or more of the following:

- 35 1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:
- 36 *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
- 37 <http://sedm.org/Forms/FormIndex.htm>
- 38 2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.
- 39 3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by
- 40 LEAVING IT ALONE and not regulating or benefitting from its use or abuse until AFTER it has been used to injure
- 41 the equal rights of anyone OTHER than the original owner.
- 42 4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court. See Form #05.030, Section 27.2.
- 43 5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.
- 44 6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to
- 45 PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself
- 46 only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST
- 47 harm is already demonstrated.
- 48 7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
- 49 8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.
- 50 9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.
10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a "benefit" and NOT pay
- for "benefits" that you don't want or don't need.

1 *Invito beneficium non datur.*  
2 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
3 *considered as assenting. Vide Assent.*

4 *Quilibet potest renunciare juri pro se inducto.*  
5 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
6 *Inst. n. 83.*

7 [*Bouvier's Maxims of Law, 1856,*  
8 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

9 It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

10 *“socialism n (1839) 1: any of various economic and political theories advocating collective or governmental*  
11 *ownership and administration of the means of production and distribution of goods 2 a: a system of society or*  
12 *group living in which there is no private property b: a system or condition of society in which the means of*  
13 *production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between*  
14 *capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”*  
15 *[Webster's Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, 1983, p. 1118]*

16 Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and  
17 PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or  
18 collectivist system. That socialist system is exhaustively described in the following:

*Socialism: The New American Civil Religion*, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

19 Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into  
20 PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of  
21 the section comes from the case indicated:

22 \_\_\_\_\_  
23 Munn v. Illinois, 94 U.S. 113 (1876)

24 The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix  
25 the compensation which an individual may receive for the use of his own property in his private business, and for his services  
26 in connection with it.

27 [ . . . ]

28 139\*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that  
29 provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due  
30 process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar  
31 restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated  
32 so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature the  
33 power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support of the  
34 position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries and public  
35 mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate the charges  
36 of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on the same ground,  
37 our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall deprive any person of  
38 life, liberty, or property without due process of law. But it would seem from its opinion that the court holds that property  
39 loses something of its private character when employed in such a way as to be generally useful. The doctrine declared is that  
40 property "becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the  
41 community at large;" and from such clothing the right of the legislature is deduced to control the use of the property, and to  
42 determine the compensation which the owner may receive for it. **When Sir Matthew Hale, and the sages of the law in his**  
43 **day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is,**  
44 **ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to**  
45 **property the use of which was granted by the government, or in connection with which special privileges were**  
46 **conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the**

1 **property, either by specific grant or by prescription of so long a time as 140\*140 to imply a grant originally, the**  
2 **property was not affected by any public interest so as to be taken out of the category of property held in private right.**

3 But it is not in any such sense that the terms "clothing property with a public interest" are used in this case. From the nature  
4 of the business under consideration — the storage of grain — which, in any sense in which the words can be used, is a private  
5 business, in which the public are interested only as they are interested in the storage of other products of the soil, or in articles  
6 of manufacture, it is clear that the court intended to declare that, whenever one devotes his property to a business which is  
7 useful to the public, — "affects the community at large," — the legislature can regulate the compensation which the owner  
8 may receive for its use, and for his own services in connection with it. "When, therefore," says the court, "one devotes his  
9 property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit  
10 to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his  
11 grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The building used by the  
12 defendants was for the storage of grain: in such storage, says the court, the public has an interest; therefore the defendants,  
13 by devoting the building to that storage, have granted the public an interest in that use, and must submit to have their  
14 compensation regulated by the legislature.

15 **If this be sound law, if there be no protection, either in the principles upon which our republican government is**  
16 **founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all business**  
17 **in the State are held at the mercy of a majority of its legislature.** The public has no greater interest in the use of buildings  
18 for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything like so great an  
19 interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for residences, without  
20 reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease renting his houses. He has  
21 granted to the public, says the court, an interest in the use of the 141\*141 buildings, and "he may withdraw his grant by  
22 discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public is interested in the  
23 manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and publication of books  
24 and periodicals, and in the making of utensils of every variety, useful and ornamental; **indeed, there is hardly an enterprise**  
25 **or business engaging the attention and labor of any considerable portion of the community, in which the public has**  
26 **not an interest in the sense in which that term is used by the court in its opinion; and the doctrine which allows the**  
27 **legislature to interfere with and regulate the charges which the owners of property thus employed shall make for its**  
28 **use, that is, the rates at which all these different kinds of business shall be carried on, has never before been asserted,**  
29 **so far as I am aware, by any judicial tribunal in the United States.**

30 **The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional**  
31 **inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one's property**  
32 **is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest,**  
33 **and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional**  
34 **guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a**  
35 **person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional guaranty**  
36 **extends no further than to prevent a deprivation of title and possession, and allows a deprivation of use, and the fruits**  
37 **of that use, it does not merit the encomiums it has received.** Unless I have misread the history of the provision now  
38 incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal Constitution, and  
39 have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent for good. **It has a**  
40 **much more extended operation than either court, State, or Federal has given to it. The provision, it is to be observed,**  
41 **places property under the same protection as life and liberty. Except by due process of law, no State can 142\*142**  
42 **deprive any person of either. The provision has been supposed to secure to every individual the essential conditions**  
43 **for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any**  
44 **narrow or restricted sense.**

45 No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment  
46 to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition  
47 against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the  
48 mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ  
49 of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever God  
50 has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not  
51 frittered away by judicial decision.

52 By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the  
53 bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal

1 rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations  
2 as may be most suitable to develop his capacities, and give to them their highest enjoyment.

3 **The same liberal construction which is required for the protection of life and liberty, in all particulars in which life**  
4 **and liberty are of any value, should be applied to the protection of private property. If the legislature of a State, under**  
5 **pretence of providing for the public good, or for any other reason, can determine, against the consent of the owner,**  
6 **the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it can**  
7 **deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance, the**  
8 **owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that**  
9 **he is permitted to retain the 143\*143 title and possession; or, if he is compelled to take as compensation for its use less**  
10 **than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the property,**  
11 **as effectually as if the legislature had ordered his forcible dispossession. If it be admitted that the legislature has any**  
12 **control over the compensation, the extent of that compensation becomes a mere matter of legislative discretion. The**  
13 **amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the**  
14 **owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its**  
15 **possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to**  
16 **the use and income of the property, as well as to its title and possession.**

17 This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of private  
18 property should be liberally construed. It has so held in the numerous cases where it has been called upon to give effect to  
19 the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being construed to  
20 secure from direct attack not only the contract itself, but all the essential incidents which give it value and enable its owner  
21 to enforce it. Thus, in *Bronson v. Kinzie*, reported in the 1st of Howard, it was held that an act of the legislature of Illinois,  
22 giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial sale, and prohibiting its  
23 sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior to its passage. It was  
24 contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair the contract; but the  
25 court replied that there was no substantial difference between a retrospective law declaring a particular contract to be  
26 abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with conditions that  
27 rendered it useless or impracticable to pursue it. And, referring to the constitutional provision, the court said, speaking through  
28 Mr. Chief Justice Taney, that

29 *"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to*  
30 *protect a mere barren and 144\*144 abstract right, without any practical operation upon the business of life. It*  
31 *was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the*  
32 *integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the*  
33 *protection of the Constitution of the United States. And it would but Ill. become this court, under any*  
34 *circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the*  
35 *right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording no*  
36 *protection and producing no practical result."*

37 And in *Pumpelly v. Green Bay Company*, 13 Wall. 177, the language of the court is equally emphatic. That case arose in  
38 Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private property shall not be  
39 taken for public use without just compensation; and this court held that the flooding of one's land by a dam constructed across  
40 a river under a law of the State was a taking within the prohibition, and required compensation to be made to the owner of  
41 the land thus flooded. The court, speaking through Mr. Justice Miller, said: —

42 *"It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always*  
43 *understood to have been adopted for protection and security to the rights of the individual as against the*  
44 *government, and which has received the commendation of jurists, statesmen, and commentators, as placing the*  
45 *just principles of the common law on that subject beyond the power of ordinary legislation to change or control*  
46 *them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses of*  
47 *the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in*  
48 *effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the*  
49 *word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a*  
50 *restriction on the rights of the citizen, as those rights stood at the common law, instead of the government, and*  
51 *make it an authority for invasion of private right under the pretext of the public good, which had no warrant*  
52 *in the laws or practices of our ancestors."*

53 **The views expressed in these citations, applied to this case, would render the constitutional provision invoked by the**  
54 **defendants effectual to protect them in the uses, income, and revenues of their property, as well as in its title and**  
55 **possession. The construction actually given by the State court and by this court makes the provision, in the language**

1 **of Taney, a protection to "a mere barren and abstract right, without any practical operation upon the business of**  
2 **life," and renders it "illusive and nugatory, mere words of form, affording no protection and producing no practical**  
3 **result."**

4 The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take  
5 his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of  
6 taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary  
7 for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. **The doctrine**  
8 **that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lædas — is the rule by**  
9 **which every member of society must possess and enjoy his property; and all legislation essential to secure this common**  
10 **and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to**  
11 **arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming**  
12 **necessity to prevent a public calamity, the power of the State over the property of the citizen does not extend beyond**  
13 **such limits.**

14 It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their property,  
15 embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and health of the community,  
16 comes within its scope; and every one must use and enjoy his property subject to the restrictions which such legislation  
17 imposes. What is termed the police power of the State, which, from the language often used respecting it, one would suppose  
18 to be an undefined and irresponsible element in government, can only interfere with the conduct of individuals in their  
19 intercourse with each other, and in the use of their property, so far 146\*146 as may be required to secure these objects. **The**  
20 **compensation which the owners of property, not having any special rights or privileges from the government in**  
21 **connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration**  
22 **in prescribing regulations for that purpose.** If one construct a building in a city, the State, or the municipality exercising a  
23 delegated power from the State, may require its walls to be of sufficient thickness for the uses intended; it may forbid the  
24 employment of inflammable materials in its construction, so as not to endanger the safety of his neighbors; if designed as a  
25 theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for escape in case of accident;  
26 it may forbid the storage in it of powder, nitro-glycerine, or other explosive material; it may require its occupants daily to  
27 remove decayed vegetable and animal matter, which would otherwise accumulate and engender disease; it may exclude from  
28 it all occupations and business calculated to disturb the neighborhood or infect the air. Indeed, there is no end of regulations  
29 with respect to the use of property which may not be legitimately prescribed, having for their object the peace, good order,  
30 safety, and health of the community, thus securing to all the equal enjoyment of their property; but in establishing these  
31 regulations it is evident that compensation to the owner for the use of his property, or for his services in union with it, is not  
32 a matter of any importance: whether it be one sum or another does not affect the regulation, either in respect to its utility or  
33 mode of enforcement. One may go, in like manner, through the whole round of regulations authorized by legislation, State  
34 or municipal, under what is termed the police power, and in no instance will he find that the compensation of the owner for  
35 the use of his property has any influence in establishing them. **It is only where some right or privilege is conferred by the**  
36 **government or municipality upon the owner, which he can use in connection with his property, or by means of which**  
37 **the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the**  
38 **compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of**  
39 **compensation in such cases is an implied condition 147\*147 of the grant, and the State, in exercising its power of**  
40 **prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the**  
41 **privilege ends, the power of regulation ceases.**

42 Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous regulations  
43 which it prescribes in the doctrine already stated, that everyone must use and enjoy his property consistently with the rights  
44 of others, and the equal use and enjoyment by them of their property. "The police power of the State," says the Supreme  
45 Court of Vermont, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection  
46 of all property in the State. According to the maxim, sic utere tuo ut alienum non lædas, which, being of universal application,  
47 it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his  
48 own as not to injure others." Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think it a settled principle  
49 growing out of the nature of well-ordered civil society," says the Supreme Court of Massachusetts, "that every holder of  
50 property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be  
51 injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights  
52 of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the protection afforded by  
53 the Constitution to private property, Chancellor Kent says: —

1 *"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe*  
2 *the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or*  
3 *annoyance of others, or of the public. The government may, by general regulations, interdict such uses of property*  
4 *as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the citizens.*  
5 *Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application*  
6 *of steam-power to propel cars, the building with combustible materials, and the burial of the dead, may all be*  
7 *interdicted by law, in the-midst of dense masses of population, 148\*148 on the general and rational principle*  
8 *that every person ought so to use his property as not to injure his neighbors, and that private interests must be*  
9 *made subservient to the general interests of the community. 2 Kent, 340.*

10 The Italics in these citations are mine. The citations show what I have already stated to be the case, that the regulations which  
11 the State, in the exercise of its police power, authorizes with respect to the use of property are entirely independent of any  
12 question of compensation for such use, or for the services of the owner in connection with it.

13 There is nothing in the character of the business of the defendants as warehousemen which called for the interference  
14 complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing grain infringes upon  
15 no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents others from using and enjoying  
16 their property as to them may seem best. **The legislation in question is nothing less than a bold assertion of absolute**  
17 **power by the State to control at its discretion the property and business of the citizen, and fix the compensation he**  
18 **shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his**  
19 **property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be**  
20 **deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any**  
21 **restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private**  
22 **property should be held sacred."** *Wilkeson v. Leland, 2 Pet. 657. The decision of the court in this case gives*  
23 **unrestrained license to legislative will.**

24 The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation has fixed the  
25 compensation which parties may receive for the use of their property and services, do not militate against the views I have  
26 expressed of the power of the State over the property of the citizen. They were mostly cases of public ferries, bridges, and  
27 turnpikes, of wharfingers, hackmen, and draymen, and of interest on money. In all these cases, except that of interest on  
28 money, which I shall presently notice there was some special 149\*149 privilege granted by the State or municipality; and no  
29 one, I suppose, has ever contended that the State had not a right to prescribe the conditions upon which such privilege should  
30 be enjoyed. **The State in such cases exercises no greater right than an individual may exercise over the use of his own**  
31 **property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or**  
32 **implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of**  
33 **the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its**  
34 **acceptance implies an assent to the regulation of its use and the compensation for it.** The privilege which the hackman  
35 and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or laborer with teams,  
36 constitutes a sufficient warrant for the regulation of their fares. In the case of the warehousemen of Chicago, no right or  
37 privilege is conferred by the government upon them; and hence no assent of theirs can be alleged to justify any interference  
38 with their charges for the use of their property.

39 The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not recognize the  
40 interference of the government, even to the extent which I have admitted to be legitimate. They state merely that the franchise  
41 of a public ferry belongs to the king, and cannot be used by the subject except by license from him, or prescription time out  
42 of mind; and that when the subject has a public wharf by license from the king, or from having dedicated his private wharf  
43 to the public, as in the case of a street opened by him through his own land, he must allow the use of the wharf for reasonable  
44 and moderate charges. Thus, in the first quotation which is taken from his treatise De Jure Maris, Hale says that the king has

45 *"a right of franchise or privilege, that no man may set up a common ferry for all passengers without a prescription*  
46 *time out of mind or a charter from the king. He may make a ferry for his own use or the use of his family, but not*  
47 *for the common use of all the king's subjects passing that way; because it doth in consequent tend to a common*  
48 *charge, and is become a thing of public interest and use, and every man for his passage 150\*150 pays a toll,*  
49 *which is a common charge, and every ferry ought to be under a public regulation, viz., that it give attendance at*  
50 *due times, keep a boat in due order, and take but reasonable toll; for if he fail in these he is finable."*

51 Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage pays a  
52 toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations as the king may  
53 prescribe.

1 In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

2 *"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what rates*  
3 *he and his customers can agree for crannage, wharfage, housellage, pesage; for he doth no more than is lawful*  
4 *for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which all*  
5 *persons that come to that port must come and unlade or lade their goods as for the purpose, because they are the*  
6 *wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out where a port*  
7 *is newly erected, in that case there cannot be taken arbitrary and excessive duties for crannage, wharfage, pesage,*  
8 *&c.; neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though*  
9 *settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a*  
10 *public interest, and they cease to be juris privati only; as if a man set out a street in new building on his own land,*  
11 *it is now no longer bare private interest, but is affected by the public interest."*

12 The purport of which is, that if one have a public wharf, by license from the government or his own dedication, he must exact  
13 only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought under the common-law  
14 rule of subjection to reasonable charges as it would be if originally established or licensed by the crown. All property  
15 dedicated to public use by an individual owner, as in the case of land for a park or street, falls at once, by force of the  
16 dedication, under the law governing property appropriated by the government for similar purposes.

17 I do not doubt the justice of the encomiums passed upon Sir 151\*151 Matthew Hale as a learned jurist of his day; but I am  
18 unable to perceive the pertinency of his observations upon public ferries and public wharves, found in his treatises on "The  
19 Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the warehousing law of Illinois, undertaking  
20 to regulate the compensation received by the owners of private property, when that property is used for private purposes.

21 The principal authority cited in support of the ruling of the court is that of Alnutt v. Inglis, decided by the King's Bench, and  
22 reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the doctrine that everyone  
23 has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys in connection with it some right or  
24 privilege from the government not accorded to others; and even then it only decides what is above stated in the quotations  
25 from Sir Matthew Hale, that he must submit, so long as he retains the right or privilege, to reasonable rates. In that case, the  
26 London Dock Company, under certain acts of Parliament, possessed the exclusive right of receiving imported goods into  
27 their warehouses before the duties were paid; and the question was whether the company was bound to receive them for a  
28 reasonable reward, or whether it could arbitrarily fix its compensation. In deciding the case, the Chief Justice, Lord  
29 Ellenborough, said: —

30 *"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what*  
31 *price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right*  
32 *to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take*  
33 *the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."*

34 And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public privilege," he  
35 held that by law the company must confine itself to take reasonable rates; and added, that if the crown should thereafter think  
36 it advisable to extend the privilege more generally to other persons and places, so that the public would not be restrained from  
37 exercising a choice of warehouses for the purpose, the company might be enfranchised from the restriction which 152\*152  
38 attached to a monopoly; but, so long as its warehouses were the only places which could be resorted to for that purpose, the  
39 company was bound to let the trade have the use of them for a reasonable hire and reward. The other judges of the court  
40 placed their concurrence in the decision upon the ground that the company possessed a legal monopoly of the business, having  
41 the only warehouses where goods imported could be lawfully received without previous payment of the duties. From this  
42 case it appears that it is only where some privilege in the bestowal of the government is enjoyed in connection with the  
43 property, that it is affected with a public interest in any proper sense of the terms. It is the public privilege conferred with the  
44 use of the property which creates the public interest in it.

45 In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license bakers, and to  
46 regulate the weight and price of bread, was sustained so far as regulating the weight of the bread was concerned, no question  
47 was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the competency of the State to prescribe the  
48 weight of a loaf of bread, as it may declare what weight shall constitute a pound or a ton. But I deny the power of any  
49 legislature under our government to fix the price which one shall receive for his property of any kind. If the power can be  
50 exercised as to one article, it may as to all articles, and the prices of everything, from a calico gown to a city mansion, may  
51 be the subject of legislative direction.

1 **Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the rights of**  
2 **property.** The act of Congress of 1820, mentioned by the court, is one of them. There Congress undertook to confer upon  
3 the city of Washington power to regulate the rates of wharfage at private wharves, and the fees for sweeping chimneys. Until  
4 some authoritative adjudication is had upon these and similar provisions, I must adhere, notwithstanding the legislation, to  
5 my opinion, that those who own property have the right to fix the compensation at which they will allow its use, and that  
6 those who control services have a right to fix the compensation at which they will be rendered. The chimney-sweeps may, I  
7 think, safely claim all the compensation which 153\*153 they can obtain by bargain for their work. In the absence of any  
8 contract for property or services, the law allows only a reasonable price or compensation; but what is a reasonable price in  
9 any case will depend upon a variety of considerations, and is not a matter for legislative determination.

10 **The practice of regulating by legislation the interest receivable for the use of money, when considered with reference**  
11 **to its origin, is only the assertion of a right of the government to control the extent to which a privilege granted by it**  
12 **may be exercised and enjoyed. By the ancient common law it was unlawful to take any money for the use of money;**  
13 **all who did so were called usurers, a term of great reproach, and were exposed to the censure of the church; and if,**  
14 **after the death of a person, it was discovered that he had been a usurer whilst living, his chattels were forfeited to the**  
15 **king, and his lands escheated to the lord of the fee. No action could be maintained on any promise to pay for the use**  
16 **of money, because of the unlawfulness of the contract. Whilst the common law thus condemned all usury, Parliament**  
17 **interfered, and made it lawful to take a limited amount of interest. It was not upon the theory that the legislature**  
18 **could arbitrarily fix the compensation which one could receive for the use of property, which, by the general law, was**  
19 **the subject of hire for compensation, that Parliament acted, but in order to confer a privilege which the common law**  
20 **denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if the legislation is**  
21 **still persisted in, it is because a long acquiescence in the exercise of a power, especially when it was rightfully assumed**  
22 **in the first instance, is generally received as sufficient evidence of its continued lawfulness. 10 Bac. Abr. 264.[\*]**

23 There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of the manor,  
24 which grew out of the state of the country, the condition of the people, and the relation existing between him and 154\*154  
25 his tenants under the feudal system. Among these was the right of the lord to compel all the tenants within his manor to grind  
26 their corn at his mill. No one, therefore, could set up a mill except by his license, or by the license of the crown, unless he  
27 claimed the right by prescription, which presupposed a grant from the lord or crown, and, of course, with such license went  
28 the right to regulate the tolls to be received. Woolrych on the Law of Waters, c. 6, of Mills. Hence originated the doctrine  
29 which at one time obtained generally in this country, that there could be no mill to grind corn for the public, without a grant  
30 or license from the public authorities. It is still, I believe, asserted in some States. This doctrine being recognized, all the rest  
31 followed. The right to control the toll accompanied the right to control the establishment of the mill.

32 It requires no comment to point out the radical differences between the cases of public mills and interest on money, and that  
33 of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever asserted at the  
34 common law. **The business of a warehouseman was, at common law, a private business and is so in its nature. It has**  
35 **no special privileges connected with it, nor did the law ever extend to it any greater protection than it extended to all**  
36 **other private business. No reason can be assigned to justify legislation interfering with the legitimate profits of that**  
37 **business, that would not equally justify an intermeddling with the business of every man in the community, so soon,**  
38 **at least, as his business became generally useful.**

### 39 **6.11 The franchisee is a public officer and a “fiction of law”**

40 The U.S. Supreme Court acknowledged that a frequent source of unconstitutional activity by government actors is to create  
41 fictitious offices, when it held:

42 *"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; **it creates***  
43 ***no office;** it is in legal contemplation, as inoperative as though it had never been passed."  
44 *[Norton v. Shelby County, 118 US 425 (1885)]**

45 An unlawfully created public office is sometimes called a “fiction of law”. All those engaged in franchises are public officers  
46 in the government. The fictitious public office and/or “trade or business” (26 U.S.C. §7701(a)(26)) to which all the  
47 government’s enforcement rights attach is also called a “fiction of law” by some judges. Here is the definition:

48 ***“Fiction of law.** An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which*  
49 *has never really taken place. **An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule***  
50 ***of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible.** Ryan v. Motor Credit Co.,*  
51 *30 N.J.Eq. 531, 23 A.2d. 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the advancement*

1 of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which  
2 it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal fiction."  
3 [Black's Law Dictionary, Sixth Edition, p. 623]

4 The key elements of all fictions of law from the above are:

- 5 1. A PRESUMPTION of the existence or truth of an otherwise nonexistent thing.
- 6 2. The presumptions are of an INNOCENT or BENEFICIAL character.
- 7 3. The presumptions are made for the advancement of the ends of justice.
- 8 4. All of the above goals are satisfied against BOTH parties to the dispute, not just the government. Otherwise the  
9 constitutional requirement for equal protection and equal treatment has been transgressed.

10 The fictitious public office that forms the heart of the modern SCAM income tax clearly does not satisfy the elements for  
11 being a "fiction of law" because:

- 12 1. All presumptions that violate due process of law or result in an injury to EITHER party affected by the presumption are  
13 unconstitutional. See:

**Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction**, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

- 14 2. The presumption does not benefit BOTH parties to a dispute that involves it. It ONLY benefits the government at the  
15 expense of innocent nontaxpayers and EXCLUSIVELY PRIVATE parties.
- 16 3. The presumption of the existence of the BOGUS office does NOT advance justice for BOTH parties to any dispute  
17 involving it. The legal definition of justice is the RIGHT TO BE LEFT ALONE. The presumption of the existence of  
18 the BOGUS office ensures that those who do not want to volunteer for the office but who are the subject of FALSE  
19 information returns are NEVER left alone and are continually harassed illegally by the IRS. Here is the legal definition  
20 of "justice" so you can see for yourself:

21 "PAULSEN, ETHICS (Thilly's translation), chap. 9.

22 **Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the**  
23 **lives and interests of others [INCLUDING us], and, as far as possible, hinders such interference on the part**  
24 **of others.** This virtue springs from the individual's respect for his fellows as ends in themselves and as his co  
25 equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the  
26 extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and  
27 finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different  
28 spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. .  
29 . . . **To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed**  
30 **against the life of the neighbor;** it is an open avowal that the latter is not an end in itself, having the same value  
31 as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no  
32 wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect  
33 and protect the right."  
34 [[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2\]](#)]

35 Therefore it is clearly a CRUEL FRAUD for any judge to justify his PRESUMPTION of the existence of the BOGUS public  
36 office that is the subject of the excise tax by calling it a "fiction of law".

37 If you want to see an example of WHY this fiction of law was created as a way to usurp jurisdiction, read the following U.S.  
38 Supreme Court cite:

39 **"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to**  
40 **the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would**  
41 **unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one**  
42 **man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not**  
43 **incurred a similar obligation, be implicated?** If, in other words, it is sufficient to vest a jurisdiction in this court,  
44 that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to  
45 affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction  
46 is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State  
47 and the general government. Any thing which can prevent a Federal Officer from the punctual, as well as from  
48 an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a  
49 bribe, may be made a foundation of the jurisdiction of this court; and, **considering the constant disposition of**  
50 **power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere**  
51 **fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench**  
52 **universal in all personal actions."**  
53 [[United States v. Worrall, 2 U.S. 384 \(1798\)](#)]

The reason for the controversy in the above case was that a bribe occurred on state land by a nonresident domiciled in the state, and therefore that federal law did not apply. In the above case, the court admitted that a "fiction" was resorted to usurp jurisdiction because no legal authority could be found. The fact that the defendant was in custody created the jurisdiction. It didn't exist before they ILLEGALLY KIDNAPPED him. Notice also that they mention an implied "compact" or contract related to the office being exercised, and that THAT compact was the source of their jurisdiction over the officer who was bribed. This is the SAME contract to which all those who engage in a statutory "trade or business" are party to.

### 6.12 "Public" v. "Private" Franchises Compared

Another useful exercise is to compare PUBLIC franchises, meaning government franchise, with PRIVATE franchises that involve private parties exclusively. Understanding these distinctions is very important to those who want to be able to produce legally admissible evidence that governments are illegally implementing or enforcing their franchises. Below is a table summarizing the main differences between PUBLIC and PRIVATE franchises:

**Table 6: Public v. Private Franchises Compared**

<i>Characteristic</i>	<i>PUBLIC/GOVERNMENT Franchise</i>	<i>PRIVATE Franchise</i>
<b>Franchise agreement is</b>	Civil law associated with the <a href="#">domicile</a> of those who are <a href="#">statutory but not constitutional "citizens"</a> and <a href="#">"residents"</a> within the venue of the GRANTOR	Private law among all those who expressly consented in writing
<b><a href="#">Consent</a> to the franchise procured by</b>	IMPLIED by ACTION of participants: 1. Using the government's license number; 2. Declaring a STATUS under the franchise such as "taxpayer"	EXPRESS by signing a WRITTEN contract absent duress
<b>Franchise rights are property of</b>	Government ( <a href="#">de facto government</a> if property outside of federal territory)	Human being or private company
<b>Choice of law governing disputes under the franchise agreement</b>	Franchise agreement itself and <a href="#">Federal Rule of Civil Procedure 17(b)</a> .	Franchise agreement only
<b>Disputes legally resolved in</b>	<a href="#">Article 4, Section 3, Clause 2</a> statutory FRANCHISE court with INEQUITY	Constitutional court in EQUITY
<b>Courts officiating disputes operate in</b>	POLITICAL context and issue [political] OPINIONS	LEGAL context and issue ORDERS
<b>Parties to the contract</b>	Are "public officers" within the government grantor of the franchise	Maintain their status as private parties
<b>Domicile of franchise participants</b>	<a href="#">Federal territory</a> . See <a href="#">26 U.S.C. §7701(a)(39)</a> and <a href="#">§7408(d)</a>	Wherever the parties declare it or express it in the franchise

How can we prove that a so-called "government" is operating a franchise as a PRIVATE company or corporation in EQUITY rather than as a *parens patriae* protected by sovereign immunity? Below are the conditions that trigger this status as we understand them so far:

- When they are implementing the franchises against parties domiciled outside of their EXCLUSIVE rather than subject matter jurisdiction. For instance, when the federal government implements or enforces a federal franchise within states of the Union, then it is operating outside its territory and implicitly waives sovereign immunity. Hence, they are "purposefully availing themselves" of commercial activity outside of their jurisdiction and waive immunity within the jurisdiction they are operating. See: [Federal Jurisdiction](http://sedm.org/Forms/FormIndex.htm), Form #05.018
- When [domicile](#) and one's status as a statutory "citizen", "resident", or "U.S. person" under the civil laws of the grantor:
  - Is not required in the franchise agreement itself.

- 1 2.2. Is in the franchise agreement but is ignored or disregarded as a matter of policy and not law by the government.  
 2 For instance, the government ignores the legal requirements of the franchise found in [20 C.F.R. §422.104](#) and  
 3 insists that EVERYONE is eligible and TO HELL with the law.
- 4 3. When any of the above conditions occur, then the government engaging in them:
- 5 3.1. Is engaging in PRIVATE business activity beyond its core purpose as a de jure “government”
- 6 3.2. Is operating in a de facto capacity and not as a “sovereign”. See:
- De Facto Government Scam, Form #05.043  
<http://sedm.org/Forms/FormIndex.htm>
- 7 3.3. Is abusing its monopolistic authority to compete with private business concerns
- 8 3.4. Is “purposefully availing itself” of commerce in the foreign jurisdictions, such as states of the Union, that it  
 9 operates the franchise
- 10 3.5. Implicitly waives sovereign immunity under the [Foreign Sovereign Immunities Act \(F.S.I.A.\)](#), [28 U.S.C. Chapter](#)  
 11 [97](#) and its equivalent act in the foreign jurisdictions where it operates the franchise
- 12 3.6. Implicitly agrees to be sued IN EQUITY in a Constitutional court if it enforces the franchise against  
 13 [NONRESIDENTS](#)
- 14 3.7. Cannot truthfully identify the [statutory FRANCHISE courts](#) that administer the franchise as “government” courts,  
 15 but simply PRIVATE arbitration boards.

16 The following ruling by the U.S. Supreme Court confirms some of the above.

17 *See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) (“**The United States does business on***  
 18 *business terms”)* (quoting *United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)*);  
 19 *Perry v. United States, supra at 352 (1935) (“When the United States, with constitutional authority, makes*  
 20 *contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such*  
 21 *instruments. There is no difference . . . except that the United States cannot be sued without its consent”)*  
 22 *(citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) (“The United States, when they contract with*  
 23 *their citizens, are controlled by the same laws that govern the citizen in that behalf”); Cooke v. United States,*  
 24 *91 U.S. 389, 398 (1875) (explaining that when the United States “comes down from its position of sovereignty,*  
 25 *and enters the domain of commerce, it submits itself to the same laws that govern individuals there”).*

26 *See Jones, 1 Cl.Ct. at 85 (“Wherever the public and private acts of the government seem to commingle, a citizen*  
 27 *or corporate body must by supposition be substituted in its place, and then the question be determined whether*  
 28 *the action will lie against the supposed defendant”); O’Neill v. United States, 231 Ct.Cl. 823, 826 (1982)*  
 29 *(sovereign acts doctrine applies where, “[w]ere [the] contracts exclusively between private parties, the party hurt*  
 30 *by such governing action could not claim compensation from the other party for the governing action”). The*  
 31 *dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its*  
 32 *reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need*  
 33 *to treat the government-as-contractor the same as a private party.*  
 34 [\[United States v. Winstar Corp., 518 U.S. 839 \(1996\)\]](#)

35 Only one sentence in the above seems suspicious:

36 *“When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities*  
 37 *similar to those of individuals who are parties to such instruments. There is no difference . . . **except that the***  
 38 *United States cannot be sued [IN ITS OWN COURTS] without its consent”*

39 What they are referring to above is that the “United States” federal corporation cannot be sued IN THEIR OWN COURTS  
 40 without their consent, not that they cannot be sued in EQUITY in a court of a constitutional state. The federal government  
 41 has no direct control over the courts of a legislatively “foreign state”, such as a state of the Union. Hence, it cannot impede  
 42 itself being sued directly there when it is operating a private business in competition with other private businesses in a  
 43 commercial marketplace. An example is “insurance services”, such as Social Security, which is private insurance. The  
 44 government deceptively calls the premiums a “tax” on the 800 line of Social Security, but in fact, they are simply PRIVATE  
 45 insurance premiums. No one can make you buy any commercial product the government offers, including private “Social  
 46 Insurance”. Otherwise, we are talking about THEFT and involuntary servitude. The definition of “State” found in the Social  
 47 Security Act is entirely consistent with these conclusions. “State” is nowhere defined to expressly include states of the Union  
 48 and therefore, they are NOT included under the rules of statutory construction. Hence, they are “foreign” for the subject  
 49 matter of Social Security, Medicare, and every other federal socialism program.

50 *“**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that the expression of one*  
 51 *thing is the exclusion of another.* *Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
 52 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
 53 *things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*

1 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
2 *of a certain provision, other exceptions or effects are excluded.”*  
3 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

4 A legal term useful in describing the proper operation of government franchises is “publici juris”. Here is a legal definition:

5 *“PUBLICI JURIS. Lat. Of public right. The word "public" in this sense means pertaining to the people, or*  
6 *affecting the community at large [the SOCIALIST collective]; that which concerns a multitude of people; and the*  
7 *word "right," as so used, means a well-founded claim; an interest; concern; advantage; benefit. State v. Lyon, 63*  
8 *Okl. 285, 165 P. 419, 420.*

9 *This term, as applied to a thing or right [PRIVILEGE], means that it is open to or exercisable by all persons. It*  
10 *designates things which are owned by "the public:" that is, the entire state or community, and not by any private*  
11 *person. When a thing is common property, so that anyone can make use of it who likes, it is said to be publici*  
12 *juris: as in the case of light, air, and public water. Sweet. “*  
13 *[Black’s Law Dictionary, Fourth Edition, p. 1397]*

14 We allege that:

- 15 1. Associating anything with a government identifying number (SSN or TIN)
  - 16 1.1. Changes the character of the thing so associated to “publici juris”
  - 17 1.2. Donates and converts private property to a public use, public purpose, and public office
  - 18 1.3. Makes you the trustee with equitable title over the thing donated, instead of the LEGAL OWNER of the property
- 19 2. The compelled, involuntary use of government identifying numbers therefore constitutes THEFT and CONVERSION,  
20 which are CRIMES.

21 For further details on the compelled use of government identifying numbers, see:

[Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

## 22 **7. Procuring Consent through DECEPTION, FRAUD and DURESS**

23 The following subsections will not discuss the subject of consent and duress in detail. They will merely show how duress is  
24 instituted or consent is invisibly acquired. If you want detailed background on consent and duress terms, please refer to the  
25 following free memorandum of law on our site:

[Requirement for Consent, Form #05.003](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

26 The following subsections were derived from sections 10.1-10.2, 10.4 and 11 of the above document.

### 27 **7.1 Introduction**

28 Exclusively PRIVATE rights and PRIVATE property are beyond the civil legislative control of de jure government because  
29 they are protected by the U.S.A. Constitution.

30 *“The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes*  
31 *of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States*  
32 *v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S.*  
33 *127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see,*  
34 *e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745*  
35 *(1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been*  
36 *questioned.”*  
37 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

38 Before governments may civilly control, tax, or regulate anything they must do one or more of the following:

1 1. Convert the ownership of PRIVATE PROPERTY they want to control from EXCLUSIVELY PRIVATE to either  
2 PUBLIC or QUALIFIED PRIVATE. Essentially, you are tricked into donating your PRIVATE property or a portion  
3 of it to a PUBLIC use and thereby giving the public the right to CONTROL that use.

4 *"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;'  
5 and to 'secure,' not grant or create, these rights, governments are instituted. That property for income which a  
6 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it  
7 to his neighbor's injury, and that does not mean that he must use it for his  
8 neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other  
9 public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control  
10 that use; and third, that whenever the public needs require, the public may take it upon payment of due  
11 compensation."*  
12 [*Budd v. People of State of New York, 143 U.S. 517 (1892)*]

13 2. Convert the CIVIL STATUS of the person engaging in the activity or owning the PRIVATE PROPERTY they want to  
14 control from PRIVATE to PUBLIC. In other words, to change you:  
15 2.1. From a CONSTITUTIONAL "person" to a statutory "person" and therefore public officer. A statutory person is  
16 not protected by the constitution under the civil law because they have availed themselves of a "benefit" and  
17 thereby waived their Constitutional rights to exchange them for "privileges".

18 *The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been  
19 carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from  
20 the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified  
21 a peculiar right or private law conceded to particular persons or places whereby a certain individual or class  
22 of individuals was exempted from the rigor of the common law [AND the constitution]. Privilege or immunity  
23 is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights,  
24 authorizing him to enjoy some particular advantage or exemption. See Magill v. Browne, Fed.Cas. No. 8952, 16  
25 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and Immunities of Citizens of the United  
26 States," in Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.  
27 [*Paul v. Virginia, 8 Wall. 168, 19 L.Ed. 357*]*

28 2.2. From a human being to an officer of a government corporation called a "person".  
29 For proof of the above, see:

[Why Statutory Civil Law is Law for Government and Not Private Persons](http://sedm.org/Forms/FormIndex.htm), Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

30 The most important means of surreptitiously accomplishing the above conversions from PRIVATE to PUBLIC is through  
31 the abuse of statutory civil franchises. Here is how the covetous conspiratorial politicians accomplish the two main goals:

32 1. Use propaganda and deceit to confuse the line between PUBLIC and PRIVATE by:  
33 1.1. PRESUMING or ASSUMING that STATUTORY "persons" are the same as CONSTITUTIONAL "persons".  
34 They are NOT. This includes defining the terms "citizen" or "resident" as franchisees who are public officers  
35 instead of constitutional "persons".

36 *"Citizens of the United States within the meaning of this Amendment must be natural and not artificial  
37 persons; a corporate body is not a citizen of the United States."*<sup>14</sup>

38 *14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
39 corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth  
40 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
41 impairment by the law of a State." Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869) . This conclusion was in  
42 harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
43 were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2.  
44 See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912); Berea College v. Kentucky, 211 U.S. 45 (1908)  
45 ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928); Grosjean v. American Press Co., 297 U.S.  
46 233, 244 (1936).  
47 [*Annotated Fourteenth Amendment, Congressional Research Service,*  
48 *SOURCE: [http://www.law.cornell.edu/amdt14a\\_hd1](http://www.law.cornell.edu/amdt14a_hd1)*]*

50 1.2. Calling franchises "law", when in fact they are PRIVATE law that does not apply generally to all. In other words,  
51 confusing PRIVATE law with PUBLIC law.

1 "[l]aw . . . must be not a special rule for a particular person or a particular case, but . . . the general law . . . ' so  
2 'that **every citizen shall hold his life, liberty, property and immunities under the protection of the general rules**  
3 **which govern society.**"  
4 [*Hurtado v. California*, 110 U.S. 516, 535-536 (1884)]

5  
6  
7 *Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme  
power in a state, commanding what is right and prohibiting what is wrong."*

8 [. . .]

9 *It is also called a rule to distinguish it from a compact or agreement; **for a compact is a promise proceeding**  
10 **from us, law is a command directed to us.** The language of a compact is, "I will, or will not, do this"; that of a  
11 law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in  
12 point of conscience to that of a law; but then the original of the obligation is different. **In compacts we ourselves**  
13 **determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without**  
14 **ourselves determining or promising anything at all.** Upon these accounts law is defined to be "a rule."  
15 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4*]*

- 16 2. Write PRIVATE law franchises for government employees and officials that imposes a tax, duty, or obligation.  
17 3. Mislead and confuse private employers in states of the Union into volunteering to become federal PUBLIC  
18 instrumentalities, agents, and "public officers" in the process of implementing this private law that doesn't apply to them.  
19 See:  
20 <http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>  
21 4. Offer BRIBES to otherwise PRIVATE people to entice them to sign up for the franchises and thereby illegally and  
22 criminally impersonate a public officer:

23 **"The principle of democracy is corrupted not only when the spirit of equality is extinct [BECAUSE OF**  
24 **FRANCHISES!], but likewise when they fall into a spirit of extreme equality, and when each citizen would**  
25 **fain be upon a level with those whom he has chosen to command him.** Then the people, incapable of bearing  
26 the very power they have delegated, want to manage everything themselves, to debate for the senate, to execute  
27 for the magistrate, and to decide for the judges.

28 **When this is the case, virtue can no longer subsist in the republic.** The people are desirous of exercising the  
29 functions of the magistrates, who cease to be revered. The deliberations of the senate are slighted; all respect is  
30 then laid aside for the senators, and consequently for old age. If there is no more respect for old age, there will  
31 be none presently for parents; deference to husbands will be likewise thrown off, and submission to masters. This  
32 license will soon become general, and the trouble of command be as fatiguing as that of obedience. Wives,  
33 children, slaves will shake off all subjection. No longer will there be any such thing as manners, order, or virtue.

34 *We find in Xenophon's Banquet a very lively description of a republic in which the people abused their equality.*  
35 *Each guest gives in his turn the reason why he is satisfied. "Content I am," says Chamides, "because of my poverty.*  
36 *When I was rich, I was obliged to pay my court to informers, knowing I was more liable to be hurt by them than*  
37 *capable of doing them harm. **The republic constantly demanded some new tax of me; and I could not decline***  
38 **paying. Since I have grown poor, I have acquired authority; nobody threatens me; I rather threaten others. I**  
39 **can go or stay where I please. The rich already rise from their seats and give me the way. I am a king, I was**  
40 **before a slave; I paid taxes to the republic, now it maintains [PAYS "BENEFITS" TO] me; I am no longer**  
41 **afraid of losing; but I hope to acquire.**"

42 *The people fall into this misfortune when those in whom they confide, desirous of concealing their own corruption,*  
43 *endeavour to corrupt them. To disguise their own ambition, they speak to them only of the grandeur of the state;*  
44 *to conceal their own avarice, they incessantly flatter theirs.*

45 **The corruption will increase among the corruptors, and likewise among those who are already corrupted. The**  
46 **people will divide the public money among themselves [to pay "BENEFITS"], and, having added the**  
47 **administration of affairs to their indolence, will be for blending their poverty with the amusements of luxury.**  
48 **But with their indolence and luxury, nothing but the public treasure ["BENEFITS"] will be able to satisfy their**  
49 **demands.**

50 **We must not be surprised to see their suffrages [VOTES at the ballot box] given for money [GOVERNMENT**  
51 **"BENEFITS"]. It is impossible to make great largesses to the people without great extortion: and to compass**  
52 **this, the state must be subverted. The greater the advantages they seem to derive from their liberty, the nearer**  
53 **they approach towards the critical moment of losing it. Petty tyrants arise who have all the vices of a single**  
54 **tyrant. The small remains of liberty soon become insupportable; a single tyrant starts up, and the people are**  
55 **stripped of everything, even of the profits of their corruption.**'

1 *[The Spirit of Laws, Baron Charles de Montesquieu,*  
2 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_08.htm#002](http://famguardian.org/Publications/SpiritOfLaws/sol_08.htm#002)]*

- 3 5. Obfuscate the terms and definitions in the franchise to confuse PRIVATE and PUBLIC persons and property:  
4 5.1. Make it appear that said law applies universally to everyone, including those in the states of the Union, when in  
5 fact it does not.  
6 5.2. Compel the courts and the IRS to mis-interpret and mis-enforce the Internal Revenue Code, by for instance, making  
7 judges into “taxpayers” who have a financial conflict of interest whenever they hear a tax case.  
8 Montesquieu in his The Spirit of Laws, which is the document the founders used to write the Constitution, describes this  
9 process of corruption as merging POLITICAL law with CIVIL law, and thereby turning EVERYONE into an  
10 “employee” and/or OFFICER of the government whose “pay” is the “benefits” of franchises. Political law is law for the  
11 government ONLY, and not the PRIVATE citizen:

12 *The Spirit of Laws, Book XXVI, Section 15*

13 *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles*  
14 *of civil Law.*

15 *As men have given up their natural independence to live under political laws, they have given up the natural*  
16 *community of goods to live under civil laws.*

17 **By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the**  
18 **laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what**  
19 **ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the**  
20 **individual should give way to that of the public; this can never take place, except when the government of the**  
21 **community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate**  
22 **to private property, because the public good consists in every one's having his property, which was given him**  
23 **by the civil laws, invariably preserved.**

24 *Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view*  
25 *than that every one might be able to preserve his property.*

26 **Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question,**  
27 **it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least**  
28 **part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is**  
29 **the Palladium of [PRIVATE] property.**

30 **Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political**  
31 **law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as**  
32 **the whole community.**

33 *If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are*  
34 *injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that*  
35 *it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from*  
36 *the civil law, the not being forced to alienate his possessions.*

37 *After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called*  
38 *them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt*  
39 *the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.*

40 *They mended the highways in his time as we do at present. He says, that when a highway could not be repaired,*  
41 *they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who*  
42 *reaped any advantage from the road.<sup>41</sup> They determined at that time by the civil law; in our days, we determine*  
43 *by the law of politics.*

44 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;*  
45 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]*

- 46 6. Introduce new franchise courts that may not hear constitutional issues and force PRIVATE people into the courts. This  
47 includes “traffic court”, “family court”, and “tax court”. This has the practical effect of DESTROYING their rights  
48 because it removes constitutional and jury protections. Franchise judges are in the Executive Branch rather than the  
49 Judicial Branch, and act in a POLITICAL rather than LEGAL capacity. They cannot act impartially and will always  
50 side with the government:

1 "When the legislative and executive powers are united in the same person, or in the same body of magistrates,  
2 there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact  
3 tyrannical laws, to execute them in a tyrannical manner.

4 Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it  
5 joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge  
6 would be then the legislator. Were it joined to the executive power, the judge might behave with violence and  
7 oppression [sound familiar?].

8 There would be an end of everything, were the same man or the same body, whether of the nobles or of the  
9 people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of  
10 trying the causes of individuals."

11 [ . . . ]

12 In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,  
13 as executors of the laws, of the whole power they have given themselves in quality of legislators. They may  
14 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,  
15 every private citizen may be ruined by their particular decisions."  
16 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;  
17 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

18 7. Gag franchise judges in the Executive Branch from exposing the FRAUD by prohibiting them from entering declaratory  
19 judgments in the case of "taxes" per the Declaratory Judgments Act, 28 U.S.C. §2201(a). This act can only apply to  
20 statutory franchisees called "taxpayers", but judges illegally apply it to NONTAXPAYERS as a way to undermine and  
21 destroy the protection of private rights. It is a TORT when they do this.

22 8. When Americans discover that eligibility to franchises is the origin of government jurisdiction and try to quit, agencies  
23 administering the program will tell people two contradictory statements:

24 8.1. That they ARE NOT allowed to quit. In the case of Social Security, this is NOT true, because there are processes  
25 and procedures to quit that are HIDDEN from the public. See:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

26 8.2. That participating is "voluntary". If you CANNOT quit, it CANNOT be "voluntary". Furthermore, if OTHER  
27 people like your parents can sign you up WITHOUT your consent or even knowledge, as in the case of Social  
28 Security, you can NEVER escape the program or the obligations of the franchise program.

29 Thus they interfere with their ability to escape jurisdiction and authority of those who administer the program. As long  
30 as "benefit" eligibility is preserved and people are FORBIDDEN to quit, there ARE no constitutional rights in the context  
31 of any federal benefit program:

32 "The Government urges that the Power Company is estopped to question the validity of the Act creating the  
33 Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297  
34 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot  
35 be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;  
36 Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260  
37 U.S. 469."  
38 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

39 9. Interfere with remedies for protecting PRIVATE rights in constitutional courts by:

40 9.1. Refusing to allow litigants to invoke ONLY the common law and the constitution rather than statutory civil  
41 franchise law in their defense. This has the practical effect of exercising a THEFT of constitutional rights and an  
42 eminent domain over those rights without compensation and in violation of the Fifth Amendment Takings Clause.

43 9.2. CONFUSING CRIMINAL statutes with PENAL statutes. Most civil franchises are enforced as PENAL law rather  
44 than CRIMINAL law. They are heard in criminal courts to fool the litigants into thinking that they are CRIMINAL  
45 in nature. However, PENAL law requires DOMICILE and CONSENT to the franchise before the penalty  
46 provisions may be enforced, and you should demand that the government PROVE with evidence that you lawfully  
47 consented to the franchise by engaging in a public office BEFORE you could even be eligible to participate or  
48 receive the "benefits" of said franchise. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 15  
<http://sedm.org/Forms/FormIndex.htm>

49 9.3. Forcing litigants into a franchise court even though they may NOT go there without committing a crime. Only  
50 public officers can go into FRANCHISE courts in the Executive Branch. If a PRIVATE human who is not a public  
51 officer or franchisee goes into a FRANCHISE court, he/she/it is criminally impersonating a public officer. See:

*The Tax Court Scam*, Form #05.039

<http://sedm.org/Forms/FormIndex.htm>

9.4. Illegally transferring controversies in state courts involving constitutional rights to federal FRANCHISE courts, thus manipulating the right out of existence. See:

*Opposition to Removal from State to Federal Court*, Litigation Tool #11.001

<http://sedm.org/Litigation/LitIndex.htm>

9.5. PRESUMING that the parties before it are STATUTORY “persons”, “citizens”, or “residents” if litigants to not claim otherwise, thus removing them from the protections of the constitution. See:

*Citizenship, Domicile, and Tax Status Options*, Form #10.003

<http://sedm.org/Forms/FormIndex.htm>

9.6. Abusing choice of law rules to FORCE only statutory civil franchise remedies on the parties to litigation. See:

*Federal Jurisdiction*, Form #05.018, Section 3

<http://sedm.org/Forms/FormIndex.htm>

10. Illegally and unconstitutionally invoke sovereign, judicial, or official immunity to protect those in government who willfully:

10.1. Enforce the PUBLIC franchise against those PRIVATE people who do not consent to participate.

10.2. Violate the constitutional rights of others by exceeding their lawful authority, and thereby become a mafia protection racket for wrongdoers in violation of [18 U.S.C. §1951](#). This tactic has the effect of making the District of Columbia into the District of Criminals and a haven for financial terrorists who exploit the legal ignorance and conflict of interest of their coworkers and tax professionals to enrich themselves.

The Bible warned us this was going to happen, when it said:

***“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off.”***  
[Psalm 94:20-23, Bible, NKJV]

Who else but corrupted lawmakers and public servants could “devise evil by law”? In this white paper, we will therefore:

1. Provide extensive evidentiary support which conclusively proves the above assertions beyond a shadow of a doubt.
2. Try to provide to you some tools and techniques to enforce the requirement for consent in all interactions you have with the government.
3. Show you how to discern exactly WHO a particular law is written for, so that you can prove it isn’t you and instead is only federal instrumentalities, agents, and “public officers”.
4. Teach you to discern the difference between “public law” that applies EQUALLY to all and “private law” that only applies to those who individually consent.
5. Teach you how to discern what form the “constructive consent” must take in the process of agreeing to be subject to the provisions of a “private law”, and how public employees very deviously hide the requirement for consent to fool you into believing that a private law is a “public law” that you can’t question or opt out of.
6. Show you how public servant legislators twist the law to change its purpose of protecting the public to protecting the public servants and the plunder they engage in. For more information on this, see:

*The Law*, Frederic Bastiat

<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

## **7.2 Logical Fallacies: Main tools of deception**

Logical fallacies are the main tools of deception. Learn what they are and how to use them and defend yourself against them. For details on all the various types of logical fallacies, visit the following website:

*Thou Shalt Not Commit Logical Fallacies*

<https://yourlogicalfallacyis.com/>

### 7.3 Twenty-Five Rules of Disinformation: The Politicians Credo<sup>42</sup>

Note: The first rule and last five (or six, depending on situation) rules are generally not directly within the ability of the traditional disinfo artist to apply. These rules are generally used more directly by those at the leadership, key players, or planning level of the criminal conspiracy or conspiracy to cover up.

1. Hear no evil, see no evil, speak no evil. Regardless of what you know, don't discuss it -- especially if you are a public figure, news anchor, etc. If it's not reported, it didn't happen, and you never have to deal with the issues.
2. Become incredulous and indignant. Avoid discussing key issues and instead focus on side issues which can be used to show the topic as being critical of some otherwise sacrosanct group or theme. This is also known as the "How dare you!" gambit.
3. Create rumor mongers. Avoid discussing issues by describing all charges, regardless of venue or evidence, as mere rumors and wild accusations. Other derogatory terms mutually exclusive of truth may work as well. This method works especially well with a silent press, because the only way the public can learn of the facts are through such "arguable rumors". If you can associate the material with the Internet, use this fact to certify it a "wild rumor" which can have no basis in fact.
4. Use a straw man. Find or create a seeming element of your opponent's argument which you can easily knock down to make yourself look good and the opponent to look bad. Either make up an issue you may safely imply exists based on your interpretation of the opponent/opponent arguments/situation, or select the weakest aspect of the weakest charges. Amplify their significance and destroy them in a way which appears to debunk all the charges, real and fabricated alike, while actually avoiding discussion of the real issues.
5. Sidetrack opponents with name calling and ridicule. This is also known as the primary attack the messenger ploy, though other methods qualify as variants of that approach. Associate opponents with unpopular titles such as "kooks", "right-wing", "liberal", "left-wing", "terrorists", "conspiracy buffs", "radicals", "militia", "racists", "religious fanatics", "sexual deviates", and so forth. This makes others shrink from support out of fear of gaining the same label, and you avoid dealing with issues.
6. Hit and Run. In any public forum, make a brief attack of your opponent or the opponent position and then scamper off before an answer can be fielded, or simply ignore any answer. This works extremely well in Internet and letters-to-the-editor environments where a steady stream of new identities can be called upon without having to explain criticism reasoning -- simply make an accusation or other attack, never discussing issues, and never answering any subsequent response, for that would dignify the opponent's viewpoint.
7. Question motives. Twist or amplify any fact which could be so taken to imply that the opponent operates out of a hidden personal agenda or other bias. This avoids discussing issues and forces the accuser on the defensive.
8. Invoke authority. Claim for yourself or associate yourself with authority and present your argument with enough "jargon" and "minutiae" to illustrate you are "one who knows", and simply say it isn't so without discussing issues or demonstrating concretely why or citing sources.
9. Play Dumb. No matter what evidence or logical argument is offered, avoid discussing issues with denial they have any credibility, make any sense, provide any proof, contain or make a point, have logic, or support a conclusion. Mix well for maximum effect.
10. Associate opponent charges with old news. A derivative of the straw man usually, in any large-scale matter of high visibility, someone will make charges early on which can be or were already easily dealt with. Where it can be foreseen, have your own side raise a straw man issue and have it dealt with early on as part of the initial contingency plans. Subsequent charges, regardless of validity or new ground uncovered, can usually them be associated with the original charge and dismissed as simply being a rehash without need to address current issues - so much the better where the opponent is or was involved with the original source.
11. Establish and rely upon fallback positions. Using a minor matter or element of the facts, take the "high road" and "confess" with candor that some innocent mistake, in hindsight, was made -- but that opponents have seized on the opportunity to blow it all out of proportion and imply greater criminalities which, "just isn't so." Others can reinforce this on your behalf, later. Done properly, this can garner sympathy and respect for "coming clean" and "owning up" to your mistakes without addressing more serious issues.
12. Enigmas have no solution. Drawing upon the overall umbrella of events surrounding the crime and the multitude of players and events, paint the entire affair as too complex to solve. This causes those otherwise following the matter to begin to lose interest more quickly without having to address the actual issues.

<sup>42</sup> Courtesy of [American Patriot Friends Network](#) and [Walt](#), July 15, 1998. SOURCE: <http://famguardian.org/Subjects/MediaIntell/Articles/25RulesOfDisinformation.htm>.

13. Alice in Wonderland Logic. Avoid discussion of the issues by reasoning backward with an apparent deductive logic in a way that forbears any actual material fact.
14. Demand complete solutions. Avoid the issues by requiring opponents to solve the crime at hand completely, a ploy which works best for items qualifying for rule 10.
15. Fit the facts to alternate conclusions. This requires creative thinking unless the crime was planned with contingency conclusions in place.
16. Vanishing evidence and witnesses. If it does not exist, it is not fact, and you won't have to address the issue.
17. Change the subject. Usually in connection with one of the other ploys listed here, find a way to side-track the discussion with abrasive or controversial comments in hopes of turning attention to a new, more manageable topic. This works especially well with companions who can "argue" with you over the new topic and polarize the discussion arena in order to avoid discussing more key issues.
18. Emotionalize, Antagonize, and Goad Opponents. If you can't do anything else, chide and taunt your opponents and draw them into emotional responses which will tend to make them look foolish and overly motivated, and generally render their material somewhat less coherent. Not only will you avoid discussing the issues in the first instance, but even if their emotional response addresses the issue, you can further avoid the issues by then focusing on how "sensitive they are to criticism".
19. Ignore proof presented, demand impossible proofs. This is perhaps a variant of the "play dumb" rule. Regardless of what material may be presented by an opponent in public forums, claim the material irrelevant and demand proof that is impossible for the opponent to come by (it may exist, but not be at his disposal, or it may be something which is known to be safely destroyed or withheld, such as a murder weapon). In order to completely avoid discussing issues may require you to categorically deny and be critical of media or books as valid sources, deny that witnesses are acceptable, or even deny that statements made by government or other authorities have any meaning or relevance.
20. False evidence. Whenever possible, introduce new facts or clues designed and manufactured to conflict with opponent presentations as useful tools to neutralize sensitive issues or impede resolution. This works best when the crime was designed with contingencies for the purpose, and the facts cannot be easily separated from the fabrications.
21. Call a Grand Jury, Special Prosecutor, or other empowered investigative body. Subvert the (process) to your benefit and effectively neutralize all sensitive issues without open discussion. Once convened, the evidence and testimony are required to be secret when properly handled. For instance, if you own the prosecuting attorney, it can insure a Grand Jury hears no useful evidence and that the evidence is sealed and unavailable to subsequent investigators. Once a favorable verdict (usually, this technique is applied to find the guilty innocent, but it can also be used to obtain charges when seeking to frame a victim) is achieved, the matter can be considered officially closed.
22. Manufacture a new truth. Create your own expert(s), group(s), author(s), leader(s) or influence existing ones willing to forge new ground via scientific, investigative, or social research or testimony which concludes favorably. In this way, if you must actually address issues, you can do so authoritatively.
23. Create bigger distractions. If the above does not seem to be working to distract from sensitive issues, or to prevent unwanted media coverage of unstoppable events such as trials, create bigger news stories (or treat them as such) to distract the multitudes.
24. Silence critics. If the above methods do not prevail, consider removing opponents from circulation by some definitive solution so that the need to address issues is removed entirely. This can be by their death, arrest and detention, blackmail or destruction of their character by release of blackmail information, or merely by proper intimidation with blackmail or other threats.
25. Vanish. If you are a key holder of secrets or otherwise overly illuminated and you think the heat is getting too hot, to avoid the issues, vacate the kitchen.

## **7.4 Why and how the government deceives you into believing that "private law" is "public law" in order to PLUNDER and ENSLAVE you unlawfully**

### **7.4.1 Constraints on government legislative power**

Public servants in the Legislative Branch know that:

1. It is FRAUD to call any private law or franchise contract they enact "LAW" without preceding it with either "PUBLIC" or "PRIVATE". "Law" in a classical sense must apply equally to ALL members of society whether they

1 consent or not. This means that private law franchises are not “law” in a classical sense, but merely compacts or  
2 contracts:

3 “Municipal law, thus understood, is properly defined to be “a rule of civil conduct prescribed by the supreme  
4 power in a state, commanding what is right and prohibiting what is wrong.”

5 [. . .]

6 **It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding**  
7 **from us, law is a command directed to us. The language of a compact is, “I will, or will not, do this”; that of a**  
8 **law is, “thou shalt, or shalt not, do it.” It is true there is an obligation which a compact carries with it, equal**  
9 **in point of conscience to that of a law; but then the original of the obligation is different. In compacts we**  
10 **ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to**  
11 **act without ourselves determining or promising anything at all. Upon these accounts law is defined to be “a**  
12 **rule.”**

13 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4*]

14  
15 “[l]aw . . . must be not a special rule for a particular person or a particular case, but . . . the general law . . . so  
16 that **every citizen shall hold his life, liberty, property and immunities under the protection of the general rules**  
17 **which govern society.**”  
18 [*Hurtado v. California, 110 U.S. 516, 535-536 (1884)*]

- 19 2. All legislation is prima facie territorial, meaning that it is limited to the territory that they have exclusive jurisdiction  
20 over.

21 “It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction  
22 of the United States unless a contrary intent appears.”  
23 [*Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)*]

24 “The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend  
25 into the territorial limits of the states, but have force only in the District of Columbia, and other places that are  
26 within the exclusive jurisdiction of the national government.”  
27 [*Caha v. U.S., 152 U.S. 211 (1894)*]

28 “There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears  
29 [legislation] is meant to apply only within the territorial jurisdiction of the United States.”  
30 [*U.S. v. Spelar, 338 U.S. 217 at 222.*]

- 31 3. They cannot civilly reach those with a foreign domicile, meaning a domicile outside their territory, such as a  
32 constitutional state of the Union, per Federal Rule of Civil Procedure 17(b).  
33 4. The only lawful way they can legislatively reach outside their exclusive jurisdiction is through debt or contracts.

34 *Debt and contract [franchise agreement, in this case] are of no particular place.*

35 *Locus contractus regit actum.*

36 *The place of the contract [franchise agreement, in this case] governs the act.*

37 [*Bouvier’s Maxims of Law, 1856;*

38 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

- 39 5. Both debt and contracts require consent of the other party to the relationship.  
40 6. Consent cannot be PRESUMED, but must be PROVEN by those who are enforcing a duty under the contract or  
41 franchise.  
42 7. The only way they can lawfully through legislation reach outside their territory and inside the “cookie jar”, which are  
43 the legislatively “foreign states” called states of the Union, is through the operation of “private law” for nearly all  
44 subject matters except interstate and foreign commerce.

45 **7.4.2 How they deceive you into thinking that PRIVATE law is PUBLIC law that you must obey**

1 Corrupt and covetous governments know that since private law requires explicit consent and that most people would not  
2 voluntarily give up their life, liberty, property, or sovereignty, that the only way they are going to procure such consent is by  
3 fooling them into believing that private law is public law that everyone MUST obey. They do this by the following means:

- 4 1. They will pretend like a “private law” is a “public law”. This is done by calling voluntary franchises “law” rather than  
5 “PRIVATE law”.
- 6 2. They will deny attempts to characterize their activities truthfully as “private law” both in the laws they publish and their  
7 court rulings.
- 8 3. They will call their enactment a “code” but never refer to it as a “law”. It doesn’t become “law” for anyone until they  
9 explicitly consent to it. All “law” implicitly conveys rights to the parties, and no rights exist where there is no one who  
10 consents to a “code”! Look at 1 U.S.C. §204 and you will see that Title 26 (Internal Revenue Code) is never referred to  
11 as a “law” but simply a “Title”.
- 12 4. They will define those who are “subject” as including “citizens or residents”, but define “citizen” or “resident” as a  
13 voluntary statutory franchise rather than a CONSTITUTIONAL “citizen”. Thus, consent is given indirectly by simply  
14 volunteering for the “citizen” or “resident” franchise. When you point out that duties cannot be imposed upon  
15 CONSTITUTIONAL “citizens” because it violates the Thirteenth Amendment and that the “citizen” or “resident” is a  
16 public office in the government, they will FRAUDULENTLY deny that this is true. For an example of this, see the  
17 definition of “U.S. person” in 26 U.S.C. §7701(a)(30).
- 18 5. They will call those who consent “residents” and those who don’t consent “aliens” or “transient foreigners”. By doing  
19 this, they aren’t implying that you LIVE within their jurisdiction, but instead that you are a party to their private law  
20 contract who has a “res”, which is a collection of rights and benefits “ident”-ified within their jurisdiction. Sneaky, huh?

21 **Resident.** *“Any person who occupies a dwelling within the State, has a present intent to remain within the State*  
22 *for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence*  
23 *within the State together with indicia that his presence within the State is something other than merely transitory*  
24 *in nature. The word “resident” when used as a noun means a dweller, habitant or occupant; one who resides or*  
25 *dwells in a place for a period of more, or less, duration; it signifies one having a residence, or one who resides*  
26 *or abides. [Hanson v. P.A. Peterson Home Ass’n, 35 Ill.App.2d. 134, 182 N.E.2d. 237, 240] [Underlines added]*

27 *Word “resident” has many meanings in law, largely determined by statutory context in which it is used. [Kelm v.*  
28 *Carlson, C.A. Ohio, 473 F.2d. 1267, 1271]*  
29 *[Black’s Law Dictionary, Sixth Edition, p. 1309]*

30 The term “the State” they are referring to in the case of most private law usually means “the government” and not the  
31 people that it serves. Everyone who is party to the private law or special law usually are agents, public officers, or  
32 “employees” of the government in one form or another. See the following for proof:

[Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 33 6. They will try to make the process of consenting “invisible” and keep you unaware that you are consenting.
- 34 7. When you contact them to notify them that you have withdrawn your consent and rescinded your signatures on any forms  
35 you filled out, they will LIE to you by telling you that there is no way to quit the program.
- 36 8. They will remove references to people who don’t consent off their website and from their publications. They will also  
37 forbid their employees, through internal policy, from recognizing, helping, or communicating with those who did not  
38 consent. For instance, they will refuse to recognize the existence of “nontaxpayers” or people who are not “licensed” or  
39 privileged in some way. These people are the equivalent of “aliens” as far as they are concerned.
- 40 9. When asked about whether the “code” is voluntary, they will lie to you and tell you that it isn’t, and that EVERYONE  
41 is obligated to obey it, even though only those who consent in fact are. They will ensure that when they lie to you in this  
42 way, they:
  - 43 9.1. Will act stupid so they can protect their plausible deniability and thereby shield themselves from legal liability for  
44 their lies.
  - 45 9.2. Will protect their lie with a disclaimer. See:

46 *“IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their*  
47 *advisors... While a good source of general information, publications should not be cited to sustain a position.”*  
48 *[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]*

- 49 10. They will commit constructive fraud by abusing the rules of statutory construction to include things in definitions that  
50 do not appear anywhere within the law in order to make “private law” look like “public law” that applies to everyone.  
51 See:

11. They will ensure that all paperwork that you sign in which you consent hides the fact that it is a contract or agreement. Look at the W-4 form: Do you see any reference to the word “agreement” on it? Well guess what, it’s an agreement and you didn’t even know. The regulations at 26 C.F.R. §31.3401(a)-3(a) say it’s an “agreement”, which is a contract. Why didn’t your public SERVANTS tell you this? Because they want to fool you into thinking that participation is mandatory and that the Internal Revenue Code is a “public law”, when in fact, it is a “private law” that you must consent to in order to be subject to.

The government will play all the above games because deep down, they know their primary duty is to protect you, and that the only people they can really regulate or control are their own “public officers” or “employees” (5 U.S.C. §2105(a)) in the process of protecting you. Therefore, they have to make you LOOK like one of their own employees or agents or contractors in order to get ANY jurisdiction over you. They do this by associating a status with you that is connected to federal employment or office:

*“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress’ §5 power as corrective or preventive, not definitional, has not been questioned.”*  
*[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

### **7.4.3 How to know when you are being tricked**

How can we know this is happening for any given interaction with the government? It’s really quite simple. Let us give you an example. Just about every municipality in the country has a system of higher education. Every one of them charges TWO rates for their tuition: 1. Resident; 2. Nonresident. The Constitution in Section 1 of the Fourteenth Amendment requires “equal protection”, which means EVERYONE, resident or nonresident, is EQUAL under the law. It’s logical to ask:

*“How can they discriminate against nonresidents by charging them a significantly higher rate of college tuition than residents without violating the equal protection clauses of the Constitution? Why hasn’t someone litigated this in court already and fixed this injustice?”*

The answer is that:

1. The municipality has created a PRIVATE corporation under the authority of PRIVATE law.
2. Those who partake of the benefits of this PRIVATE corporation are partaking of a PRIVILEGE, and can only procure the PRIVILEGE by consenting to the contract codified within the laws of the municipality.
3. The written application for the benefit constitutes the “consent” to the contract, even though the complete terms of the contract do not appear on the contract itself. In practice, the terms of the contract, like the laws themselves, are so voluminous that it would be impractical to publish them on the form used to apply for the benefit. Therefore, the terms are deliberately left out so that the applicant, in practical effect, is signing a BLANK CHECK! The government, by rewriting its laws, can change the terms of the contract at any time without your explicit consent!

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT

#### Section 1589

*1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

4. The method for providing “reasonable notice” of the terms of the “constructive contract” or “implied contract” is by publication of a “code” by the municipality within its municipal ordinances. They call it a “code” because it isn’t law until someone consents to it! In that sense, it is an “invisible contract”, because most people never read the laws that their government publishes and couldn’t read or research the law if their life depended on it. The GOVERNMENT/public schools, in fact, are deliberately engineered to ensure that those who attend them are dysfunctional in the legal field so

1 that the sheep and future citizens who graduate will end up in lifetime economic and political servitude to a privileged  
2 priesthood and cabal of judges and lawyers because of their own legal ignorance. The federal and state courts have  
3 repeatedly affirmed that everyone has a duty to seek out, read, and know the law:

4 **"But it must be remembered that all are presumed to know the law, and that whoever deals with a municipality**  
5 **[the District of Columbia, and the "United States" which is a synonym for are both "municipalities"] is bound**  
6 **to know the extent of its powers. Those who contract with it, or furnish it supplies, do so with reference to the**  
7 **law, and must see that limit is not exceeded. With proper care on their part and on the part of the representatives**  
8 **of the municipality, there is no danger of loss."**

9 [San Francisco Gas Co. v. Brickwedel , 62 Cal. 641 (1882).

10 See also Dore v. Southern Pacific Co. (1912), 163 Cal. 182, 124 P. 817; People v. Flanagan (1924), 65  
11 Cal.app. 268, 223 P. 1014; Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107; San Francisco  
12 Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368]

14 "Every citizen of the United States is supposed to know the law. . ."  
15 [Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869)]

17 **"Of course, ignorance of the law does not excuse misconduct in any one, least of all in a sworn officer of the**  
18 **law. But this is a quasi criminal action, and in fixing the penalty to be imposed the court should properly take**  
19 **into account the motives and purposes which actuated the accused. Applying these considerations, we think the**  
20 **requirements of the situation will be satisfied by a judgment suspending the respondent from practice for a limited**  
21 **time."**

22 [In re McCowan, 177 Cal. 93, 170 P. 1100 (1917)]

24 **"It is one of the fundamental maxims of the common law that ignorance of the law excuses no one. If**  
25 **ignorance of the law could in all cases be the foundation of a suit in equity for relief, there would be no end of**  
26 **litigation, and the administration of justice would become in effect impracticable. There would be but few cases**  
27 **in which one party or the other would not allege it as a ground for exemption from legal liability, and the extent**  
28 **of the legal knowledge of each individual suitor would be the material fact on which judgment would be founded.**  
29 **Instead of trying the facts of the case and applying the law to such facts, the time of the court would be occupied**  
30 **in determining whether or not the parties knew the law at the time the contract was made or the transaction**  
31 **entered into. The administration of justice in the courts is a practical system for the regulation of the transactions**  
32 **of life in the business world. It assumes, and must assume, that all persons of sound and mature mind know the**  
33 **law, otherwise there would be no security in legal rights and no certainty in judicial investigations."**

34 [Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905)]

36 "Every man is supposed to know the law. A party who makes a contract with an officer [of the government]  
37 without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids  
38 in the violation of the law."

39 [Clark v. United States, 95 U.S. 539 (1877) ]

40 Even the Bible itself condemns those who don't read, learn, or obey the law!:

41 "One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination."  
42 [Prov. 28:9, Bible, NKJV]

43 "But this crowd that does not know [and quote and follow and use] the law is accursed."  
44 [John 7:49, Bible, NKJV]

45 "Salvation is far from the wicked, For they do not seek Your statutes."  
46 [Psalm 119:155, Bible, NKJV]

47 The fundamental injustices in the above SCHEME are the following:

- 48 1. The contract, BEFORE IT WAS SIGNED, was not "law" for the applicant, but simply a "code". Private law is not "law"  
49 for those who are not subject to it. Only those who explicitly consent to it are subject and only for them can it be called  
50 "law". The contract "activates" and becomes "law" only AFTER it is consented to. Before it is consented to, it is simply  
51 a "proposal" or an "offer".
- 52 2. It is therefore unreasonable for any court of law to infer that the person has a "duty" to read or learn or know that which  
53 is not "law" for him or that doesn't pertain to him. Therefore, there is no way that it can use the maxim of law that

1 “everyone is supposed to know the law” as an excuse to PRESUME that he the applicant had “reasonable notice” of the  
2 terms of a contract that were never spelled out on the application itself. No court, we might add, has ever said:

3 *“Every citizen of the United States is supposed to read and know and learn ‘codes’ but not ‘laws’ that don’t*  
4 *pertain to him.”*

- 5 3. The municipality has deprived other PRIVATE corporations of equal protection who are engaged in the same competitive  
6 activity as the government’s competitive PRIVATE corporation. For instance:
- 7 3.1. Other competing private corporations are not allowed to publish their administrative regulations within the  
8 municipal code like the government does. Why not?
- 9 3.2. Other private corporations do not enjoy the same kind of subsidies from the municipality as the state-run schools  
10 do.
- 11 3.3. Other private corporations cannot assert “sovereign immunity” to protect their PRIVATE business activities like  
12 the government can.

13 The way out of the above quagmire for people dealing with the government is simply to write the following on every  
14 government form, so that you don’t surrender any rights under it:

15 *“All rights reserved without prejudice, U.C.C. §1-308”*

### 16 **7.5 Invisible consent: The weapon of tyrants**

17 There are many situations in which we create at least the APPEARANCE of consenting and may not even realize it. Here  
18 are some legal definitions and maxims that demonstrate this process of invisible consent:

19 *“SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of*  
20 *consent”*  
21 *[Black’s Law Dictionary, Fourth Edition, p. 1593]*

22 *“Qui tacet consentire videtur.*  
23 *He who is silent appears to consent. Jenk. Cent. 32.”*  
24 *[Bouvier’s Maxims of Law, 1856;*  
25 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]*  
26

27 It is very important for us to understand how the process of procuring your consent works so that it can be reversed and used  
28 in your defense against tyrants in government who want to abuse their delegated authority to STEAL from you.

29 We established throughout this document that only consent in some form can produce a “law” within a Republican  
30 government populated by Sovereigns. This is also confirmed by the following maxim of law:

31 *Consensus facit legem.*  
32 *Consent makes the law. A contract [INCLUDING a “social compact”] is a law between the parties, which can*  
33 *acquire force only by consent.*  
34 *[Bouvier’s Maxims of Law, 1856;*  
35 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]*

36 Where The People are Sovereign, the only way you can lose rights is to give them away by exercising your right to contract.  
37 The type of consent manifested determines the type of “law” that is produced by the act of consenting. *Collective* consent  
38 produces “public law”. *Individual* consent produces “private law” or “special law”. Within the realm of private law, the  
39 consent that produces the individual contractual obligation can be manifested or implied in several ways:

- 40 1. By a signed instrument that identifies itself as a contract or agreement. For instance, the IRS Form W-4 is identified in  
41 Treasury Regulations [26 C.F.R. §31.3401\(a\)-3\(a\)](#) as an “agreement”, which means a private contract between you and  
42 Uncle Sam to procure “social insurance”. The only people who are allowed to procure social insurance under the Internal  
43 Revenue Code are “employees”, so when you procure such insurance, you have to consent to be treated as a federal  
44 “employee”. Note, for instance, that 26 U.S.C. Subtitle C, Chapter 21, Subchapter A, which is the FICA program, is  
45 entitled “Tax on Employees”, which means you are a federal “employee” if you participate in the program. 5 U.S.C.  
46 §552a(a)(13), which is the Privacy Act, also identifies you as “federal personnel”. You become the equivalent of an  
47 uncompensated federal “employee” until you begin collecting retirement benefits.
- 48 2. By certain behavior which implicates a person as being associated with the contract. For instance:

- 1 2.1. The only people with a legal obligation to file tax returns are those “subject to” and “liable for” something under  
2 the Internal Revenue Code. If you are a “nontaxpayer” and you file one of these, you implicitly imply yourself to  
3 be a “taxpayer”.
- 4 2.2. The only people who litigate in family court are those who volunteered to be subject to the Family Code. The only  
5 people subject to the Family Code in most states are those who obtained a state marriage license. Many states that  
6 issue marriage licenses do not recognize common law marriage. This means you can only become subject to the  
7 Family Code and government control of your family by volunteering.
- 8 3. By applying for a license to engage in a privileged, regulated, or taxable activity. For instance:
  - 9 3.1. Applying for a business license implies intent to be subject to business taxation, because a Taxpayer Identification  
10 Number is asked for on the application and the application implies that failure to provide the number will result in  
11 the application not being granted.
  - 12 3.2. Applying for driver’s license implies that you are engaged in revenue-taxable commercial activities upon the public  
13 roadways and that you agree to pay taxes upon such activity. That is why you must supply a Socialist Security  
14 Number when you apply for a driver’s license: so they can enforce the payment of taxes upon your commercial  
15 activities.

16 Of the above three methods of manifesting consent, the last two are not recognized as a voluntary process by the average  
17 American, but in fact they are. A government run by covetous tyrants will do everything that it can to make the process of  
18 consenting to something invisible or to make the activity look involuntary or unavoidable. Therefore, they will usually elect  
19 the last two of the above three methods to in effect force or compel people to become privileged, regulated, and taxable. In  
20 most cases, this process of compelled consent is illegal, but few Americans realize why it is illegal and therefore do not  
21 prosecute the abuse. Tyrannical governments make the process of procuring consent invisible by:

- 22 1. Making false and unconstitutional presumptions about the status of a person based on their behavior. For instance:
  - 23 1.1. If you send in a tax return, then the IRS will “assume” that you must be a “taxpayer” who has income exceeding  
24 the exemption amount. Therefore, the penalty provisions of the Internal Revenue Code apply to you. In fact, this  
25 is not true if the amount of gross income on the return is zero. You can’t be a taxpayer without taxable income.  
26 Without taxable income, regardless of whether you sent in a return or not, you can’t be subject to any other provision  
27 of the Internal Revenue Code.
  - 28 1.2. When the IRS sends you a collection notice and you don’t respond, then they will assume that you agree and  
29 basically “Default” you. In most cases, you don’t, but they in effect assume that you therefore “consent” to  
30 whatever determination they might make about you that results from your failure to respond.
  - 31 1.3. If your employer sent the IRS a Form W-2, then the I.R.S. will assume that you completed a W-4 and are subject  
32 to the Internal Revenue Code contract. This is simply not true, and in fact, we show later in this chapter that those  
33 who never signed a W-4 should never have W-2s filed on them and if they do have any such forms, the amount of  
34 statutory “wages” must be zero.
  - 35 1.4. If you apply for a Social Security Number, then you must maintain a “domicile” in the federal zone. This also is  
36 untrue, because the SSA Form SS-5 and the Social Security Program Operations Manual System (P.O.M.S.) does  
37 not tell the whole truth about what a “U.S. citizen” is, and the fact that most Americans born in the states on  
38 nonfederal land are NOT “U.S. citizens” as defined under 8 U.S.C. §1401.
  - 39 1.5. If you receive an IRS Form 1099, then you must be engaged in a privileged activity called a “trade or business”.  
40 This also is untrue, as is explained in section 5.6.13 and following of the *Great IRS Hoax*, Form #11.302.
  - 41 1.6. If you send in an IRS Form 1040, then the IRS will assume that you have a domicile in the District of Columbia,  
42 even though you actually live elsewhere. According to IRS Published Products Catalog, Document 7130 (2003),  
43 the IRS Form 1040 may only be used by either citizens (statutory “U.S. citizens” under 8 U.S.C. §1401) or residents  
44 (aliens), both of whom have a domicile in the “United States”, which is defined in 26 U.S.C. §7701(a)(9) and (a)(10)  
45 as the District of Columbia.
- 46 2. Interfering with your ability to challenge their false and prejudicial presumptions by:
  - 47 2.1. Excluding your evidence from the proceeding.
  - 48 2.2. Calling you “frivolous” without entering evidence on the record PROVING that you are incorrect.
- 49 3. Not mentioning anything about “agreement” or “contract” on the form, but only in the regulations that usually only the  
50 agency will read. This is the case of the IRS Form W-4. How many of you knew that the W-4 form was indeed a binding  
51 legal contract? The regulations in turn can and do bind only government officers and agents and not private people. By  
52 hiding their secrets in the regulations that only regulate activities of government actors, indirectly they are admitting that  
53 the statute sought to be enforced only binds the government and not the general public.
- 54 4. Destroying or interfering with all other alternatives to what the government is offering so that you must accept the  
55 government’s offer. For instance

- 4.1. Those who do not wish to get a state-issued marriage license may lawfully draft their own private contract and record it at the county recorder. The government's method for interfering with this process is to refuse to record anything at the recorder's office other than government-issued applications. In many cases, they will not allow parties to record private contracts, because it undermines their monopoly.
  - 4.2. Those who do not wish to obtain a Taxpayer Identification Number are often refused in opening bank accounts as a matter of bank policy rather than as a requirement of law. This forces private individuals into becoming taxpayers subject to IRS supervision just in order to conduct their financial affairs.
  - 4.3. Those who do not wish to pay property tax may elect to quitclaim their property to an unnamed third party and file the quitclaim with the county recorder. At that point, the government cannot enforce the payment of property taxes because it does not know who the property owner is. Some county governments interfere with this tactic by refusing to record such documents, even though this is perfectly legal and an extension of our protected right to contract. We have a right to keep our private contracts secret from the government if we wish, and to not have the government account for or track who owns our property if we choose.
5. Inviting you to attend a court hearing at "federal church", also called "district court":
- 5.1. The judge will use non-positive law franchise statute and PRESUME you are a party to it. For instance, he/she will PRESUME that you are a "taxpayer" unless you prove you are not. See 26 U.S.C. §7491. This is a prejudice to your constitutional rights and according to the Supreme Court, is a violation of due process. See: <http://famguardian.org/TaxFreedom/CitesByTopic/Presumption-RPG-Federal.pdf>
  - 5.2. If you show up and do not do any of the following, the judge will usually falsely PRESUME that you are subject to exclusive and general federal jurisdiction.
    - 5.2.1. Appear by special rather than general appearance. A general appearance subjects you to the general rather than special jurisdiction of the court.
    - 5.2.2. Do not challenge jurisdiction in your response. Jurisdiction is "assumed" if you do not challenge it.
    - 5.2.3. Do not claim diversity jurisdiction under 28 U.S.C. §1332. Consequently, they will assume you are a domiciliary of the federal zone and that you are subject to the exclusive jurisdiction of the federal government.
  - 5.3. The judge will falsely assume that you are subject to whatever code or title you quote in your pleading. You can't cite a code or statute that you aren't subject to.
  - 5.4. The judge will falsely assume that you agree with everything you didn't explicitly disagree with in your response to the government's Complaint. This creates a tremendous burden of effort to deflect false government charges if the government's pleading is long.

Consequently, we must be very aware of the use of the above tactics in procuring or establishing evidence of our consent. We can give consent without even realizing it, if we are ignorant of the law and of legal process and especially the false presumptions which it employs. The key to preserving our God-given rights is to understand how these tactics of procuring "invisible consent" by false presumption operate and to openly and forcefully challenge their exercise on every occasion that they are employed.

As you can see from the previous discussion, understanding PRESUMPTIONS and the violations of due process of law they perpetuate is KEY to avoiding and preventing the government from invisibly acquiring your consent. The subject of presumptions is exhaustively covered in:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

The subject of "invisible consent" is further discussed in the following resources on our website:

*Invisible Contracts*, George Mercier, Form #11.107  
<http://sedm.org/Forms/FormIndex.htm>

## 7.6 Common sources of illegal government duress<sup>43</sup>

Now that we have firmly established that consent is required in the assessment and collection of income taxes under Subtitle A of the Internal Revenue Code, it's reasonable to ask what devious and illegal means the government uses to coerce "consent" or what they popularly call "voluntary compliance" out of the populace. Such coercion is called "duress" in the legal field. Section 4.3.16 of the *Great IRS Hoax*, Form #11.302 covers such techniques generally, but it is reasonable to

<sup>43</sup> Adapted from *Great IRS Hoax*, Form #11.302, Section 5.4.24 with permission: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

1 particularize the techniques down so that we can be very aware of the tools of coercion, force, and fraud used directly against  
2 us in the case of income taxation. We will therefore itemize each technique into a very specific “MO”, which is a “Method  
3 of Operation” used by criminal public servants for accomplishing their crime. The reason we put this section at the end of  
4 the treatment of the “voluntary” nature of income taxes is so that we can start from the point of knowing exactly what the  
5 lawful limits are upon the IRS’ authority. The techniques in the following subsections will be listed in order of the frequency  
6 they occur.

7 Those who are subject to duress and who can prove it have standing to nullify all evidence of consent/agreement and all the  
8 legal obligations arising from the consent.

9 *“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party*  
10 *coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to*  
11 *execute the agreement as the state of mind induced.* <sup>44</sup> *Duress, like fraud, rarely becomes material, except where*  
12 *a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the*  
13 *contract or conveyance voidable, not void, at the option of the person coerced,* <sup>45</sup> *and it is susceptible of*  
14 *ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.* <sup>46</sup>  
15 *However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has*  
16 *no intention of doing so, is generally deemed to render the resulting purported contract void.* <sup>47</sup>  
17 *[American Jurisprudence 2d, Duress, §21 (1999)]*

18 In order to avoid the mandates of government bureaucrats, we therefore must:

- 19 1. Know what duress is from a legal perspective.
- 20 2. Be able to immediately recognize, identify, and prove the existence of duress.
- 21 3. Continually produce evidence of duress and absence of consent in our government administrative record.
- 22 4. Use the evidence generated in our administrative record as a defense in any legal or administrative proceeding against  
23 any government that tries to enforce its franchises against us.

24 This section will therefore serve as a way to help you understand how to both identify the duress and generate evidence of it.

25 If you would like an affidavit you can enter into your administrative record demonstrating unlawful duress and which is  
26 useful in establishing a reliance defense in the context of taxation, please see:

[Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers, Form #02.005](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

### 27 **7.6.1 Deceptive language and words of art**

28 IRS makes false presumptions about the meaning of several important words in its publications and forms and website which  
29 it is unwilling to share with you and which prejudice your rights and sovereignty in most cases. In such a case, we must  
30 remind ourselves what the U.S. Supreme Court said about the abuse of “presumption” to exceed the authority of the  
31 Constitution:

32 *“The power to create [false] presumptions is not a means of escape from constitutional restrictions,”*  
33 *[New York Times v. Sullivan, 376 U.S. 254 (1964)]*

34 The purpose of these “words of art” is to deceive you into believing their false presumptions and thereby commit constructive  
35 fraud. The abused words include, but are not limited to:

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<sup>44</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>45</sup> Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>46</sup> Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>47</sup> Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

1. "United States"
2. "State"
3. "state"
4. "foreign"
5. "nonresident alien"
6. "U.S. citizen"
7. "employee"
8. "income"
9. "gross income"
10. "trade or business"
11. "wages"
12. "individual"

The only way to overcome false presumptions about the meaning of the above words is to read the codes and laws for oneself, which the IRS knows that few Americans will do. This constructive fraud counts on the following elements to be successful:

1. A deficient public education system run by the government which dumbs-down Americans by not teaching them either "law" or "constitutional law", in any grammar, junior high, or high school curricula.
2. College and university curricula in government-run universities that do not require the study of any aspect of law for most majors.
3. IRS and government websites that do not define the meaning of these words. See section 3.12.1 of the *Great IRS Hoax*, Form #11.302 and following for examples.
4. IRS publications that deliberately do not define the meaning of these words.
5. Legal dictionaries that have had these critical words removed so that they cannot be easily understood. For instance, no legal dictionary published at this time that we could find has a definition of the term "United States" in it. See section 6.10.1 of the *Great IRS Hoax*, Form #11.302, for instance.
6. Federal courts that have become vehicles for political propaganda and terrorism rather than justice. See sections 2.8.13 through 2.8.13.8.1 of the *Great IRS Hoax*, Form #11.302, Sections 2.8.13 through 2.8.13.8.1.
7. A refusal, upon submitting a Freedom Of Information Act (F.O.I.A.) Request, to provide an unambiguous and honest definition of these words that includes the WHOLE truth.

Those who try to educate the public about the legal meaning of the above words have been persecuted by the IRS, and this includes us. If you would like to learn more about this fraud, consult the following sections of the *Great IRS Hoax*, Form #11.302:

- Subsections underneath section 3.9.1.
- Section 5.10.8 later about vague laws

## **7.6.2 Ignoring Responsive Correspondence to Collection Notices**

When the IRS attempts illegal collection actions against Americans, they send out threatening correspondence, often via certified mail. Many recipients respond faithfully to this correspondence, using research from this book, documenting that the IRS is:

1. Violating enacted positive law.
2. Wrongfully enforcing against a "nontaxpayer".
3. Involved in racketeering and organized extortion.
4. Collecting without the consent of the target.

We call such responses to illegal enforcement actions "response letters". Any time a person sends a response letter to the IRS, they are doing what is called "Petitioning their government for illegal and unconstitutional abuses." The First Amendment to the U.S. Constitution makes petitioning the government a protected right, the exercise of which *cannot* be penalized. Such a petition also requires an earnest response by the IRS and due respect for the legal issues raised in it. Seldom are these response letters read or even responded to by the IRS. Instead, the IRS routinely penalizes those submitting such correspondence by:

1. Instituting penalties illegally and in violation of the Constitutional prohibition against Bills of Attainder. A Bill of Attainder is a penalty without a court trial, and it is prohibited by Article 1, Section 10 of the Constitution against natural persons.
2. Creating additional retaliatory assessments.
3. Falsifying the Individual Master File (I.M.F.) of the respondent by indicating that they are involved in criminal activity. When the respondent notices this in their record, then the IRS refuses to correct the computer fraud, which is actually a violation of 18 U.S.C. §1030. See our Master File (MF) Decoder for how this fraud works:

Master File (MF) Decoder, SEDM  
<http://sedm.org/ItemInfo/Programs/MFDecoder/MFDecoder.htm>

### 7.6.3 Fraudulent forms and publications

The IRS publications are constructively fraudulent. Their purpose is mainly as a government propaganda vehicle intended to encourage false presumption, because they exclude discussion of any of the below subjects, and therefore encourage incorrect conclusions about the tax liability of the reader:

1. The limits upon federal jurisdiction.
2. The implications of these limits upon the definition of geographic terms such as “United States”, “State”, “employee”, and “income”
3. The fact that the Internal Revenue Code is not “law” and therefore imposes no obligation upon anyone except those who consent to be subject to its provisions.
4. The fact that the Internal Revenue Code does not describe a lawful “tax” as defined by the Supreme Court
5. The dual nature of the Internal Revenue Code as a municipal tax upon all federal territories, possessions, and the District of Columbia as well as a “national” tax upon imports of federal corporations ONLY.

The IRS admits that its publications are not trustworthy, by saying in its Internal Revenue Manual (I.R.M.) the following:

*“IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position.”*  
*[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]*

If you would like to learn more detail about this subject, read the following resources:

1. Section 7.6.1 on “words of art”
2. *Great IRS Hoax*, Form #11.302, Section 5.5.9 about fraud in the use of the IRS Form 1040.
3. *Great IRS Hoax*, Form #11.302, Section 6.6.6: IRS Trickery on the IRS Form 1040 to get you inside the federal zone
4. The Family Guardian website article describing how the courts refuse to hold the IRS responsible for the content of its publications, forms, and telephone advice at: <http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

### 7.6.4 Political propaganda

There are five main sources of political propaganda designed to terrorize the American public into consenting to comply with the Internal Revenue Code These sources are:

1. The IRS tax fraud alerts at: <http://www.irs.gov/compliance/enforcement/article/0,,id=121259,00.html>
2. The Department of Injustice press releases. See: <http://www.usdoj.gov/tax/TEN.htm>
3. Press releases leaked indirectly to the media.
4. Deliberately deceiving publications of the Congressional Research Service. This includes Congressional Research Service Report 97-59A entitled “Frequently Asked Questions Concerning the Federal Income Tax”. A rebutted version of the pamphlet is available at:  
<http://famguardian.org/PublishedAuthors/Govt/CRS/CRS-97-59A-rebuts.pdf>
5. Informal publications posted on the IRS website which the IRS refuses to take responsibility for. This includes the IRS pamphlet entitled “The Truth About Frivolous Tax Arguments”. A rebutted version of this pamphlet is available at:  
[http://famguardian.org/PublishedAuthors/Govt/IRS/friv\\_tax\\_rebuts.pdf](http://famguardian.org/PublishedAuthors/Govt/IRS/friv_tax_rebuts.pdf)
6. Abuse of case law for political rather than legal purposes. The IRS will quote irrelevant federal case law from federal courts that have no jurisdiction over us because we do not live on federal property. They will do this in violation of their own Internal Revenue Manual, which says on the subject the following:

1 *Internal Revenue Manual (I.R.M.)*  
2 [4.10.7.2.9.8 \(05-14-1999\) Importance of Court Decisions](#)

3 1. *Decisions made at various levels of the court system are considered to be interpretations of tax laws and may*  
4 *be used by either examiners or taxpayers to support a position.*

5 2. *Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court*  
6 *becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service*  
7 *must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the*  
8 *Code.*

9 3. *Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the*  
10 *Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require*  
11 *the Service to alter its position for other taxpayers.*

12 Because none of these sources portray the relevant, complete, or most important truth about the limits upon federal taxing  
13 powers, the result is that they exploit ignorance to create fear of the government and the IRS in order to encourage “voluntary  
14 compliance”. We might add that any decision accomplished in the presence of fear, at least in the context of rape, cannot be  
15 considered “consensual”. The only way consent can lawfully be procured is when it is FULLY INFORMED, meaning that  
16 the decision-maker is give the WHOLE truth upon which to make his decision, rather than only that subset of the truth which  
17 benefits the government.

18 *“Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with*  
19 *sufficient awareness of the relevant circumstances and likely consequences.”*  
20 *[Brady v. U.S., 397 U.S. at 749, 90 S.Ct. 1463 at 1469 (1970)]*

### 21 **7.6.5 Deception of private companies and financial institutions**

22 Through a systematic campaign of dis-information, the IRS deceives private companies outside of its jurisdiction into  
23 believing that they are required to comply with whatever IRS agents tell them on the telephone or whatever gets mailed to  
24 them in the form of a Notice of Levy or a Notice of Lien. The most famous private company, No Time Delay Electronics,  
25 Nick Jesson, which challenged the IRS authority to use such tactics. The owner of that establishment, Nick Jesson, was  
26 featured on the movie on the web below:

[How to Keep 100% of Your Earnings, Marc Lucas  
http://famguardian.org/Media/movie.htm](http://famguardian.org/Media/movie.htm)

27 Mr. Jesson eventually became the target of malicious, criminal, and unconstitutional legal terrorism by the IRS and the  
28 California Franchise Tax Board (F.T.B.), the techniques of which are documented in the next section. We call such activity  
29 “selective enforcement”, meaning that whistleblowers who attract special media attention are targeted for undue attention  
30 while the government’s own transgressions go largely ignored. He correctly and properly challenged the misapplication of  
31 IRS levies by citing the content of 26 U.S.C. §6331(a), which says that levy may ONLY be made on instrumentalities of the  
32 U.S. government and NOT private parties, and he pointed out that the IRS levy notice very conveniently omitted this  
33 paragraph in order to encourage the unlawful and criminal misapplication of IRS levy authority:

34 [TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > § 6331](#)  
35 [§ 6331. Levy and distraint](#)

#### 36 (a) *Authority of Secretary*

37 *If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it*  
38 *shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the*  
39 *expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under*  
40 *section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of*  
41 *such tax. **Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of***  
42 ***the United States, the District of Columbia, or any agency or instrumentality of the United States or the District***  
43 ***of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer,***  
44 ***employee, or elected official. If the Secretary makes a finding that the collection of such tax is in jeopardy, notice***  
45 ***and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay***  
46 ***such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.***

1 Private employers not within the jurisdiction of the federal government that don't ask any questions and comply with illegal  
2 requests by the IRS are left alone. However, those that request any of the following are harassed and terrorized:

- 3 1. Proof of the legal identity and service of process address of the person in the IRS who is making the request or sending  
4 the illegal Notice of Lien or Notice of Levy.
- 5 2. The basis upon which to believe that the Internal Revenue Code has the "force of law" in the case of the SPECIFIC party  
6 who is the target of the enforcement action. This means the government has to provide legal evidence in writing that  
7 they consented to acquire a status under the Internal Revenue Code, Subtitle A "trade or business" franchise and that  
8 they were domiciled on federal territory AND occupying a public office at the time they acquired the status of statutory  
9 "taxpayer".
- 10 3. Why the Notice of Levy form 668A-c(DO) is missing paragraph (a) of 26 U.S.C. §6331, which states that levies are  
11 limited only to elected or appointed officers of the United States government or federal "instrumentalities" such as  
12 "public officers".
- 13 4. An abstract of judgment signed by a judge authorizing the levy or lien of the property of the accused. The "Notice of  
14 Levy" and "Notice Of Lien" must meet the requirements of the Fifth Amendment, which requires that all such takings  
15 of property must be signed by a judge and be executed ONLY through judicial process.

16 In response to questions of the kind above, the IRS only offers threats, because it can't demonstrate legal authority.  
17 Disinformation of payroll people at private companies is effected mainly through the techniques documented later in section  
18 7.6.8. If you would like to learn how to fight such underhanded intimidation of private companies and financial institutions  
19 in the context of withholding, please refer to the free pamphlet below available at:

*Federal and State Tax Withholding Options for Private Employers*, Form #09.001  
<http://sedm.org/Forms/FormIndex.htm>

#### 20 **7.6.6 Legal terrorism**

21 Those people who expose the illegal and fraudulent dealings of the government relating to income taxes are frequently  
22 targeted for endless litigation and terrorism by the government. The nature of litigation is that it is expensive, very time-  
23 consuming, and complex. The government institutes what is called "malicious abuse of legal process" to essentially wear  
24 down, distract, and plunder their opponents of financial resources. Most Americans are unfamiliar with the legal process,  
25 and when falsely accused or litigated against by the government, must hire an expensive attorney. This attorney, who is  
26 licensed by the government, becomes just another government prosecutor against them who essentially bilks their assets  
27 while cooperating subtly with the government in ensuring a conviction. It doesn't take long to exhaust the financial resources  
28 of the falsely accused American, and so even if there is no money left for the IRS to collect at that point, they have still  
29 accomplished the financial punishment that they sought originally. As long as it really hurts financially to not "consent",  
30 then the government will win in the end.

31 We must remember, however, that such an abuse of legal process to effect the equivalent of slavery, is a crime if effected  
32 within federal jurisdiction. The government parties who cooperate in such legal terrorism become personally liable for this  
33 type of slavery:

34 [TITLE 18](#) > [PART 1](#) > [CHAPTER 77](#) > *Sec. 1589.*  
35 *Sec. 1589. - Forced labor*

36 ***Whoever knowingly provides or obtains the labor or services of a person -***

37 ***(3) by means of the abuse or threatened abuse of law or the legal process.***

38 ***shall be fined under this title or imprisoned not more than 20 years, or both.*** *If death results from the violation*  
39 *of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the*  
40 *attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or*  
41 *imprisoned for any term of years or life, or both*

42 The slavery produced by this legal terrorism also violates the Thirteenth Amendment prohibition against involuntary servitude  
43 and is punishable under 18 U.S.C. §1994 and 18 U.S.C. §1581.

#### 44 **7.6.7 Coercion of federal judges**

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### **Government Identity Theft**

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Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 Since 1918, federal judges sitting in the District and Circuit courts have been subject to IRS extortion and coercion. Since  
2 1938, this extortion has enjoyed the blessing of no less than the U.S. Supreme Court. The Revenue Act of 1918, Section 213,  
3 40 Stat. 1057, was the first federal law to impose income taxes on federal judges. That act was challenged by federal judges  
4 in the case of Miles v. Graham, 268 U.S. 501 (1925) and the judges won. Congress attempted again in the Revenue Act of  
5 1932, Section 22, to do the same thing by much more devious means. Federal judges again challenged the attempt in the case  
6 of O'Malley v. Woodrough, 309 U.S. 277 (1939), and lost. Since that time, the independence of the federal judiciary on the  
7 subject of taxation has been completely compromised. No judge who is subject to IRS extortion can possibly be objective  
8 when ruling on an income tax issue. He cannot faithfully and with integrity perform his job without violating 28 U.S.C.  
9 §144, 28 U.S.C. §455, and 18 U.S.C. §208. Consequently, the rulings of the federal district and circuit courts since that time  
10 have consistently favored the government, and thereby prejudiced the rights of the sovereign people. Every case involving a  
11 judge with this kind of conflict of interest can only be described as a violation of due process of law, which requires both an  
12 impartial jury AND judge to preside over the trial. The very problem documented in the Declaration of Independence that  
13 was the reason for creating this country to begin with has once again come back to haunt us:

14 *"They have made Judges dependent on their will alone, for the tenure of their offices and the amount*  
15 *and payment of their salaries."*  
16 *[Declaration of Independence]*

17 An entire book has been written about the corruption of the federal judiciary and its nature as an Article IV, territorial court  
18 which enjoys no jurisdiction in states of the Union, if you wish to investigate further:

[What Happened to Justice?](http://sedm.org/Forms/FormIndex.htm), Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

19 If you would like to learn more about this fraud and conflict of interest, see the following additional resources within the  
20 [Great IRS Hoax](#), Form #11.302:

- 21 1. Section 5.6.11: Federal Employee Kickback position
- 22 2. Section 6.5.15: Revenue Act of 1932 imposes first excise income tax upon federal judges and public officers
- 23 3. Section 6.5.18: 1911: Judicial Code of 1911
- 24 4. Section 6.9.9: 1938: O'Malley v. Woodrough, 307 U.S. 277
- 25 5. Section 6.9.10: 1924: Miles v. Graham, 268 U.S. 501

## 26 **7.6.8 Manipulation, licensing, and coercion of CPA's, Payroll clerks, Tax Preparers, and Lawyers**

27 The IRS maintains several "education programs" for tax preparers, tax professionals, payroll people, and CPAs, which have  
28 really become nothing but propaganda, disinformation, and terrorism mechanisms. Below are a few:

- 29 1. TaxTalk Today, Internal Revenue Service: A website devoted to "educating" tax attorneys, CPAs, and payroll people.  
30 See:  
31 <http://www.taxtalktoday.tv/>
- 32 2. Tax Professionals Area, Internal Revenue Service: Area on their website devoted to propagandizing tax professionals.  
33 See:  
34 <http://www.irs.gov/taxpros/index.html>
- 35 3. IRS Enrolled Agent Program: Described in Treasury Circular 230, this publication prescribes the requirements that tax  
36 professionals must meet in order to get "privileged", priority service from the IRS in the resolution of tax problems.  
37 Those who don't participate in the program and meet all the governments demands are put on hold forever on the  
38 telephone and ignored when they seek tax help in the resolution of problems for their clients. Undoubtedly, they must  
39 be "compliant" and not challenge the authority of the IRS, and when they don't, their "privilege" of participating is  
40 summarily revoked.

41 Can you see how insidious and devious this manipulation is? On top of the above, those tax professionals who reveal the  
42 truth are threatened to have their licenses and CPA credentials pulled. This happened to former IRS Criminal Investigator  
43 Joe Banister, who became the target of an attempt by the Secretary of the Treasury to suspend his CPA license because he  
44 was informing people about the government fraud documented in this book. This same kind of illegal duress of tax  
45 professionals also extends to those who left the IRS to speak out against the agency: They are persecuted and become the

1 target of media slander campaigns. If you would like to learn more about this type of devious manipulation, consult the  
2 following resources:

- 3 1. Great IRS Hoax, Form #11.302, Section 4.3.12: Government-instituted Slavery using “privileges”
- 4 2. Great IRS Hoax, Form #11.302, Section 6.6.9.1: 1998: IRS Historian Quits-Then Gets Audited
- 5 3. Great IRS Hoax, Form #11.302, Section 6.6.16: Cover-Up of 1999: IRS CID Agent Joe Banister Terminated by IRS for  
6 Discovering the Truth about the Voluntary Nature of Income Taxes
- 7 4. Article on the Family Guardian Website at the address below:

[Ernst and Young, Tax Publisher, Sells out to IRS without a fight](http://famguardian.org/Subjects/Taxes/News/ErnstAndYoung-030702.pdf)  
<http://famguardian.org/Subjects/Taxes/News/ErnstAndYoung-030702.pdf>

## 8 **7.7 Administrative methods to eliminate or avoid or hide the requirement for “consent”**<sup>48</sup>

9 *“Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the*  
10 *Constitution was made to guard the people against the dangers of good intentions. There are men in all ages*  
11 *who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be*  
12 *masters.”*  
13 *[Noah Webster]*

14 The Declaration of Independence says that all just government authority derives from the “consent” of the governed. The  
15 implication of this requirement of law is that all good governments and the public servants working within them should  
16 always remind us that they need our consent to do anything and they must explicitly ask for our consent in writing before  
17 they accomplish anything on our behalf. That consent must come in all of the following coinciding forms:

- 18 1. There must be a positive law statute that our elected representatives passed and therefore consented to authorizing  
19 absolutely everything they are doing for us.
- 20 2. There must be a regulation published in the Federal register or the state register that implements the statute and which:  
21 2.1. Gives due notice to the public that their rights may be adversely affected by enforcing the new law.  
22 2.2. Gives an opportunity for public comment and review to discern legislative intent and the proper enforcement of the  
23 law.  
24 2.3. Reconciles the broad language of the statute against the requirements of the Bill of Rights.
- 25 3. There must be a delegation of authority for the specific government agent who is implementing the regulations and the  
26 statutes within the agency in question. Anything not explicitly in the delegation of authority order may not be  
27 accomplished.
- 28 4. If the statute and implementing regulation create a privilege that we have to volunteer for in order to receive, there must  
29 be a form signed by us and received by the government which shows that we elected to voluntarily participate in the  
30 privilege and pay the corresponding tax. If we wish to qualify the conditions under which we consent to the program,  
31 the application for the program must also have an attachment containing additional provisions that we place upon our  
32 participation, so as to completely define the extent of our “consent”. The government application should also explicitly  
33 and completely define the specific rights we are giving up in order to procure the government privilege.

34 The above requirements effectively put government servants inside of a box that they cannot legally go outside of without  
35 being personally liable for a tort, which is an involuntary violation of rights to life, liberty, or property. The minute our public  
36 servants stop asking for our consent, our signature, and our permission and stop reading and obeying the regulations and  
37 delegation of authority orders that limit their authority whenever they are dealing with us is the point at which they are trying  
38 to become masters and tyrants and make us into slaves. Jesus warned us this was going to happen when he said:

39 *“Remember the word that I said to you, “A [public] servant is not greater than his master [the American People].”*  
40 *If they persecuted Me, they will also persecute you [because you emphasize this relationship]. If they kept My*  
41 *word [God's Law], they will keep yours [the Constitution] also.”*  
42 *[Jesus in John 15:20, Bible, NKJV]*

43 Positive law is essentially an agreement, a contract, a delegation of authority, and a promise by the government, in effect, to  
44 only do what we, the Sovereigns and their Master, consented explicitly to allow them to do, and to respect our sacred God-  
45 given rights while they are doing it.

<sup>48</sup> Adapted from Great IRS Hoax, Form #11.302, Section 4.3.16 with permission: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

1           *"No legislative act [of the SERVANT] contrary to the Constitution [delegation of authority from the MASTER]*  
2 *can be valid. To deny this would be to affirm that the deputy [public SERVANT] is greater than his principal*  
3 *[the sovereign American People]; that the servant is above the master; that the representatives of the people*  
4 *are superior to the [SOVEREIGN] people [as individuals]; that men, acting by virtue of [delegated] powers*  
5 *may do not only what their [delegated] powers do not authorize, but what they forbid...[text omitted] It is not*  
6 *otherwise to be supposed that the Constitution could intend to enable the representatives of the people to*  
7 *substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed*  
8 *to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter*  
9 *within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of*  
10 *the courts. A Constitution is, in fact, and must be regarded by judges, as fundamental law [a DELEGATION OF*  
11 *AUTHORITY FROM THE MASTER TO THE SERVANT]. If there should happen to be an irreconcilable variance*  
12 *between the two, the Constitution is to be preferred to the statute."*  
13 *[Alexander Hamilton, [Federalist Paper # 78](#)]*

14 As concerned Americans who want to preserve our liberties and freedoms, we must be ever-vigilant and watchful when  
15 governments step outside the boundaries of the law by ignoring the requirement for consent in all the forms listed above. We  
16 must ensure that specific challenges to our sovereignty and authority by defiant public dis-servants are met with an appropriate  
17 and timely response which emphasizes in no uncertain terms "who is boss". Parents frequently must do the same thing with  
18 their children. The Bible says we should not spare the rod for our children or our servants, because it is the only way we will  
19 ever stay free and have peace at home.

20           *"But if that servant says in his heart 'My master is delaying his coming,' and begins to beat the male and female*  
21 *servants, and to eat and drink and be drunk, the master of that servant will come on a day when he is not looking*  
22 *for him, and at an hour when he is not aware, and will cut him in two and appoint him his portion with the*  
23 *unbelievers. And that servant who knew his master's will, and did not prepare himself or do according to his*  
24 *will, shall be beaten with many stripes."*  
25 *[Luke 12:45-47, Bible, NKJV]*

26           *"He who s pares his rod [of discipline] hates his son, But he who loves him disciplines him promptly."*  
27 *[Prov. 13:24, Bible, NKJV]*

28 In a free society with a free press, open defiance by public servants of the Constitution, the law, and their delegation of  
29 authority and open violations of our rights are more difficult to get away with than in totalitarian or communist countries  
30 where the press is state controlled. Therefore, the means of defiance must be much more subtle and made to look simply like  
31 an "accident", or a product of "bureaucracy" or mismanagement or inefficiency, rather than what it really is: Open, rebellious,  
32 willful defiance of the law and violation of our rights. Because people will rebel against sudden changes, public servants  
33 intent on seizing and usurping power from their master, the People, are very aware of the fact that they must take baby steps  
34 to make any headway in the struggle for control. Here is how one of our readers wisely describes it:

35           *"The devil always works in baby steps. If you put a frog in hot water, he will immediately jump out. But if you*  
36 *put him in cool water and then gradually raise the temperature over tens or even hundreds of years, then you can*  
37 *boil the frog alive and he won't even know how it happened."*

38 This section will therefore focus on how to recognize very subtle and insidious but prevalent techniques that our public dis-  
39 servants commonly use to sidestep the requirement for consent and usurp authority to transform themselves from servants to  
40 masters. The *Great IRS Hoax*, Form #11.302, Section 2.8 and following already covered the more obvious and blatant means  
41 of effecting tyranny. This section and its subsections will focus on much more subtle, devious, and insidious techniques of  
42 rebellion by our public servants. Once we are trained to recognize these techniques, we will be better equipped to meet them  
43 with an appropriate response that protects our rights and liberties and reminds them "who's boss". The *Great IRS Hoax*,  
44 Form #11.302, Chapter 6 also traces the history of many of the insidious corrupting steps taken by public dis-servants since  
45 the beginning of the country. That chapter makes very interesting reading for history buffs and also provides powerful  
46 confirmation of the techniques documented in succeeding subsections.

47 If you want to learn more about how corrupted public dis-servants eliminate or avoid the need or requirement for consent,  
48 you can read:

- 49 1. Section 7.7 later.
- 50 2. *Great IRS Hoax*, Form #11.302, Sections 4.4.16 through 4.4.16.9.  
51 <http://sedm.org/Forms/FormIndex.htm>
- 52 3. *Requirement for Consent*, Form #05.003, Section 9.7  
53 <http://sedm.org/Forms/FormIndex.htm>

### 7.7.1   **Rigging government forms to create false presumptions and prejudice our rights**

By far the most common method to hide or eliminate consent from the governance process is the insidious rigging of government forms to create false presumptions in the reader and thereby prejudice our rights. This method involves:

1. Constricting the choices offered on a government form to only those outcomes that the government wants and removing all others, even though there are other more desirable and valid legal choices.
2. Using labels that are incorrect to identify the party filling out the form in some way, such as “taxpayer”, or “resident”, or “citizen”.
3. Modifying the perjury statement at the end of the form to create false presumptions about our residency.

The above techniques most commonly appear in the following types of forms:

1. Jury summons.
2. Voter registration.
3. Tax returns.
4. Withholding forms
5. Driver’s license applications.

In an effort to prevent prejudicing our rights, we have downloaded most of the above types of forms and modified them electronically to remove false or misleading labels and to restore the missing choices from the forms. You can view the tax-related modified forms at the website below. The modified versions of the forms appear in the column entitled ”Amended form”. The page also describes the changes that have been made to the forms to remove false presumptions or restricted choices:

IRS Forms and Publications  
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>

We have also authored a training presentation on specifically how governments rig their forms to compel a choice of civil status that applicants don’t want and in most cases, can’t lawfully even have in the following document:

*Avoiding Traps in Government Forms Course*, Form #12.023  
<http://sedm.org/Forms/FormIndex.htm>

### 7.7.2   **Misrepresenting the law in government publications**

Tyrants focus on propaganda as a major way to expand their power and influence. Propaganda is a very efficient means of political control because it is inexpensive and does not require the use of guns, force, or a military. Such propaganda is implemented by three chief methods:

1. Government ownership or control or regulation of the media and press, including television stations and newspapers.
2. Eliminating private education and forcing children to be educated in government-run public schools. Teaching evolution instead of creationism to take the focus off God and religion, and to make Government a replacement for God and an idol to young minds. This breeds an atheistic society that is hostile to God.
3. Misrepresenting what the laws say in government publications.

The media and the public education system, once they are put under government control or regulation, are then used as a vehicle to deceive and brainwash the people to believe lies that expand government power and control further. This very technique, in fact, is part of the original Communist Manifesto written by Karl Marx, which calls for:

***Sixth Plank:** Centralization of the means of communications and transportation in the hands of the State. (read DOT, FAA, FCC etc...)*

***Tenth Plank:** Free education for all children in public schools. Abolition of children's factory labor in its present form. Combination of education with industrial production.*

1 We will focus the remainder of this section on the third approach used to implement propaganda, which is that of  
2 misrepresenting what the law says in government publications. The surest way to know whether the laws are being  
3 misrepresented in government publications is to:

- 4 1. Examine whether the people in government who are doing the misrepresentation are being held personally accountable  
5 by our legal system for their actions to deceive the people.
- 6 2. Pose pointed questions to the author of the deceiving publication that will help expose the deception. If the government  
7 responds with either silence (the Fifth Amendment response), gives a personal opinion instead of citing relevant law, or  
8 further tries to confuse or mislead the questioner, then one can safely conclude that the government knows what they are  
9 doing is wrong and is trying to cover it up.

10 The First Amendment to the Constitution of the United States is designed to ensure an accountable government. The Right  
11 to Petition Clause of the First Amendment, in particular, demands that the government answer the petitions of the people for  
12 redress of grievances, including petitions that include questions or inquiries about government improprieties. In practice, our  
13 government ignores the First Amendment Petition for Redress clause repeatedly. This violation of our Constitution by  
14 specific public dis-servants and the refusal of the federal courts to hold specific IRS employees accountable for the content  
15 of IRS publications are the main influences that propagate and expand willful constructive fraud and deceit that permeates  
16 government tax publications. The fraud and deceit, in turn, are what maintains the high level of “voluntary compliance”  
17 currently existing.

18 Within government publications, the main method for fraud and deceit is to use “words of art” without clarifying that the  
19 words used are clearly different from common understanding. The key “words of art” are :

- 20 1. “employee”
- 21 2. “employer”
- 22 3. “income”
- 23 4. “taxpayer”
- 24 5. “State”
- 25 6. “United States”
- 26 7. “trade or business”
- 27 8. “nonresident alien”

28 The *Great IRS Hoax*, Form #11.302 also discusses in section 3.16 how both the IRS’ own Internal Revenue Manual and the  
29 courts refuse to hold the IRS accountable for the content of their publication. The section below from the IRM below clearly  
30 establishes that you can’t rely on anything on an IRS Form or publication:

31 *Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)*  
32 *IRS Publications*

33 *IRS Publications, issued by the Headquarters Office, explain the law in plain language for taxpayers and their*  
34 *advisors. They typically highlight changes in the law, provide examples illustrating Service positions, and include*  
35 *worksheets. Publications are nonbinding on the Service and do not necessarily cover all positions for a given*  
36 *issue. While a good source of general information, publications should not be cited to sustain a position.*

37 Consequently, you can’t trust anything the IRS puts out on a government form or a publication, and the courts have even said  
38 you can be penalized for relying on IRS advice! See the article below:

[Federal Courts and the IRS’ Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or For Following  
Its Own Written Procedures](http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm), Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

39 Is it any wonder that the author of the publications is not identified and that the lies and deception contained in IRS  
40 publications continue? Can you also see that if the IRS did tell the whole truth in their publications about the use of their  
41 “words of art”, that almost no one would participate in the federal donation program deceitfully called a “tax”? This deception  
42 and hypocrisy are unconscionable and must be righted. It can only be fixed by holding the IRS and their employees just as  
43 liable for false statements in their publications as Americans are held liable for what they put on government tax forms. If  
44 their publications are wrong or misleading, then the author should go to jail. All IRS publications must also be signed under  
45 penalty of perjury by the IRS commissioner, just like the IRS tries to force us to do on our tax forms.

### 7.7.3 Automation

Bureaucrats just love automation because it gives them a convenient excuse to blame the lack of their “ability” to satisfy the requirement to procure your consent upon an impersonal computer that they have no control over and no one person is responsible for. The most common place this happens is:

1. Mandating the use of Socialist Security Numbers. The Social Security Administration, for instance, said in a signed letter we received from them that there is no requirement to either have or use a Socialist Security Number, which implies that its use is “voluntary” and “consensual”. See SEDM Exhibit #07.004 (<http://sedm.org/Exhibits/ExhibitIndex.htm>). On the other hand, most government agencies when you call them up, they will tell you that you HAVE to provide a Socialist Security Number in order for them to be “able” to help you or to process your “application” and that their computer won’t work without it. If you tell them that they do not have your consent to use a Socialist Security Number to process your application, they will tell you that they have to deny you some privilege or benefit, as though them doing anything for you is a privilege and not a right.
2. In many cases, you may want to protect your rights by providing an attachment to staple to your paper government application that qualifies and defines the extent of your “consent”. We have tried this several times and they have told us that they don’t keep attachments, and in fact shred not only your attachment but also the original paper application after they enter only the relevant data into the computer. If you ask them if they scan in the application or the attachment before shredding, they will say no. This is destroying evidence! This is also a violation of the First Amendment, which guarantees us a right of free speech and to define how we communicate with our government. When you complain about it, they will typically say they do this to promote “efficiency”. When you ask them if they have a field to enter important notes on their terminal screen, they will say none is provided.
3. When a government dis-servant has violated the requirement for consent in the methods above and you call to complain and find a person accountable for the problem, your public servants will knowingly use automation to avoid personal accountability. Most large federal agencies have a “voicemail jail” front end to their phone support so that it is virtually impossible to get through to a specific person to complain or to talk to the last person who helped you. When you login to their website, you will also find that there is no way to find the identity or contact information of a specific person or their specific job function. This discourages personal responsibility by specific government servants, which in turn encourages abuse and tyranny. Bureaucrats just love this approach, because then they can say they must be doing what Americans want because they never hear any complaints! The IRS support line, for instance, is an example of that. It takes almost two hours on hold waiting to get help, when they talk to you they are trained to be rude if you bring up the law, they won’t give you their full name or direct phone number, and it is virtually impossible to talk to the same person who was handling your case on the last call. This is no accident: it is a defect in customer service deliberately engineered to frustrate, exasperate, and alienate you so that you will just pay up and go away.
4. When the government maintains records about you, they will frequently choose to code the information and then not publish the meaning of the codes, so that even if you do obtain a copy of the record, it is meaningless without the “code book”. This is the technique used both by the IRS and many state taxing authorities. The IRS’ electronic information about “taxpayers” is called the “Individual Master File” and it took us nearly a year to figure out how the codes work and then design a program to decode the content of the files. About ten days before we released the program to do the decoding called the Master File (MF) Decoder, the IRS launched an investigation of us and called us in for an audit, presumably to prevent the program from getting into the hands of the American Public.

When you complain about any of the above violations of the requirement for consent, government dis-servants will frequently say “We are just ‘clerks’ and are not empowered to change the system”, and then they will give you an address to write to, knowing that most people don’t like to write and that letters can more easily be ignored and forgotten than live phone calls. If you then write the appropriate party to complain, your letter will either be ignored or they will send you a flattering form letter that doesn’t deal substantially with any of your concerns, and in effect, blow you off and never deal with the problem. All the while, they can use the following additional standard excuses with innocent impunity, such as:

1. “Please write your Congressman if you don’t like it.”
2. “We can’t give you the benefit until you give us your Social Security Number.”
3. “Why don’t you talk to someone who cares?”
4. “We’re too busy around here to deal with your personal concerns. Can’t you see how many people there are in line behind you?”

This kind of evasion of responsibility and violation of rights and privacy using computers as the means is similar to the kind of evasion practiced by the U.S. Congress, in fact, in the context of tax collection. When our country was founded, taxation

1 without representation was the biggest cause of the revolution. After we won the revolution and separated from Great Britain,  
2 our new federal government put the representation and taxation function in the same place: The House of Representatives,  
3 which is part of the Legislative Branch. The House of Representatives was meant to represent the people while the Senate  
4 represented the states. As long as the “purse”, which is the responsibility and authority to collect taxes, remained under the  
5 control of the People in the House of Representatives, we had “taxation with representation”. When the exigencies of the  
6 Civil War happened in the 1860s, the first thing the IRS did was try to move the tax collection function to the Executive  
7 Branch, thus separating the representation from the taxation function. Déjà vu all over again! The “Bureau of Internal  
8 Revenue” (BIR) was put into the Executive Branch instead of the Legislative Branch, and was assigned the responsibility to  
9 collect taxes to pay for the Civil War. When the people complained, they complained bitterly about “taxation without  
10 representation”, and about the injustice and violation of the Constitution that was being wrought by this expediency. Instead  
11 of Congress taking responsibility for the monster they created, they blamed it on the excesses and abuses of the Bureau of  
12 Internal Revenue (B.I.R.) and the Executive Branch! They turned the rogue organization they created into the whipping boy  
13 for all of the complaints and told constituents that they had no control over the Executive Branch because of the separation  
14 of powers! In fact, they were violating the Constitution and the Separation of Powers Doctrine by trying to delegate the tax  
15 collection function to the Executive Branch and they should have been impeached! No sovereign power of any branch of  
16 government can be delegated to another branch.

#### 17 **7.7.4 Concealing the real identities of government wrongdoers**

18 In the former Soviet Union, the government terrorized the citizens using a secret police force called the KGB. They made  
19 everyone into informants to the KGB by offering rewards to people who would snitch on their “comrades”. The government,  
20 in such a scenario, becomes a terrorist organization. The secrecy surrounding the KGB was the main source of government  
21 terror because its activities were kept secret and the government-controlled press did not report on their activities. The fear  
22 that the terrorism is intended to produce comes mainly from ignorance about who or what we are up against.

23 Secrecy, however, is anathema to a free society and an accountable government. Wherever there is secrecy in government,  
24 there is sure to be tyranny, corruption, and abuse of power. Consequently, those governments that are knowingly engaged in  
25 illegal or criminal activities will implement security measures to keep the identity of the perpetrators of the crimes and  
26 terrorism secret. This helps maintain the deception and illusion that we have a “voluntary tax system”, as the U.S. Supreme  
27 Court said in *Flora v. United States*, but at the same time, generates enough fear and anxiety in Americans to keep them  
28 involuntarily paying anyway. Can it reasonably or truthfully be said that any choice or decision we make in the presence of  
29 any kind of illegal duress and the fear it produces is voluntary or consensual? Absolutely NOT! Black’s Law Dictionary,  
30 Sixth Edition, says the following under the definition of the word “consent” on p. 305:

31 *“Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.”*  
32 *[Black’s Law Dictionary, Sixth Edition, p. 305]*

33 Is an enforcement act that is not specifically authorized by an implementing regulation published in the federal register an  
34 act of duress? You bet it is! If that act hurts someone, and more importantly, if it produces fear in all the “sheep” who  
35 observed it, then it is an act of illegal duress and terrorism. If the fear produced by the illegal act causes someone to comply  
36 with the wishes of the IRS when no law obligates them to, then their act is no longer consensual, but simply a response to  
37 illegal government terrorism, racketeering, and extortion.

38 Have you ever tried to find a publication or a government website that identifies everyone who works at the IRS by name  
39 and gives their mailing address, phone number, and email address? We’ll give you a clue: There is no such thing! We have  
40 spent days searching for this type of information at the law library and the public library and on the Internet and have found  
41 nothing. We even called them and they said they don’t make that kind of information public. We also wrote them a freedom  
42 of information act request to provide the information and they refused to comply. Does this cause you some concern? We  
43 hope so! The IRS is unlike any other government organization because of the secrecy it maintains about the identity of its  
44 employees, and perhaps that’s because they aren’t even part of the U.S. government! They have no lawful authority to even  
45 exist either within the Constitution or under Title 31 of the U.S. Code. The IRS even readily admits that they are not an  
46 agency of the federal government! See:

[U.S. Government Denies Under Oath that IRS Is an Agency of the Federal Government](http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm), Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

1 The IRS is, instead, a rogue private organization of financial terrorists involved in racketeering, what Irwin Schiff calls “The  
2 Federal Mafia”, that is extorting vast sums of money from the American people under the “color of law” but without the  
3 authority of law. For confirmation of this fact, look at the 1939 edition of the Internal Revenue Code (still active today and  
4 never repealed) and look at the code section dealing with the duties of IRS “Revenue Agents”:

5 *53 State 489*

6 *Revenue Act of 1939, 53 Stat. 489*

7  
8 *Chapter 43: Internal Revenue Agents*

9  
10 *Section 4000 Appointment*

11  
12 *The Commissioner may, whenever in his judgment the necessities of the service so require, employ competent*  
13 *agents, who shall be known and designated as internal revenue agents, and, except as provided for in this title,*  
14 *no general or special agent or inspector of the Treasury Department in connection with internal revenue, by*  
15 *whatever designation he may be known, shall be appointed, commissioned, or employed.*

16 “Competent agents”? What a joke! If they were “competent”, then they would:

- 17 1. Know and follow the law and be fired if they didn’t.
- 18 2. Work as an “employee” for a specific Congressman in the House of Representatives who was *personally* accountable  
19 for their actions. “Taxation and representation” must coincide to preserve the original intent of the Constitution.

20 You can read the above statute yourself on the website below:

[Revenue Act of 1939](https://sedm.org/reference/dvds/law-dvd/)

<https://sedm.org/reference/dvds/law-dvd/>

Look in the folder:

[/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf](#)

21 If “Revenue Agents” are not “appointed, commissioned, or employed”, then what exactly are they? I’ll tell you what they  
22 are: They are independent consultants who operate on commission. They get a commission from the property they *steal*  
23 from the American People, and their stolen “loot” comes from the Department of Agriculture. See the following response to  
24 a Freedom Of Information Act (F.O.I.A.) request proving that IRS agents are paid by the Department of Agriculture:

25 <http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/USDAPaysIRS.pdf>

26 Why would Congress NOT want to make Revenue Agents “appointed, commissioned, or employed”? Well, if they are  
27 effectively STEALING property from the American people and if they are not connected in any way with the federal  
28 government directly, have no statutory authority to exist under Title 26, and are not “employees”, then the President of the  
29 United States and all of his appointees in the Executive Branch *cannot* then be held personally liable for the acts and abuses  
30 of these thieves. What politician in his right mind would want to jeopardize his career by being held accountable for a mafia  
31 extortion ring whose only job is to steal money from people absent any legal authority?

32 Because IRS supervisors know they are involved in criminal terrorism, extortion, and racketeering, they have taken great  
33 pains to conceal the identity of their employees as follows:

- 34 1. When you call their 800 support number, the agent who answers will only give you his first name and an employee  
35 number. If you specifically ask him for his full legal name, he will refuse to provide it and cannot cite the legal or  
36 delegated authority that authorizes him to do this.
- 37 2. If you do a Freedom Of Information Act (F.O.I.A.) request on the identity of a specific IRS employee and provide the  
38 employee number, the IRS will refuse to disclose it, even if you can prove with evidence that the employee was acting  
39 illegally and wrongfully.
- 40 3. There is no information about either the IRS organization chart or the identity of specific IRS employees anywhere on  
41 either the Department of the Treasury or the IRS websites.
- 42 4. When you go to an IRS due process meeting and ask for identification of the employees present, they will present an IRS  
43 badge that contains a “pseudo name” which is not the real name of the employee. If you ask them for some other form  
44 of ID to confirm the accuracy of the IRS Pocket Commission they presented as we did, IRS employees will refuse to  
45 provide it. The only reasonable explanation for this is that the Pocket Commissions issued by the IRS are fraudulent.

- 1 5. You can visit the law library or any public library and spend days looking for any information about the identity of  
2 anyone in the IRS below the upper management level, and you will not find anything. The closest thing we found was  
3 the Congressional Quarterly, which only publishes information about the identity of a handful of IRS upper management  
4 types.
- 5 6. Collection notices coming from the IRS that might adversely affect your rights to property are conspicuously missing  
6 signatures and the identity of the sender. There is frequently no phone number to call or person to write, and if the letter  
7 has a signature, it is the signature of a fictitious person who doesn't even exist. If you write a response to the collection  
8 letter and direct it to the signer of the letter, it is frequently either ignored entirely or is sent back with a statement saying  
9 that the employee doesn't exist!
- 10 7. They will not put their last names or employee numbers in clear view on their name badges so you don't even know who  
11 you are talking to.
- 12 8. When you call the information number and ask for the legal identity of a specific number or his or her contact information  
13 and to connect you to them, they will refuse to comply.
- 14 9. When you visit the federal government building, and especially the IRS floor of the building, you will notice that there  
15 are no directories of people who work there and all doors have cipher locks so you can't go inside and try to find someone.  
16 Their "customer service desk" will have two-inch thick bulletproof glass. Do you think they would need that kind of  
17 security if they really were conscientiously performing the *only* legitimate function of government in defending,  
18 protecting, and respecting our PRIVATE Constitutional rights? The laws and their whole work environment are designed  
19 to protect them from their "customers" and the people they work for! They may use the excuse that they are trying to  
20 prevent terrorism, but who are the real terrorists? THEM! Yes indeed, they are trying to protect from terrorists, and in  
21 their mind, any American who demands an accountable government that obeys the Constitution is a terrorist. We have  
22 a government pamphlet from the FBI that clearly says that people who promote the Constitution are terrorist! You can  
23 view this pamphlet at:  
24 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/ConstDefenderTerorsts.pdf>  
25



26  
27

1 10. If you go to the IRS website and download any of their publications relating to tax scams or enforcement, notice that  
2 neither the agency nor any specific individual is identified as the author. For instance, the IRS publishes a short  
3 propaganda pamphlet below:

*The Truth About Frivolous Tax Arguments*, Internal Revenue Service  
[http://famguardian.org/PublishedAuthors/Govt/IRS/friv\\_tax.pdf](http://famguardian.org/PublishedAuthors/Govt/IRS/friv_tax.pdf)

4  
5 The most interesting thing about this pamphlet is not the inflammatory and accusatory and presumptuous rhetoric, but  
6 the fact that it is posted on the IRS website and no author is specifically identified. DO you think that people in the  
7 government who claim to be speaking "The Truth", as they call it, ought to be held accountable for their statements?  
8 How can you have a reasonable basis for belief if they aren't identified and held accountable? For instance, at a court  
9 trial, witnesses must identify themselves and swear under oath that they will tell "the truth, the whole truth, and nothing  
10 but the truth". There is no such affirmation at the end of the document, no IRS seal, and no author identified. This isn't  
11 truth: its' government-sponsored propaganda!

12 Below is the text from a real deposition of an IRS agent in a tax trial showing how IRS agents disguise their identities  
13 deliberately to protect them from the legal consequences of their criminal behavior:

14 A. Well, there have been several revenue officers that have worked this case, not just me.

15 Q. Who are the other ones?

16 A. There was another revenue officer that worked it prior to it being assigned to me. I don't recall his name  
17 right off the top of my head, but I know it was a male revenue officer.

18 Q. Is he still there at the IRS?

19 A. Yes, he is.

20 Q. You don't remember his name?

21 A. Well, to be quite frank with you, he changed his name over a course of time. So I'm not sure which name  
22 he was using at that time.

23 Q. What's his new and old name?

24 A. His old name was John Tucker and his new name is John Otto.

25 Q. Why did he change his name?

26 A. That was something that the Internal Revenue Service gave the employees the option to do so because  
27 taxpayers would file liens against employees, they would file judgments against employees, record them in the  
28 courthouses where they lived, and it would make it difficult for the revenue officer to sell their home or, you know,  
29 transfer property or whatever the case might be. In other words, it would encumber their own personal property.

30 And so the Internal Revenue Service gave us an option to use what we call pseudonyms that would  
31 protect the employees from taxpayers harassing us in that particular manner.

32 Q. So it's not a legal name change, it's just --

33 A. It's for Internal Revenue Service's purposes.

34 Q. Have you ever used another name?

35 A. Yes, I have.

36 Q. What other names have you used?

37 THE WITNESS: Do I have to answer that?

38 MR. SHILLING: Are you talking work name?

39 THE WITNESS: Are you talking work name or are you talking about my legal name?

40 Q. (BY MR. DROUGHT:) I'm talking about both. Are there any other names that you have ever gone by?

41 A. Yes. I have my maiden name and I have my married name that I use.

42 Q. And your maiden name is what?

43 THE WITNESS: Do I have to answer?

44 MR. SHILLING: Well, at this point she is operating under the pseudonym. Let's go off the record for  
45 a second.

46 (Off record 10:53 a.m. to 10:55 a.m.)

47 MR. SHILLING: You can give any other name. Do you have any other pseudonyms that you used?

48 THE WITNESS: No. I have only used Frances Jordan.

49 Q. (BY MR. DROUGHT:) How long have you used that name?

50 A. Approximately 10 years.

51 Q. So 1994 about?

52 A. That's a good ballpark. The service made that available to employees for one very specific reason. At  
53 that particular time, there was a lot of -- you know, Oklahoma City, you know, that was in reference to those  
54 individuals that were killed in that. So that became a concern that the employees have some type of protection.

55 A coworker that I sat next to received a letter at her home address from a taxpayer, and she had two  
56 small children, and her fear was that the taxpayer may do something to her home or to her children, and so she  
57 inquired about using a pseudonym, and I inquired about using one at the same time because we need to protect  
58 our families and our children from any harassing taxpayers.

59 Q. What about judges that send people to prison?

60 A. Sir, I can only tell you that the service made that option available to the employees.

61 Q. What about policeman that arrest people?

62 A. Sir, I can tell you -- I'm not a police officer. I'm not a judge. I'm only a revenue officer with the Internal  
63 Revenue Service. That option was made available to us because of the type of job that we have. We have to take

1 *people's money, we have to take people's property, and sometimes people become very distraught when that*  
2 *happens. So consequently they -- they do things to our families and to our homes, and we need to protect ourselves*  
3 *as much as we can.*

4 *Q. Okay. What names have you gone by besides Frances Jordan?*

5 *A. While I worked for the Internal Revenue Service?*

6 *Q. Yes.*

7 *A. I'm going to -- like Mr. Shilling said, I'm going to not answer that question at this time until we discuss it*  
8 *with the judge to see whether or not he prefers -- that he allows me to use my pseudonym or if he makes me use*  
9 *my real name.*

10 *MR. DROUGHT: We are asking for her to give us those names, and we will agree to keep them*  
11 *confidential and used only for the purpose of this lawsuit, but I think it's relevant and it likely could lead to*  
12 *something relevant, and I don't want to have to go in front of the judge and spend these people's money. We are*  
13 *asking that she give us the names now so I can ask her about them now and not have to come back and re-depose*  
14 *her.*

15 Do the above observations disturb you? They should! We are living in a police state and the IRS is a Gestapo organization  
16 of secret police operatives who maintain "voluntary compliance" through financial terrorism. It's terrorism because they:

- 17 1. Cannot demonstrate the authority of a specific statute AND implementing regulations AND delegation of authority order  
18 authorizing their act of enforcement. 50 U.S.C. §841, in fact, says any public servant who refuses to acknowledge and  
19 respect the Constitutional or lawful limits on their authority is a "communist"!
- 20 2. Won't reveal their identities or allow themselves to be held personally liable and accountable to the public for their illegal  
21 and fraudulent acts and statements.
- 22 3. Are allowed to institute illegal abuses of our rights completely anonymously and without having to accept personal  
23 responsibility for the abuses.

24 On the other hand, how long do you think the lies, the propaganda, and the willful and illegal abuses of our rights would  
25 continue if the following reforms were instituted and enforced upon the IRS:

- 26 1. Every Revenue Agent who interacts with the public had to reveal their true, full legal identity and contact information,  
27 including their Social Security Number. After all, if they can ask you for it, then you should be able to do the same thing.  
28 Equal protection of the laws requires it.
- 29 2. Use of "Pseudo names" on IRS Pocket Commissions was discontinued.
- 30 3. The identities of every IRS employee down to the lowest level were published on the IRS website.
- 31 4. Every piece of correspondence from the IRS had to be signed under penalty of perjury as required by 26 U.S.C. §6065  
32 and the complete contact information and real legal name of the originator or responsible person must be identified on  
33 the correspondence.

34 The answer is that the abuses would stop IMMEDIATELY. Secrecy and the fear it produces is the only thing that keeps this  
35 house of cards standing, folks!

### 36 **7.7.5 Making it difficult, inconvenient, or costly to obtain information about illegal government activities**

37 Criminals, whether they are violating the Constitution or enacted statutory law, don't want evidence about their misdeeds  
38 exposed. A crime is simply any act that harms someone and was not done to them with their consent. The Freedom Of  
39 Information Act (F.O.I.A.) and the Privacy Act are both designed to maintain an accountable government that serves the  
40 people by ensuring that people can always find out what their government is up to. Information about what the government  
41 is doing can then be used to prosecute specific public servants who violated the requirement for consent and your rights.  
42 Government agencies typically maintain "Public relations" offices, and also a full-time legal staff called the "disclosure  
43 group" to deal with requests for information that come in from the Public because of these laws. These disclosure litigation  
44 lawyers have the specific and sole function of filtering and obscuring and obfuscating information that is provided to the  
45 public about the activities and employees of the agency they work for. The main purpose for doing the filtering is to protect  
46 from prosecution wrongdoers within the agency. Disclosure litigation lawyers know that Fifth Amendment guarantees only  
47 biological people the right to not incriminate themselves, but corporations are not covered by the Fifth Amendment. The  
48 U.S. Code identifies the U.S. Government as a federal corporation in 28 U.S.C. §3002(15)(A), and so the silver-tongued  
49 devils have to devise more devious means to conceal the truth. They are paid to lie and conceal and deceive the public  
50 without actually "looking" like they are doing so. They are "poker players" for the government.

1 When you send in a Privacy Act Request or Freedom Of Information Act (F.O.I.A.) Request, as we have many times, that  
2 focuses on some very incriminating evidence that could be used against the government, the response usually falls into one  
3 of the following four categories:

- 4 1. The government will say the information is exempt from disclosure and cite the exemptions found in 5 U.S.C.  
5 §552a(k).
- 6 2. The government will only provide a subset of the requested information and not explain why they omitted certain key  
7 information.
- 8 3. The government will provide the information requested, but redact the incriminating parts. For instance, they will  
9 black out the incriminating information and/or remove key pages.
- 10 4. If the government is involved in an enforcement action and the information you requested under the Privacy Act or  
11 Freedom Of Information Act (F.O.I.A.) could stop or interfere with the action because it exposes improprieties, they  
12 will try to drag their feet and delay providing the information until they have the result they want. For instance, if you  
13 send in a Privacy Act request for information about your tax liability, they will delay the response until after the period  
14 of appeal or response is over. That way , you can't respond or defend yourself against their illegal actions in a timely  
15 fashion.

16 In the process of decoding the Individual Master Files (I.M.F.'s) of several people, we have found that the IRS very carefully  
17 conceals information that would be useful in understanding what the IRS knows about a person. They use complicated,  
18 computerized codes in their records for which no information is presently available about what they mean. They used to  
19 make a manual called IRS Document 6209 for use in decoding IMFs, but it was taken down in 2003 so that no public  
20 information about decoding is available now. A number of people have sent Freedom Of Information Act (F.O.I.A.) Requests  
21 to the IRS requesting a copy of IRS Document 6209 and the IRS has responded by providing a very incomplete and virtually  
22 useless version of the original manual, with key chapters removed and most of the rest of the remaining information blacked  
23 out. They are obviously obstructing justice by preventing evidence of their wrongdoing from getting into the hands of the  
24 public. Some people who have requested this document under the Freedom Of Information Act (F.O.I.A.) from the IRS, got  
25 the unbelievable response below:

26 *"We are sorry, but under the war on terrorism, the information you requested is not available for release because  
27 it would jeopardize the security of the United States government."*

28 What the heck does the meaning of the codes in a person's IRS records have to do with the war on terrorism? The war on  
29 terror is being used as an excuse to make our own government into a terrorist organization! The needs of the public and the  
30 need for an accountable government that obeys the Constitution far outweigh such lame excuses by the IRS that have the  
31 effect of obstructing justice and protecting wrongdoers in the IRS. Such criminal acts of concealment are also illegal under  
32 the following statutes:

- 33 1. [18 U.S.C. §3](#): Accessory after the fact
- 34 2. [18 U.S.C. §4](#): Misprision of felony
- 35 3. [18 U.S.C. Chapter 73](#): Obstruction of justice
- 36 4. [18 U.S.C. §241](#): Conspiracy against rights under

37 Since the IRS Document 6209 is effectively no longer available through the Freedom Of Information Act (F.O.I.A.), then if  
38 a person wanted a full, complete, and uncensored version of the document from the government they would then have to file  
39 a disclosure lawsuit against the government for not complying with the provisions of the Freedom Of Information Act  
40 (F.O.I.A.). Lawsuits, lawyers, and litigation are costly, inconvenient, and demanding and therefore beyond the reach and  
41 affordability of the average busy American. Consequently, the government wins in its effort to block from public disclosure  
42 key information about its own wrongdoing. The result is that by bending the rules slightly, they in effect make it so costly,  
43 inconvenient, exasperating, and complicated to have an accountable and law-abiding government that few people will attempt  
44 to overcome the illegal barrier they have created. The few that do overcome this barrier then have to worry about finding an  
45 attorney who is brave enough to get his license to practice law pulled by the government he is litigating against for prosecuting  
46 such government wrongdoers. The system we have now is very devious and prejudicial and needs to be reformed.

47 **7.7.6 Ignoring correspondence and/or forcing all complaints through an unresponsive legal support staff that**  
48 **exasperates and terrorizes "customers"**

1 When your rights have been violated because a government agency or employee has tried to do something without your  
2 explicit, informed consent, then the clerk at the government agency who instituted the wrong will further obstruct redress of  
3 grievances as follows:

- 4 1. They will tell you that they can't give you information about their supervisor to lodge a complaint, and this is  
5 especially true if you did not get their full legal name because they refused to give it to you.
- 6 2. They will say that this is an issue or problem that you must contact the "legal department" or "public affairs  
7 department" about. Then they will tell you that those organizations do not take direct calls and insist that everything  
8 must be in writing. They will not explain why, but the implications are obvious: They want to prevent spilling the  
9 beans and prevent further contact with themselves or their supervisors so they cannot be prosecuted for wrongdoing.
- 10 3. Then when you write the address the clerk gave you, most often the legal department will ignore it entirely or respond  
11 with a lame form letter that answers questions you never asked and doesn't directly address any of the major issues you  
12 raised. This leaves you with no further recourse but to litigate, and they do it this way on purpose because they know  
13 most people won't litigate and can't afford the time or expense to do so. Checkmate. The government got what it  
14 wanted: a violation of your rights without legal or material consequence for the violation.

15 Those Americans who are familiar with the above process and the abuses it results in and who are more familiar with legal  
16 procedure can still use the above process to their advantage with a procedure we call the Notary Certificate of Default Method  
17 (NCDM), whereby the correspondence sent to the legal department establishes what you expect, provides exhaustive evidence  
18 of government wrongdoing, formats the complaint as what is called an "Admissions" in the legal field, gives the government  
19 a specific time period to respond, and states that failure to respond constitutes an affirmative admission to every question.  
20 They then send in their complaint to the legal department or "Taxpayer Advocate" via certified mail with a proof of mailing,  
21 which then develops legal evidence of what was sent and when it was sent. This approach gives them admissible evidence  
22 they can use in court to litigate against the government. You can read more about the Notary Certificate of Default Method  
23 in:

- 24 1. *Notary Certificate of Dishonor Process*, Form #07.006  
25 <http://sedm.org/Forms/FormIndex.htm>
- 26 2. *Tax Fraud Prevention Manual*, Form #06.008, Section 3.4.4.5  
27 <http://sedm.org/Forms/FormIndex.htm>

### 28 **7.7.7 Deliberately dumbing down and propagandizing government support personnel who have to implement the** 29 **law**

30 To quote former Treasury Secretary Paul O'Neil on the subject of the Internal Revenue Code, which he says is...:

31 "9,500 pages of gibberish."  
32 [SOURCE: [http://fanguardian.org/TaxFreedom/Evidence/OrgAndDuties/IRSExhibit-PaulONeill-](http://fanguardian.org/TaxFreedom/Evidence/OrgAndDuties/IRSExhibit-PaulONeill-IRSCode9500PgsOfGibberish.pdf)  
33 [IRSCode9500PgsOfGibberish.pdf](http://fanguardian.org/TaxFreedom/Evidence/OrgAndDuties/IRSExhibit-PaulONeill-IRSCode9500PgsOfGibberish.pdf)]

34 Add to this the following:

- 35 1. 22,000 pages of Treasury and IRS regulations that implement the Internal Revenue Code
- 36 2. 70,000 employees at the IRS
- 37 3. A very high turnover rate among revenue agents, and the need to constantly educate new recruits.
- 38 4. An overworked support force.
- 39 5. Contracting key functions of the IRS out to independent third-party debt collectors.
- 40 6. A very unpleasant job to do that most people detest.

41 ...and you have a recipe for disaster, abuse, and tyranny and a total disregard of the requirement for consent and respect of  
42 the rights of sovereign Americans everywhere. Several studies have been done on the hazards of this government bureaucracy  
43 by the Government Accounting Office, which show that IRS advice on their telephone support line was wrong over 80% of  
44 the time! IRS supervisors who design the training curricula for new employees have also made a concerted effort to "dumb  
45 down" revenue agents to increase "voluntary compliance". For instance, during the We the People Truth in Taxation Hearing  
46 held in Washington D.C. on February 27-28, 2002, a Former IRS Collection Agent John Turner brought his IRS Revenue  
47 Agent Training Materials to the hearing and proved using the materials that Revenue Agents are not properly warned that  
48 there is no law authorizes them to do Substitute For Return (SFR) assessments upon anything BUT a business or corporation

1 located in the federal zone which consents to taxation, and that SFR's against biological people are illegal and violate 26  
2 U.S.C. §6020(b) and Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8. See the questions and evidence for yourself on  
3 the website at:

*Tax Deposition Questions*, Form #03.016, Section 13: 26 U.S.C. 6020(b) Substitute For Returns  
<http://sedm.org/Forms/FormIndex.htm>

4 Do you think that an IRS Revenue Agent who meets all the following criteria is going to be "properly equipped" to follow  
5 the lawful limits on his authority, respect your rights, and help you make an informed choice based only on consent? What  
6 a joke! Most IRS employees:

- 7 1. Are never taught from the law books or taught about the law. Instead, are only taught about internal procedures  
8 developed by people who don't read the tax code. And if they do start reading the law and asking questions of their  
9 supervisors, as former IRS Criminal Investigator Joe Banister did, then they are asked to resign or fired if they won't  
10 resign.
- 11 2. Rely mainly upon the IRS publications for information about what to do and are not told to read the law, in spite of the  
12 fact that the IRS Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 says that IRS Publications should not be used to  
13 form an opinion about what the tax code requires.
- 14 3. Are wrong 80% of the time about the only subject they are paid to know.
- 15 4. Don't stay at the job longer than about two years because of the very high turnover in the organization.
- 16 5. Are despised and feared by the public for what they do, mainly because they do not honor the restrictions placed on  
17 them by the law itself.
- 18 6. Have deceptive IRS Formal classroom training materials that deliberately omit mention about doing Substitute For  
19 Return (SFR) assessments upon natural persons, even though it is not authorized by the law in 26 U.S.C. §6020(b).

20 In the legal realm, ignorance of the law is no excuse. Therefore, if anyone at the government agency can or should be held  
21 responsible for acts that violate the law and our rights, it should be the ignorant and deliberately misinformed clerk or  
22 employee who committed the act. However, the managers of these employees should also be culpable, because they  
23 deliberately developed the training and mentorship curricula of their subordinates so as to maximize the likelihood that  
24 employees would violate the laws and prejudice the rights of Americans in order to encourage "voluntary compliance" with  
25 what the agency wants, but which the law does not require. These devious managers will most often respond to accusations  
26 of culpability by trying to maintain a defense called "plausible deniability", in which they deny responsibility for the illegal  
27 actions of their employees because they will falsely claim that they did not know about the problem. Notifying these wayward  
28 government employees personally via certified mail and posting all such correspondences on a public website for use in  
29 litigation against the government can be very helpful in fighting this kind of underhanded approach. This is the approach of  
30 Larken Rose, who has been keeping a database of all government employees at the IRS who have been notified that employees  
31 are mis-enforcing the law and yet refused to take action to remedy the wrong, concealed the fact that they were notified of  
32 the wrong, and continued to claim "plausible deniability". This has gotten him on the bad side of the IRS to the point where  
33 they decided to raid his house and confiscate his computers, and then plant false evidence of kiddie porn on them and have  
34 him prosecuted for it violation of kiddie porn laws. Your government servants are wicked and these abuses must be stopped!

35 If you would know more about the subject of "plausible deniability" in the context of the IRS, refer to section 7.4.2 of the  
36 *Great IRS Hoax*, Form #11.302.

### 37 **7.7.8 Creating or blaming a scapegoat beyond their control**

38 As was pointed out in section 6.5.1 of the *Great IRS Hoax*, Form #11.302, our republic was created out of the need for  
39 taxation WITH representation. England was levying heavy taxes without giving us any representation in their Parliament,  
40 and we didn't like it and revolted. The original Constitutional Republican model created by the founders solved this problem  
41 by giving the sovereign People in the House of Representatives the dual responsibility of both Representing us AND  
42 Collecting legitimate taxes while also limiting the term of office of these representatives to two years. This ensured that:

- 43 • The sovereign People controlled the purse of government so that it would not get out of control.
- 44 • If our tax-collecting representatives got too greedy, we could throw the bastards out immediately.
- 45 • There would be no blame-shifting between the tax collectors and our representatives, because they would be one  
46 and the same.

1 This scheme kept our representatives in the House who controlled the purse strings on a very short leash and prevented  
2 government from getting too big or out of control. The very first Revenue Act of 1789 found in the Statutes at Large at 1  
3 Stat. 24-49 created the Office of Collector of Revenue and imposed the very first official federal tax of our new Constitutional  
4 Republic *only* upon imports. This tax was called a “duty” or “impost”, or “excise”. It placed collectors at every port district  
5 and made them accountable to Congress. This type of a taxing structure remained intact until the Civil War began in 1860.

6 However, our system of Taxation WITH Representation was eventually corrupted, primarily by separating the Taxation and  
7 Representation functions from each other. With the start of the Civil War and as an emergency measure in the Revenue Act  
8 of 1862, the Congress through legislation shifted the tax collection to a newly created “Bureau of Internal Revenue (B.I.R.)”,  
9 which was part of the Executive Branch and came under the Department of Treasury, which was in the Executive Branch.  
10 At that point, we lost the direct relationship between Taxation and Representation because the functions were separated across  
11 two departments. All of the evils in our present tax system trace back to the corruption that occurred at that point because:

- 12 1. Specific collection agents in the IRS are not put under a member of the House of Representatives and apportioned, as all  
13 federal tax collections require in Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3. This means that they  
14 are not supervised by someone who we directly control in the House.
- 15 2. Congress has a convenient “whipping boy” they created to do the tax collection function. This whipping boy is  
16 conveniently in another branch of government that they can claim they have no direct control over. This causes endless  
17 finger-pointing and eliminates all accountability on either end of the Taxation or Representation equation.
- 18 3. Those in IRS cannot be held directly accountable because most are federal employees who are hard to fire and not elected  
19 so they are not accountable to the people.

20 Even today, this devious tactic of separating responsibility from authority for government abuses among multiple branches  
21 is very frequently used as the only real justification for what would otherwise be flagrant disregard for the rights of the people  
22 by the government. For instance, if the government is abusing people’s rights in a way that gets negative media attention,  
23 the most common justification you will hear is that the bureaucracy has gotten too big, is out of control, and is not accountable  
24 directly to the people. The Executive branch will usually be the culprit, and no one in the Legislative Branch will want to  
25 take responsibility to pass a law to fix it. Or worst yet, the Legislative Branch will pass a “dead law”, which is a statute meant  
26 to appease the public but for which the Executive Branch positively refuses to write implementing regulations to enforce.  
27 This is what happened with the campaign finance reforms in the 2001. Sound familiar? The more layers of bureaucracy  
28 there are, the more effective this system of blame-shifting becomes. With more layers, public servants can just conveniently  
29 excuse themselves by saying “It takes forever to get X to do anything so it’s unlikely that we will be able to help you with  
30 your problem.”

31 To give you an example of how the IRS abuses this technique to its advantage, look at how they respond to Privacy Act  
32 requests for Assessment documents. The Privacy Act requires them to respond with the documents requested within 20 days.  
33 After several people began using the Privacy Act to demand assessment documents, and since the IRS was not doing legal  
34 assessments and wanted to hide the fact from the public, the IRS changed its Internal Revenue Manual in 2000 to essentially  
35 delay and interfere with responding. In Internal Revenue Manual (I.R.M.), Section 11.3.13.9.4, the IRS basically tells its  
36 Disclosure Officers essentially to bounce a person’s Privacy Act Request for assessment documents all over its many  
37 hundreds of disclosure offices until the person gets frustrated and essentially gives up. Read this dastardly section yourself  
38 at:

39 <http://www.irs.gov/irm/part11/ch03s14.html#d0e13151>

### 40 **7.7.9 Terrorizing and threatening, rather than helping, the ignorant**

41 Another famous technique of criminals working in public service is to terrorize the ignorant. This technique is usually only  
42 used when the financial stakes are high and a person is taking custody of a large sum of money that the government wants to  
43 steal a part of. Here is how it works:

- 44 1. Before the distribution can be made, notice is sent to the affected party stating the conditions under which the distribution  
45 can be made without incurring tax liability.
- 46 2. If the party wants to take the distribution without tax withholding as prescribed in 26 U.S.C. §3406, they are told that  
47 they *must* sign a statement under penalty of perjury that they meet the conditions required for not being “liable” for  
48 federal income taxes. They will be told that if it is not under penalty of perjury, then they cannot get their money or  
49 property back.

3. The statement the party must sign will contain a dire warning that if they are wrong in signing the form, they are committing perjury and that they will violate 18 U.S.C. §1001, which carries with it a fine and jail time up to five years!
4. In the meantime, the clerks processing the paperwork in the government, when consulted, will tell the submitter that:
  - 4.1. We can't provide legal advice.
  - 4.2. We refuse to sign any statement under penalty of perjury which might help you to determine whether you meet the criteria for not being taxable.
  - 4.3. You are on your own and need to seek expensive legal counsel if you want assistance.
5. If you ask the clerks for the phone contact information for the legal department to resolve your issue with the government agency, they will tell you:
  - 5.1. We can't give it out
  - 5.2. It only works internally and you can't use it.
  - 5.3. Calls are not authorized to the legal department. All inquiries must be in writing. Then when you write the legal department of the agency, they will completely ignore your request and you will have no way to call them and do follow-up to ensure that they respond.
6. The party will therefore be left with only two options:
  - 6.1. Pay the withholding tax.
  - 6.2. Hire an expensive legal counsel to "advise" you and then pay something approaching the cost of the withholding tax to a government-licensed attorney who has a conflict of interest. The government-licensed attorney will tell you that you have to pay the tax even if there is no law that requires this, because if he doesn't, the government will pull his license. Now you paid close to DOUBLE the withholding tax after everything is said and done, because you have to pay an expensive attorney AND the withholding tax.

To give you one example of how the above tactic is used, consider the situation of a public servant who has just left federal employment voluntarily or was terminated. At that point, he usually has a large retirement nest egg in Federal Thrift Savings Program (T.S.P.) that he wants to take into his or her custody while also avoiding the need to pay any income tax as a consequence of the distribution. Lawyers in what Mark Twain called the District of Criminals who are running the Thrift Savings Program (T.S.P.) have devised a way to basically browbeat people into paying withholding taxes on direct retirement distributions using the above technique. Here is how it works:

1. Federal employees who leave federal service and who want to withdraw their retirement savings must submit the TSP-70 form to the Federal Thrift Savings Program. You can view this form at: <http://tsp.gov/forms/index.html>
2. Most separating federal employees inhabit the states of the Union, are "nationals" under 8 U.S.C. §1101(a)(21), are not "citizens" under 8 U.S.C. §1401, and are "non-resident NON-persons", as we explain later in this chapter. TSP Publication OC-96-21 describes the procedures to be used for "nonresident aliens" who are not engaged in a "trade or business" to withdraw their entire retirement free of the 20% withholding mandated by 26 U.S.C. §3406. Here is what section 3 of that pamphlet says:

**3. How much tax will be withheld on payments from the TSP?**

*The amount withheld depends upon your status, as described below. Participant. **If you are a nonresident alien, your payment will not be subject to withholding for U.S. income taxes. (See Question 2.)** If you are a U.S. citizen or a resident alien, your payment will be subject to withholding for U.S. income taxes. If you are a U.S. citizen or resident alien when you separate, you will receive from your employing agency the tax notice "Important Tax Information About Payments From Your TSP Account," which explains the withholding rules that apply to your various withdrawal options.  
[Thrift Savings Program (T.S.P.), Pamphlet OC-96-21, <http://tsp.gov/forms/index.html>]*

Later on in that same pamphlet above, here is what they say about the requirement for a statement under penalty of perjury attesting that you are a "nonresident alien" with no income from within the federal "United States":

**2. Will the TSP withhold U.S. taxes from my payments?**

*This depends on whether the payment you receive is subject to U.S. income tax. If the money you receive is subject to U.S. income tax, then it is subject to withholding. In general, the only persons who do not owe U.S. taxes are nonresident alien participants and nonresident alien beneficiaries of nonresident alien participants. The TSP will not withhold any U.S. taxes if you fit into either category and you submit the certification described below. However, if you do not submit the certification to the TSP, the TSP must withhold 30% of your payment for Federal income taxes.*

1 **Certification.** To verify that no tax withholding is required on a payment you are receiving as a participant, the  
2 TSP asks that you certify under penalty of perjury that you are a nonresident alien whose contributions to the  
3 TSP were based on income earned outside the [federal] United States. If you are receiving a payment as a  
4 beneficiary, you must certify that you are a nonresident alien and that the deceased participant was also a  
5 nonresident alien whose contributions to the TSP were based on income earned outside the United States.  
6 (Certification forms are attached to this tax notice.)  
7 [Thrift Savings Program (T.S.P.), Pamphlet OC-96-21, <http://tsp.gov/forms/index.html>]

- 8 3. The certification form for indicating that you are a “nonresident alien” who earned all income outside the “United States”  
9 is contained at the end of the above pamphlet. Here is the warning it contains in the perjury statement at the end:

10 **Warning:** Any intentional false statement in this certification or willful misrepresentation concerning it is a  
11 violation of the law that is punishable by a fine of as much as \$10,000 or imprisonment for as long as 5 years, or  
12 both (18 U.S.C. 1001).

- 13 4. The critical issue in the above pamphlet, of course, is their “presumed” and ambiguous definition of “United States”,  
14 which we find in section 4.8 of the *Great IRS Hoax*, Form #11.302 means the *federal* United States or “federal zone”,  
15 which is the District of Columbia Only within Subtitle A of the Internal Revenue Code as indicated by 26 U.S.C.  
16 §7701(a)(9) and (a)(10). If you call the Thrift Savings Program (T.S.P.) coordinator and ask him some very pointed  
17 questions about the definition of “United States” upon which the above pamphlet relies and the code section or regulation  
18 where it is found, you will get the run-around. If you ask for the corporate counsel phone number, they refuse to give it  
19 to you and tell you to ask in writing. If you write them, they will ignore you because they don’t want the truth to get out  
20 in black in white. If you were to corner one of these people after they left federal service and ask them for honest answers,  
21 they would probably tell you that their supervisor threatened them if they leaked out what is meant by “United States”  
22 to callers or if they put anything in writing. They are obviously holding the truth hostage for 20 pieces of silver. They  
23 will positively refuse to give you anything in writing that will help clarify the meaning of “United States” as used in the  
24 pamphlet, because they want to make it very risky and confrontational for you to keep your hard-earned money. They  
25 will refuse to take any responsibility whatsoever to help you follow the law, and they will conveniently claim ignorance  
26 of the law, even though ignorance of the law is no excuse, according to the courts.

27 Note in the above the hypocrisy evident in the situation and the resulting violation of equal protection of the laws mandated  
28 by the Fourteenth Amendment, Section 1:

- 29 1. You are being compelled to take a risk of spending five years in jail by signing something under penalty of perjury that  
30 they can falsely accuse you is fraudulent and wrong. All you have to do is look at them the wrong way and they will try  
31 to sick a mafia police state on you. At the same time, there is absolutely no one in government who is or can be required  
32 to take the equivalent risk by signing a determination about the meaning of “United States” in their own misleading  
33 publication.  
34 2. TSP Publication OC-96-21 starts off with a disclaimer of liability and advice to consult an attorney, and yet it is  
35 impossible for you to have the same kind of disclaimer if you sign their form at the end of the pamphlet.  
36 3. They refuse to put anything in writing that they say or do and require EVERYTHING you do with them to be in writing  
37 and signed under penalty of perjury. If you do a Privacy Act request for their internal documents relating to your case  
38 to hold them accountable, they will refuse to provide them because they want to protect their coworkers from liability.  
39 This is hypocrisy.  
40 4. All risk is thereby transferred to you and avoided by your public dis-servants. Consequently, there is no way to ensure  
41 that they do their job by genuinely helping you, even though that is the ONLY reason they even have a job to begin with.

42 In effect, what our public dis-servants are doing above is using ignorance, fear, deliberate ambiguity of law and publications,  
43 and intimidation as weapons to terrorize “nontaxpayers” into paying extortion money to the government. They have made  
44 every option available to you EXCEPT bribing the government into a risky endeavor, knowing full well that most people will  
45 try to avoid risk. They will not help citizens defend their property, which is the ONLY legitimate function of government.  
46 Based on the above, the *only* thing these thieves will help anyone do is bribe the government with money that isn’t owed and  
47 to do so under the influence of constructive fraud, malfeasance, and breach of fiduciary duty on the part of the public dis-  
48 servant. The presence of such constructive fraud makes it impossible to give informed, voluntary consent in the situation,  
49 and therefore makes it impossible to willfully make a false statement. However, it is common for federal judges to aid and  
50 abet in the persecution and terrorism of honest Americans who submit the above Thrift Savings Program (T.S.P.), Pamphlet  
51 OC-96-21 in order to perpetuate the federal mafia and keep the stolen loot flowing that funds their fat federal retirement  
52 checks.

## 7.8 How the Internal Revenue Service kidnaps your identity to make you a statutory “taxpayer”

In this section, we will apply the concepts in section 6.9 to show how the Internal Revenue SERVICE illegally commits identity theft in the process of creating more “customers” for it to “service” called statutory “taxpayers”.

1. The IRS Mission Statement refuses to recognize the existence of NONTAXPAYERS and indirectly implies that they are NOT entitled to help. Notice it says “with integrity and fairness to ALL, and yet it only services “taxpayers”. This is an oxymoron.

*Internal Revenue Manual 1.1.1.1 (02-26-1999) TA \l "Internal Revenue Manual (I.R.M.), Section 1.1.1.1 (02-26-1999)" \s "Internal Revenue Manual (I.R.M.), Section 1.1.1.1 (02-26-1999)" \c 3*

*IRS Mission and Basic Organization*

*The IRS Mission: **Provide America's taxpayers top quality service** by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness to all.*

2. The IRS, government prosecutors, and courts merely PRESUME that everyone is a “taxpayer” and refuse to satisfy their administrative burden of proof as the moving party to PROVE same with court-admissible evidence. This is a violation of due process of law. A presumption is NOT evidence nor can it act as a SUBSTITUTE for evidence. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

3. IRS forms are ONLY intended for statutory “taxpayers” under 26 U.S.C. §7701(a)(14).
  - 3.1. They don’t make any “nontaxpayer” forms.
  - 3.2. They don’t provide a status block to indicate you are either a non-resident non-person or a NONTAXPAYER.
4. When ask an IRS agent what the word “INTERNAL” refers to in the name of his employer, he refuses to answer. In point of fact, it refers to the GOVERNMENT and not a geographical place.
5. When you call up the IRS 800 support line, they ask for your “Taxpayer Identification Number”.
  - 5.1. If you give such a number to them, they are entitled to falsely presume that you are a statutory “taxpayer”.
  - 5.2. If you insist to the clerk that the status of the number be changed to that of a NONTAXPAYER or removed from your record, they actively interfere.
6. Those who have been mistreated by the IRS and who wish to complain have to submit a request for help to the “Taxpayer Advocate”. Unfortunately, they don’t have a “nontaxpayer” advocate.  
<https://www.irs.gov/Advocate>
7. No administrative procedure or form is provided by the IRS to change the civil status of a particular “Taxpayer identification Number” to a “NONTAXPAYER” or NON-RESIDENT NON-PERSON.
8. Nontaxpayers cannot file any IRS TAXPAYER form without committing the crime of impersonating a public officer called a “taxpayer”. See:

*Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes*, Form #05.008  
<http://sedm.org/Forms/FormIndex.htm>

9. If you as a NONTAXPAYER create your own SUBSTITUTE form and make it a NONTAXPAYER form, or provide an attachment that turns a “taxpayer” form into a NONTAXPAYER form, they often ignore it, thus interfering with your EQUAL right to be helped like those who are “TAXPAYERS”. For an example of such forms, see the following forms:
  - 9.1. Tax Form Attachment, Form #04.201
  - 9.2. Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Long, Form #15.001
  - 9.3. Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Short, Form #15.002
10. They treat you AS IF you are a statutory “taxpayer” even if you state otherwise, and especially in the case of the filing of statutory returns only required for “taxpayers”. They try to illegally penalize nontaxpayers, for instance, for not filing statutory returns. See:
  - 10.1. *Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents*, Form #05.010
  - 10.2. *Legal Requirement to File Federal Income Tax Returns*, Form #05.009.
  - 10.3. *Why I Am Not Legally Liable to File Affidavit*, Form #07.103.

## 7.9 Dealing with government avoidance of consent

### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 The following subsections will deal with how to circumvent attempts by corrupted covetous governments to hide, avoid, or  
2 undermine the requirement for consent of the governed mentioned in the Declaration of Independence and which is the  
3 foundation of American jurisprudence.

#### 4 **7.9.1 Enforcing the requirement for consent against the government**

##### 5 **7.9.1.1 Defenses useful in court to mandate the requirement of consent**

6 The key to winning in a civil court when governments seek to enforce franchise rights against you without your consent is  
7 therefore to assert that:

- 8 1. You are EQUAL under the law with the United States government and that every method of acquiring rights they use  
9 against you, you have an equal right to use against them. The United States is a government of delegated powers  
10 alone, and the people cannot delegate an authority to any “government” that they themselves do not ALSO individually  
11 and personally possess. It is a contradiction to assert that the COLLECTIVE can have any more authority than a  
12 private human being and to claim otherwise is to create a state-sponsored religion in which the COLLECTIVE has  
13 “supernatural powers” and becomes the object of worship and slavery. For instance, if they use third parties filing  
14 FALSE information returns to elect you into public office, then you have the right to unilaterally elect THEM into  
15 YOUR service as your PRIVATE officer without compensation. For an example of how they UNLAWFULLY  
16 perform this brand of identity theft, kidnapping, and slavery, see:

*Correcting Erroneous Information Returns*, Form #04.001

<http://sedm.org/Forms/FormIndex.htm>

- 17 2. All presumptions, and especially presumptions about any of the following, are a violation of due process of law against  
18 those protected by the U.S. Constitution.

19 2.1. Your “status” under civil franchises such as the Internal Revenue Code, Subtitle A income tax.

20 2.2. The definition of words. For instance, they cannot ADD things to definitions that do not expressly appear in the  
21 statutory definitions. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

<http://sedm.org/Forms/FormIndex.htm>

- 22 3. The public rights or franchise rights sought to be enforced against you attach to a status you never consented to acquire  
23 and that the government has the burden of proving that you consented to it in a manner that YOU and not THEY  
24 prescribe.

- 25 4. The civil statute sought to be enforced is LAW, but has no “force of law” in your case because:

26 4.1. The civil law sought to be enforced attaches to a civil domicile that you do not have.

27 4.2. You never gave your consent in the form that YOU and not THEY prescribe.

- 28 5. Consent to the franchise did not take the form you and not THEY mandated it to take. For instance, the following  
29 document describes the method by which Members are allowed to consent. It invokes the same rights as the  
30 government to define the METHOD by which others procure your consent. If the government can pass a law during  
31 the civil war stating that all contracts with the government must be in writing signed by BOTH parties, then YOU can  
32 do the same thing under the concept of equal protection:

*Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001,  
Section 4.1

<http://sedm.org/Forms/FormIndex.htm>

- 33 6. You are not ALLOWED to have the status sought to be enforced because.

34 6.1. Those protected by the Constitution have rights that are “unalienable”, which means they cannot lawfully be  
35 alienated even WITH your consent:

36 *“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*  
37 *[Black’s Law Dictionary, Fourth Edition, p. 1693]*

38 6.2. It is illegal for you to unilaterally “elect” yourself into public office by filling out any government form. For  
39 instance, you can’t lawfully use tax forms to unilaterally “elect” yourself into public office. The public office or  
40 “trade or business” associated with the activity being regulated and taxed must be lawfully created BEFORE you  
41 became a “statutory “taxpayer”.

- 42 7. The words associated with the status such as “taxpayer” (under the Income Tax franchise), “driver” (under the Vehicle  
43 Code franchise), “spouse” (under the Family Code franchise) are defined on all forms you submitted to NOT be  
44 associated with the status that the public rights or franchise rights attach to. The following form on our website defines

1 all terms used on any government form submitted to third parties as EXCLUDING the meanings appearing in any  
2 federal law:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

- 3 8. The franchise contract/agreement cannot be enforced extraterritorially against those not domiciled on federal territory,  
4 such as people within constitutional states of the Union.  
5 9. The franchise is unenforceable as a contract BECAUSE it provides nothing that you define as a “benefit”.  
6 10. The laws regulating officers of the court FORBID them from making determinations about your status in the context of  
7 the proceeding that might associate you with obligations under the franchise contract. For instance, the Declaratory  
8 Judgments Act, 28 U.S.C. §2201(a) prohibits federal judges from declaring or determining whether you are a statutory  
9 “taxpayer”.

10 *Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether*  
11 *or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) This*  
12 *Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions*  
13 *brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the*  
14 *instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)*  
15 *(affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).*  
16 *Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.*  
17 *[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005) ]*

### 18 7.9.1.2 How to skip out of “government church worship services”

19 It ought to be clear by now that government is simply another type of church and religion. We call it a “civil religion” and  
20 we have written an entire book to describe this religion:

Socialism: The New American Civil Religion, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

21 Those who don’t want to join the church simply change their domicile to be outside the state-sponsored church:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

22 Those who are not part of the church but who appear before the priests of the church, who are the judges in the government’s  
23 courts, are presumed to consent to their jurisdiction if they make an “appearance” before a judge:

24 appearance. *A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or*  
25 *defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The*  
26 *voluntary submission to a court's jurisdiction.*

27 *In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who*  
28 *enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages*  
29 *of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf.*  
30 *See e.g., Fed.R.Crim.P. 43.*

31 *An appearance may be either general or special; the former is a simple and unqualified or unrestricted*  
32 *submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose*  
33 *only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the*  
34 *sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a*  
35 *general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court.*  
36 *Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.*  
37 *[Black's Law Dictionary, Sixth Edition, p. 97]*

38 If you are compelled to appear before a priest of the state-sponsored church, all you have to do is make a “special visitation”  
39 rather than an “appearance”. This deprives the priest of your “worship and obedience”. One of our readers sent us information  
40 about a very interesting technique he uses when he gets involuntarily invited to a government “worship service” in a federal  
41 church called “District Court”. The intent of the interchange is to emphasize that we don’t consent and therefore are not  
42 subject to the jurisdiction of the court. We repeat it below for your edification and education.

1           What I'm talking about is actually a legal strategy that we ALL should be employing in the Courts, but very few  
2 of us do. It all has to do with CONTRACT law. I've actually known about this for a long time, but just recently  
3 did an in-depth study.

4           As I said, it's all built around contracts. EVERY State, and EVERY City in the United States of America is a for-  
5 profit corporation. It is the goal of every for-profit corporation to conduct "business" in order to obtain profits.  
6 It is impossible for any "business" to be conducted without a contract of some type in place. ALL businesses  
7 (contracts) are governed by the Uniform Commercial Code. For example, when you go to the grocery store, you  
8 offer to discharge your debt for the items you select by offering to give the clerk a certain amount of Federal  
9 Reserve Notes. This is a verbal contract which is consummated by both of your actions. You have made an  
10 exchange of equal value.

11           The same type of thing applies in the Courts. Courts, whether "of record" (state), or not "of record"  
12 (municipal/city), are all corporations, doing business for a profit. The only way a corporation can force you to  
13 do business with them is IF THEY HAVE YOU UNDER CONTRACT. A judge will always ask you your name,  
14 and if you understand the charges. If you give a name, and indicate that you understand the charges, you have  
15 entered into a contract to do business with the Court, and the Court will always protect its government  
16 corporations. The judge is nothing more than a third party debt collector corporate employee. If you do not enter  
17 into a contract to do business with the Court, then the Court cannot proceed against you, as it is not a party.  
18 Below is a sample transcript of how one might proceed to deny jurisdiction to the Courts using this approach.

19           J = Judge  
20           PA = Prosecuting Attorney  
21           C = Citizen  
22

23           PA: Would you please identify yourself?

24           C: I make a reservation of all rights at all times, and surrender, transfer or relinquish none of my rights at any  
25 time. I am "I, me, myself, a Citizen of the United States of America"

26           J: Please answer the question

27           C: I just did.

28           J: We need your name.

29           C: I'll just bet you do.

30           J: I'm not going to play this game. Let the record show that the defendant has refused to identify himself.

31           C: I take exception to that statement. I have done no such thing, and I assure you that you are absolutely correct  
32 when you say that this is not a game. I am dead serious.

33           J: You didn't give the Court your name!

34           C: And, I'm not about to!

35           J: But, you have to give your. . . .

36           C: I don't have to do anything, because I'm not under contract to you. Judge, do you have a claim against me?

37           J: The State of XXXXXXXXXX has a claim against you.

38           C: No, it doesn't. It has a civil "allegation" (or "charge" if you are being tried for a crime), but there is no "claim".  
39 There is a BIG difference between a "claim" and an "allegation" (or "charge", as the case may be). Don't try to  
40 change the subject. I asked you if you personally have a claim against me?

41           J: No.

42           C: Can you produce any evidence that I've entered a contract to do business with this Court?

43           J: What do you mean?

44           C: Don't you know what a contract is?

1 J: Of course I do!

2 C: Well, where is your evidence that I've allegedly entered into any contract to do business with this Court? I  
3 haven't given my name, and I DO NOT understand the allegations (or charges).

4 J: I don't need any contract. This Court has jurisdiction of all the Citizens of this state.

5 C: Oh, yeah? Sans a contract, exactly what is your lawful authority for that statement? I want to see an actual  
6 LAW. This Court is a division of a corporation, and I have elected NOT to do business with you. Judge, you do  
7 not have me under contract. I have given no name, nor do I understand any "charge" or "allegation". You are a  
8 third party debt collector, and I grant you no authority or jurisdiction over me whatsoever. That having been  
9 said, I am not under contract to you, and by your own admission you have acknowledged that no claim has been  
10 stated upon which relief may be granted. I do not accept any judgment from this Court. I order this Court, in the  
11 name of the United States Constitution, to dismiss these charges and/or allegations against me, with prejudice,  
12 unless you can produce a contract by which I've agreed to do business with you, and you can state a claim for  
13 which relief may be granted.  
14

15 This is one way that you can absolutely deny the Courts any jurisdiction over you whatsoever. They will have no  
16 choice but to dismiss the charges against you if you do not agree to contract to do business with them.

17 The above reader then referenced the series of articles below as the authority for the above. Those articles are available at:

*Invisible Contracts*, George Mercier, Form #11.107  
<http://sedm.org/Forms/FormIndex.htm>

### 18 **7.9.1.3 How to develop evidence of the absence of consent**

19 Our approach in our private lives to eliminate all evidence of consent and to show that we don't consent is must instead be  
20 as follows:

- 21 1. Recognize what evidence the government uses to prove "consent" to engage in a privileged, excise taxable activity. That  
22 activity is a "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office" in the  
23 U.S. government. Such evidence includes:
  - 24 1.1. IRS Form W-2s.
  - 25 1.2. IRS Form 1042s.
  - 26 1.3. IRS Form 1098s.
  - 27 1.4. IRS Form 1099s.
  - 28 1.5. IRS Form 8300: Currency Transaction Report.
  - 29 1.6. IRS Form 1040s.
  - 30 1.7. SSA Form SS-5.
  - 31 1.8. SSA Form SS-4.

- 32 2. Eliminate all evidence of consent by:

- 33 2.1. Ending participation in Social Security. See:

*Resignation of Compelled Social Security Trustee*, Form #06.002

<http://famguardian.org/TaxFreedom/Forms/Emancipation/SSTrustIndenture.pdf>

- 34 2.2. Correcting government records describing our citizenship status:

*Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001

<http://sedm.org/Forms/FormIndex.htm>

- 35 2.3. Open all of your financial accounts using the proper form, the AMENDED IRS Form W-8BEN, so that you aren't  
36 "presumed" to be a statutory "U.S. person" and instead are a "non-resident non-person" not connected with a "trade  
37 or business". Close all accounts previously opened WITHOUT this form. See:

*About IRS Form W-8BEN*, Form #04.202

<http://sedm.org/Forms/FormIndex.htm>

- 38 2.4. Avoiding all government franchises and licenses. See section 4 of our SEDM Liberty University for resources  
39 useful in this goal:

*SEDM Liberty University*, Section 4

<http://sedm.org/LibertyU/LibertyU.htm>

- 2.5. Submitting the correct forms to private employers and financial institutions for all future transactions and notifying private employers and financial institutions that they are violating the law if they continue to file these erroneous reports.
- 2.6. Rebut all Information Returns which might connect you to the “trade or business” activity. See:
  - 2.6.1. *Income Tax Withholding and Reporting Course*, Form #12.004:  
<http://sedm.org/LibertyU/LibertyU.htm>
  - 2.6.2. 26 U.S.C. §6041.
  - 2.6.3. *Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.6.4. *Correcting Erroneous IRS Form W-2s*, Form #04.006:  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.6.5. *Correcting Erroneous IRS Form 1042s*, Form #04.003:  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.6.6. *Correcting Erroneous IRS Form 1098s*, Form #04.004:  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.6.7. *Correcting Erroneous IRS Form 1099s*, Form #04.005:  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.6.8. Prevent erroneous Currency Transaction reports from being filed against you using the following form:

*Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report*, Form #04.008  
<http://sedm.org/Forms/FormIndex.htm>

3. When coerced illegally to provide evidence of consent, in the form of IRS Form W-4s, SS-5s, Social Security Numbers, and IRS Form 1040s:
  - 3.1. Attach evidence of said duress and ensure that you provide copies of it whenever you interact with revenue agencies so that it ends up as evidence you can use in your administrative record, should litigation be necessary later.
  - 3.2. Avoid using standard IRS Forms, which are only for “taxpayers” who consent to the Internal Revenue Code. IRS has no forms for “nontaxpayers”. Instead, do one of the following, in descending order of preference.
    - 3.2.1. Use AMENDED IRS Forms from the following page:  
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>
    - 3.2.2. If the IRS won’t accept the AMENDED forms, modify existing forms by hand according to the instructions in section 1 of the link below:  
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>
    - 3.2.3. If the IRS won’t accept modified forms, use the standard form, write somewhere near your signature “Not valid without the attached signed ‘Tax Form Attachment’” and then attach the following form:

*Tax Form Attachment*, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

4. Educate and inform private employers and financial institutions about what the law actually says and why they aren’t following it. Threaten litigation if they don’t shape up. See:

*Federal and State Tax Withholding Options for Private Employers*, Form #09.001  
<http://sedm.org/Forms/FormIndex.htm>

#### 7.9.1.4 How to argue the requirement for consent in court

A lot of freedom lovers have studied the subject of private law, public law, and positive law extensively and used that knowledge to defend their rights in federal court. Many lose because they present the issue improperly. Here are things that you should not argue in federal court, based on our research on this subject so far:

1. That the Internal Revenue Code is not “law” for ANYONE. This is not true.
2. That the Internal Revenue Code is not enforceable unless it is a positive law. This is not true. However, those statutes within it which the government seeks to enforce must individually be proven to be positive law and therefore legally admissible evidence, or else they are nothing more than an unconstitutional prejudicial presumption.
3. That “taxpayers” do not have to obey or are not subject to the Internal Revenue Code. They are subject and they must obey.
4. That there are no “taxpayers”. There are, and nearly all of them are Social Security business trusts with you as the “trustee”. See:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

1 Below are rulings by several federal courts against those who litigated the fact that the Internal Revenue Code is not positive  
2 law, which is not a good idea:

3 *Ryan's primary contention on appeal is that, as Congress has never enacted Title 26 of the United States Code*  
4 *into positive law, the defendants violated his constitutional rights by attempting to enforce it.\*fn3 Thus, he*  
5 *concludes, the district court erred by dismissing his suit. This contention is frivolous.*

6 *Congress's failure to enact a title into positive law has only evidentiary significance and does not render the*  
7 *underlying enactment invalid or unenforceable. See 1 U.S.C. §204(a) (1982) (the text of titles no enacted into*  
8 *positive law is only prima facie evidence of the law itself). Like it or not, the Internal Revenue Code is the law,*  
9 *and the defendants did not violate Ryan's rights by enforcing it.*  
10 *[Ryan v. Bilby, 764 F.2d. 1325 (9th Cir. 07/03/1985)]*

11  
12  
13 **Defendant asserts that, unless and until Congress enacts a title of the United States Code into positive law, the**  
14 **title and all provisions contained therein are of no legal force.** *A necessary corollary to this transparently*  
15 *semantic argument is that a majority vote of the respective houses of Congress on a resolution reported out by*  
16 *the appropriate committee or committees does not make law. Such a notion, anathema to any rational legislative*  
17 *process, is totally inconsistent with the process contemplated by the constitution. Instead, a piece of legislation*  
18 *takes effect according to its terms when Congress properly approves a bill and the President either signs it, fails*  
19 *to object within ten days, or vetoes it but Congress overrides the veto. This, and only this, is legislation or statutory*  
20 *law.*

21  
22 *Codification of existing legislation is an entirely different, subsequent and largely ministerial matter, directed*  
23 *towards the proper and commendable goal of collecting the multitude of congressional enactments in force and*  
24 *organizing them in a readily-accessible manner. The "United States Code" is, of course, such a codification. Acts*  
25 *of Congress do not take effect or gain force by virtue of their codification into the United States Code; rather,*  
26 *they are simply organized in a comprehensive way under the rubric of appropriate titles, for ready reference.*  
27 *[14] Nor does the enactment into "positive" law of a title of the United States Code make or unmake the efficacy*  
28 *or force of a duly-enacted law. Instead, congressional enactment of a title of the United States Code, as such, into*  
29 *positive law is relevant only to the question of whether the contents of that Code title itself, as such, are to be*  
30 *deemed to constitute full and faithful reflections of the law in force as Congress has enacted it. Where a title has*  
31 *not undergone the mystical-sounding ritual of "enactment into positive law," recourse to the numerous volumes*  
32 *of the statutes at large or other records of congressional proceedings is available in case a question arises as to*  
33 *the accuracy of the version of the law as enacted by Congress. Where a title has, however, been enacted into*  
34 *positive law, the Code title itself is deemed to constitute conclusive evidence of the law; recourse to other sources*  
35 *is unnecessary and precluded. [15] Thus, a codification is evidence of law as Congress enacted it. Enactment*  
36 *into positive law only affects the weight of that evidence. Congress has set all of this forth for a law now codified*  
37 *in language somewhat more technical than the above at 1 U.S.C. §204(a). Under this section, and as plainly*  
38 *explained in defendant's own Exhibit 5 appended to his motion, whenever a title, as such, is enacted into positive*  
39 *law, the text of that title constitutes legal evidence of the laws contained in that title. In construing a provision of*  
40 *such a title, a court may neither permit nor require proof of the underlying original statutes. Where, however, a*  
41 *title, as such, has not been enacted into positive law, then the title is only prima facie or rebuttable evidence of*  
42 *the law. If construction of a provision to such a title is necessary, recourse may be had to the original statutes*  
43 *themselves. 1 U.S.C. §204(a). See United States v. Welden, 377 U.S. 95, 84 S.Ct. 1082, 12 L.Ed.2d. 152 (1964).*

44  
45 **Thus, the failure of Congress to enact a title as such and in such form into positive law -- the criteria for such**  
46 **a determination being those detailed in defendant's Exhibit 6 -- in no way impugns the validity, effect,**  
47 **enforceability or constitutionality of the laws as contained and set forth in the title. Defendant's argument that**  
48 **Title 26 is without legal force is therefore specious.** *The remaining assertions in defendant's April 2 pleading*  
49 *need not detain the court. While the constitution does not, as defendant notes, explicitly refer to nor create an*  
50 *Internal Revenue Service, that fact cannot be said to preclude congressional delegation of tax-collecting authority*  
51 *to an executive agency, such as the IRS. There is nothing improper in the prosecution of this action.*  
52 *[United States v. Zuger, 602 F.Supp. 889 (D. Conn. 06/18/1984)]*

53 If you then need to litigate in federal court to defend your rights because the government does not respect the requirement for  
54 consent and collects illegally against a nontaxpayer who is not subject to the Internal Revenue Code, the best way we know  
55 of to approach the subject of the requirement for consent in court is to use the following tactics:

- 56 1. Emphasize that the following authorities forbid "involuntary servitude", which is simply any kind of servitude that you  
57 do not consent to:
  - 58 1.1. [Thirteenth Amendment](#)
  - 59 1.2. [42 U.S.C. §1994: Peonage abolished](#)
  - 60 1.3. [18 U.S.C. §1583: Enticement into slavery](#)
- 61 2. Challenge every instance of presumption the government attempts to engage in which prejudices or violates your  
62 constitutional rights. Emphasize that:

2.1. All presumption that prejudices constitutional rights is unconstitutional and impermissible, including the presumption that one is a “taxpayer” subject to the Internal Revenue Code.

(1) [8:4993] Conclusive presumptions affecting protected interests:

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34]

2.2. Presumption is a biblical sin that you cannot engage in or be compelled by the government to engage in. See Numbers 15:30.

"But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the LORD, and he shall be cut off from among his people."  
[Numbers 15:30, Bible, NKJV]

2.3. A “presumption” is neither evidence nor a substitute for evidence.

A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.  
[Black's Law Dictionary, Sixth Edition, p. 1185, under "presumption"]

2.4. Statutory presumptions, such as 26 U.S.C. §7701(c), are unconstitutional if used to expand jurisdiction of the government beyond the clear language within the Internal Revenue Code:

This court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment. For example, Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.

'It is apparent,' this court said in the Bailey Case ( 219 U.S. 239, 31 S.Ct. 145, 151) 'that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.'  
[Heiner v. Donnan, 285 U.S. 312 (1932)]

For further details on this scam, see:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

For further information about how presumption is abused to unlawfully enlarge federal jurisdiction, see:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

3. Emphasize that the court is prohibited by 28 U.S.C. §2201(a) from declaring you a “taxpayer”, and especially if you say you aren’t.

"Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991) (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability). Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED. "**  
[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

"And by statutory definition, 'taxpayer' includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of 'taxpayer' is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts..."  
[C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d. 18 (1939)]

4. Emphasize that the IRS cannot lawfully make you a “taxpayer” by doing an involuntary assessment against you.

1 "A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of  
2 assessment against individuals not specified in the statutes as a person liable for the tax without an opportunity  
3 for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and their property is  
4 seized..."

5 [Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]

**Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent,**  
Form #05.011

<http://sedm.org/Forms/FormIndex.htm>

- 6 5. Insist that the burden of proof is upon the government to prove that you are a "taxpayer" before the burden shifts to you  
7 under [26 U.S.C. §7491](#) to prove that you aren't liable. Note that Section 7491 uses the word "taxpayer", which you  
8 aren't. See:

**Government Burden of Proof,** Form #05.025

<http://sedm.org/Forms/FormIndex.htm>

- 9 6. Emphasize that the government, which is usually the prosecution, may not cite or enforce any provision of the Internal  
10 Revenue Code against a "nontaxpayer" who is not subject to it, which you should have extensive evidence to prove  
11 includes you:

12 "The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers,  
13 and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no  
14 attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not  
15 assume to deal, and they are neither of the subject nor of the object of the revenue laws..."

16 [Long v. Rasmussen, 281 F. 236 (1922)]

17 "Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national  
18 and not Federal Government] and not to non-taxpayers [American Nationals not subject to the exclusive  
19 jurisdiction of the national Government]. The latter are without their scope. No procedures are prescribed for  
20 non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."

21 [Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

- 22 7. Challenge jurisdiction of the government to enforce an income tax within a state of the Union using section 8 of the  
23 following valuable resource:

**Federal Jurisdiction,** Form #05.018

<http://sedm.org/Forms/FormIndex.htm>

- 24 8. Present evidence of unlawful duress to the court developed in the previous section, which hopefully will be extensive  
25 and will already be in your IRS administrative record:

26 "An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not  
27 exercising his free will, and the test is not so much the means by which the party is compelled to execute the  
28 agreement as the state of mind induced.<sup>49</sup> Duress, like fraud, rarely becomes material, except where a contract  
29 or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract  
30 or conveyance voidable, not void, at the option of the person coerced,<sup>50</sup> and it is susceptible of ratification. Like  
31 other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>51</sup> However, duress in the  
32 form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so,  
33 is generally deemed to render the resulting purported contract void.<sup>52</sup>"

34 [American Jurisprudence 2d, Duress, §21 (1999)]

- 35 9. Present evidence developed in the previous section to prove that:  
36 9.1. Information returns were filed against you in violation of 26 U.S.C. §§7206, 7207, and 7434.  
37 9.2. Insist that because the information returns were incorrect, the government is demanded to criminally prosecute the  
38 submitters of these false information returns pursuant to 26 U.S.C. §§7206 and 7207.

<sup>49</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>50</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>51</sup> Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>52</sup> Restatement 2d, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

9.3. That information returns submitted against you are not admissible as evidence because:

9.3.1. They are “fruit of a poisonous tree”, which means the fruit of a crime. *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d. 441 (1963).

9.3.2. They are excludible under the Hearsay Rule, Federal Rule of Evidence 802 because not signed under penalty of perjury.

9.3.3. You are not engaged in a “trade or business”.

10. To emphasize that all income taxes are based on “domicile”, which is a voluntary choice, thus making taxes based on them voluntary and avoidable. Then present proof to the court that you don’t maintain a domicile within their jurisdiction and therefore don’t consent to it and are not subject to it. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

11. To argue that the Internal Revenue Code is “private law” or “special law” rather than “public law”, which applies only to a very narrow group of people that you are not part of. Then to demand evidence of consent to it as “private law”. This places the burden of proof on the government to prove consent, which they won’t be able to do if you have eliminated all evidence of consent and shown that any that remains was submitted under duress and therefore is not obligatory. This means you are going to have to read it to learn who the IRC applies to and why it doesn’t cover you. You will also need to request a declaratory judgment from the court on which of the two that it is so that they have no option but to address the issue, because they will certainly do their best to avoid it.

12. To argue that the Internal Revenue Code only applies to federal officers, “employees”, contractors, benefit recipients, and members of the military and not to the general public. See:

*Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes*, Form #05.008  
<http://sedm.org/Forms/FormIndex.htm>

13. To focus on the fact that the Internal Revenue Code, Subtitle A is a tax on voluntary, avoidable, privileged, excise taxable activity called a “trade or business”, and to show that you aren’t involved in it, don’t consent to be involved in it, and that banks and financial institutions are violating the law by filing reports that connect you to it. See our article below:

*The “Trade or Business” Scam*, Form #05.001  
<http://sedm.org/Forms/FormIndex.htm>

14. To emphasize the fact that no provision of the Internal Revenue Code may lawfully be enforced against persons in states of the Union without publication of the enforcement provision, whether a statute or implementing regulations, in the Federal Register. See:

*Federal Enforcement Authority Within States of the Union*, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

15. To demand that the government prove that the section of the Internal Revenue Code they are citing is “positive law”, and to demand that if they can’t, that such “prima facie evidence” should not be admitted into evidence because it is based on presumption and is a violation of due process which prejudices your constitutional rights. We talk about why “presumption” is a violation of due process in our memorandum below:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

16. To not cite anything from the Internal Revenue Code as authority in any suit, because you are a “nontaxpayer” not subject to it. Only “taxpayers” subject to the Internal Revenue Code can quote it or avail themselves of any benefit from using it.

*“The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 37 S.Ct. 609; St. Louis, etc., Co., v. George C. Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178.”*  
*[Ashwander v. TVA, 297 U.S. 288 (1936)]*

California Civil Code

1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

All you do by quoting and using the Internal Revenue Code is to prove that it is “law” for you and that you are subject to it. See:

17. Use your Constitutional rights and not federal statutes as your authority for suit, and focus on an injury caused by a direct violation of law of a specific federal employee. Don't sue the "United States", because it will assert sovereign immunity. Instead, sue the specific federal employee individually and personally for violation of rights. Don't do it as a Bivens action or under [42 U.S.C. §1983](#), but under equity jurisdiction and using Diversity of citizenship under 28 U.S.C. §1332(a)(2). Cite the Foreign Sovereign Immunities Act at [28 U.S.C. §1602-1611](#):

*Plaintiff's complaint asserts that the civil rights statutes, 42 U.S.C. §1981, 1983, and 1986, give this court jurisdiction over his suit. However, none of these provisions is an appropriate basis for relief in this case. Section 1981 is restricted by the import of its language to discrimination based on race or color. Virginia v. Rives, 100 U.S. 313, 25 L.Ed. 667 (1880); Willingham v. Macon Telegraph Publishing Co., 482 F.2d. 535, 537 n. 1 (5th Cir. 1973). In fact, the language of § 1981 militates against plaintiff's case, because the section provides that "all persons" shall be subject to taxes. Section 1983 prohibits deprivation of rights under color of state law. However, actions of IRS officials, even if beyond the scope of their official duties, are acts done under color of federal law and not state law, thus making § 1983 inapplicable. Seibert v. Baptist, 594 F.2d. 423 (5th Cir. 1979), cert. denied, 446 U.S. 918, 100 S.Ct. 1851, 64 L.Ed.2d. 271 (1980); Mack v. Alexander, 575 F.2d. 488, 489 (5th Cir. 1978). Section 1986 creates a cause of action for failure or neglect to prevent a § 1985 conspiracy. However, § 1985(1) deals with conspiring to prevent an official from discharging his duties, while § 1985(2) deals with obstructing justice, both of which are inapplicable here. Section 1985(3) requires that there be "some racial, or perhaps otherwise class based, invidiously discriminatory animus behind the conspirators' action," Griffin v. Breckenridge, 403 U.S. 88, 102, 91 S.Ct. 1790, 1798, 29 L.Ed.2d. 338 (1971), none of which is alleged to be present here. It is therefore obvious that none of these statutory provisions can provide plaintiff with a basis for suit.*

*The court notes that two general jurisdiction statutes may have some potential applicability to this case. However, the court is convinced that neither one of these statutes will supply this court with jurisdiction over plaintiff's claim. The first statute, 28 U.S.C. §1340, grants the district court original jurisdiction of any civil action arising under any act of Congress providing for internal revenue. The very language of the statute indicates that this section does not create jurisdiction in and of itself. Section 1340 makes clear that the jurisdiction extends to civil actions arising under the Internal Revenue laws; as such, the suit must be based on some cause of action which the Internal Revenue Code recognizes and allows the plaintiff to bring. Absent some recognition of this kind of suit under the Internal Revenue Code, § 1340 will not create an independent basis for jurisdiction. As one court has noted, "given the limitations which Article III of the Constitution places on the jurisdiction of the federal courts, it is doubtful that the various jurisdictional statutes [like § 1340] could do more than waive the congressionally imposed jurisdictional amount requirement." Crown Cork & Seal Co. v. Pennsylvania Human Relations Comm., 463 F.Supp. 120, 127 n. 8 (E.D.Pa. 1979).*

*It appears that this case does not arise under the Internal Revenue Code. Plaintiff does not seek either to enforce any provision of the Code or to pursue a statutory remedy under the Code. Rather, he seeks damages for the alleged violation of his rights. In fact, the whole thrust of plaintiff's case is that he is outside the scope of the Code so that the actions of the defendants are violations of his rights. However, if the plaintiff's claim comes from outside the Code, then it logically cannot "arise under" the Code, and therefore § 1340 cannot provide plaintiff with jurisdiction.*

*A second possible source of general jurisdiction is 28 U.S.C. § 1331, the federal question jurisdiction statute. Plaintiff claims that he is outside the scope of the federal income tax laws. Such a claim brings into question the interpretation of several provisions of the Internal Revenue Code. This may be sufficient to create some kind of federal question jurisdiction based on the interpretation of the Code. However, this federal question would not provide a sufficient jurisdictional basis for plaintiff's damage claim. In order to recover damages, the plaintiff must show that he can recover damages for violations stemming from defendants' alleged unconstitutional activity. Plaintiff can obtain damages against the defendants under only one of two theories: a claim under the Federal Tort Claims Act, 28 U.S.C. § 2671-2680; or an implied cause of action under the principles of Bivens v. Six Unknown Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d. 619 (1971). As will be discussed more fully in the next section of this order, a claim under the Federal Tort Claims Act will fail on principles of sovereign immunity. Furthermore, in Seibert v. Baptist, 594 F.2d. 423, 429-32 (5th Cir. 1979), cert. denied, 446 U.S. 918, 100 S.Ct. 1851, 64 L.Ed.2d. 271 (1980), the court refused to recognize a Bivens-type cause of action against the IRS and IRS officials and agents. The actions of the present defendants in assessing the taxes and penalties against the plaintiff and in generally operating under the IRS regulatory framework were not of the outrageous nature of those found in Bivens. This court agrees with the Seibert court and refuses to recognize a Bivens-type cause of action against the IRS or IRS officials and agents for the collection and assessment of taxes. Thus, while a federal question may exist, it provides no basis for plaintiff to recover damages. As such, § 1331 cannot provide this court with jurisdiction over plaintiff's damage claim. [Young v. IRS, 596 F.Supp. 141 (N.D.Ind 09/25/1984)]*

Below is how one of our members describes the income tax fraud in his pleadings before federal courts which emphasizes and reinforces everything we have said in this pamphlet:

1 I am a reasonable person, but my religious beliefs do NOT permit me to participate in a state-sponsored civil  
2 religion of the kind created in this courtroom. I recognize this proceeding not as a legal war, but a spiritual war.

3 "For we do not wrestle against flesh and blood, but against principalities, against powers,  
4 against the rulers of the darkness of this age,[a] against spiritual hosts of wickedness in  
5 the heavenly places."  
6 [[Eph. 6:12](#), Bible, NKJV]

7 This is a worship service, the court is the church, the Internal Revenue Code is the state-sponsored Bible, and it  
8 is nothing but a presumption that is not positive law. \_\_\_\_\_[U.S. attorney name] is the state licensed  
9 and "ordained" deacon who is conducting this particular worship service. He was "ordained" by the chief  
10 priests of the \_\_\_\_\_[state name] Supreme Court. This religion is a Civil Religion, and it is based on glorifying  
11 and empowering man and governments made up of men instead of the true and living God. Of this subject, the  
12 Bible says and requires the following:

13 "It is better to trust the Lord  
14 Than to put confidence in man.  
15 It is better to trust in the Lord  
16 Than to put confidence in princes [or government, or the 'state']."  
17 [[Psalm 118:8-9](#), Bible, NKJV]

18 The Internal Revenue Code regulates the tithes to this state-sponsored church. Those who want to voluntarily  
19 join this government church simply choose a domicile within the "United States", which is the District of  
20 Columbia, and thereby shift their allegiance from God to a political ruler, thus FIRING God from their life. The  
21 "faith" practiced by this civil religion is called "presumption". People who practice this satanic religion are  
22 motivated primarily by fear rather than love for their God or their neighbor. Those who are members of this  
23 church are called "U.S. persons", "taxpayers", and "public officers" who are acting in a representative capacity  
24 not of the true and living God, but a pagan, socialist, money-grubbing politician whose only concern is expanding  
25 and aggrandizing his own vain importance. What the Plaintiff is attempting to do in this case is destroy and  
26 discredit a competing religion, Christianity, in order to elevate his religion to top, and he is doing it in violation  
27 of the First Amendment. He has done so by refusing to recognize a religion for what it is, by turning its  
28 parishioners into "customers", and by reclassifying its beliefs to make them into factual commercial speech in  
29 violation of the First Amendment. There is no stare decisis that could or does permit this malicious attempt to  
30 dis-establish a religion by the Plaintiff. His presence here is an immune response to a competing religion. On  
31 this subject, Rousas Rushdoony has said:

32 ". . .there can be no tolerance in a law-system for another religion. Toleration is a device  
33 used to introduce a new law-system as a prelude to a new intolerance. Legal positivism, a  
34 humanistic faith, has been savage in its hostility to the Biblical law-system and has claimed  
35 to be an "open" system. But Cohen, by no means a Christian, has aptly described the logical  
36 positivists as "nihilists" and their faith as "nihilistic absolutism." [3] Every law-system  
37 must maintain its existence by hostility to every other law-system and to alien religious  
38 foundations or else it commits suicide."  
39 [[The Institutes of Biblical Law, Rousas John Rushdoony, The Craig Press, Library of  
40 Congress Catalog Card Number 72-79485,1973, pp. 4-5, Emphasis added](#)]

41 I cannot condone the abuse of the machinery of this state-sponsored church and tribunal to allow the government  
42 to promote and expand a civil religion of the kind clearly demonstrated here today. The only law I can or will  
43 recognize is God's Law found in THIS BOOK (hold up the bible). By that Sovereign and Eternal Law, I cannot  
44 lawfully participate as a "citizen" or "domiciliary" of this corrupted forum, be subject to any civil laws within  
45 the forum, or participate in any of its franchises such as a "trade or business", Socialist Security, or any other  
46 method of surrendering the sovereignty God gave me and delegating it to a pagan ruler. I am instead a "stateless  
47 person", a "foreign sovereign", a "transient foreigner", a and a "non-resident non-person" and I have a  
48 protected First Amendment right to make that choice to disassociate from governments that have become corrupt  
49 and are not fulfilling their Biblical mandate of providing ONLY protection such as this one. As a stateless person,  
50 I can still be a law abiding American by obeying ONLY the criminal laws of the area I temporarily occupy but do  
51 not inhabit. By obeying God's Laws, I satisfy the criminal laws, and so I am NOT a bad American in any sense.  
52 It is not a crime under God's laws to not subject yourself to laws which require your explicit consent and choice  
53 of domicile in order to be subject to.

54 It is a violation of the First Amendment for this court to interfere with the right to change one's domicile and  
55 politically disassociate, or to falsely and maliciously label such a protected political choice of disassociation as  
56 an illegal "tax shelter" that can lawfully be enjoined. If this court cannot lawfully involve itself in "political  
57 questions", then it also cannot interfere with the political right to disassociate by changing one's domicile and  
58 allegiance, abandoning the protections of a corrupted government, and restoring God to His sovereign role as  
59 our ONLY Lawgiver, King, and Judge.

## 60 **7.9.2 Using the Uniform Commercial Code (U.C.C.) to Defeat Attempts to Compel Participation in Government** 61 **Franchises**

### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

### 7.9.2.1 Introduction to the UCC

The Uniform Commercial Code (U.C.C.) governs all commercial interactions at the federal and state levels. This code is PRIVATE law published by Unidroit. Entire reference libraries exist on the subject of the U.C.C. The most famous one is published by the American Bar Association (A.B.A.):

*ABC's of the UCC*, American Bar Association  
<https://www.americanbar.org/products/inv/book/414195649/>

Every commercial transaction is an exercise of your right to contract and it has all the elements of a valid contract:

1. An offer. The person making the offer is called the “merchant”. U.C.C. §2-206(1).
2. An acceptance. The person making the acceptance is attempting to contract with the merchant for a specific product or service. Acceptance can be signaled expressly in writing or impliedly through performance of the obligation demanded. U.C.C. §2-206(2) and (3) and U.C.C. §2-207.
3. Mutual consideration or obligation. Without mutual consideration or obligation, a valid contract cannot be created.
4. Absence of duress. Any contract entered into in the presence of duress is voidable but not necessarily void.

Every time you interact with the government, you are engaging in a commercial transaction where you exchange PRIVATE rights for government “benefits” or “privileges”. Filling out any kind of government “application” is an example of an attempt on your part to:

1. Consensually contract with the government.
2. Exchange PRIVATE rights for PUBLIC privileges.
3. Possibly ALSO consent to become a public officer within the government called “taxpayer” (under the tax code), “driver” (under the vehicle code), “spouse” (under the Family Code).
4. “Purposefully avail” yourself of commerce within the legislative jurisdiction of said government and thereby waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. In particular, see 28 U.S.C. §1605(a).

A knowledge of the Uniform Commercial Code (U.C.C.) is essential in order to defeat attempts to compel you to participate in government franchises such as Social Security, Medicare, unemployment insurance, driver licensing, etc. Such compulsion is very common and often invisible to the average American. Being able to recognize when the compulsion occurs and having tools at your disposal to fight the compulsion is crucial to preserving your rights and sovereignty.

### 7.9.2.2 Merchant or Buyer?

Within the Uniform Commercial Code (U.C.C.), there are only two types of entities that you can be:

1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.

Playing well the game of commerce means being a Merchant, not a Buyer, in relation to any and every government. Governments try to ensure that THEY are always the Merchant, but astute freedom-minded people ensure that any and every government form they fill out switches the roles and makes the GOVERNMENT into the Buyer and debtor in relation to them. On this subject, the Bible FORBIDS believers from EVER becoming “Buyers” in relation to any and every government:

*“You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a “resident” or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a snare to you.”*  
*[Exodus 23:32-33, Bible, NKJV]*

*“I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and I said, I will never break My covenant with you. And you shall make no covenant [contract or franchise or*

1 agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their  
2 [man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you done this?

3 "Therefore I also said, 'I will not drive them out before you; but they will become as thorns [terrorists and  
4 persecutors] in your side and their gods will be a snare [slavery!] to you.'"

5 So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up  
6 their voices and wept.  
7 [Judges 2:1-4, Bible, NKJV]

8 The Bible also forbids believers from ever being borrowers or surety, and hence, from ever being a Buyer. It says you can  
9 LEND, meaning offer as a Merchant, but that you cannot borrow, meaning be a "Buyer" under the U.C.C., in relation to any  
10 and every government:

11 "For the Lord your God will bless you just as He promised you; you shall lend to many nations, but you shall  
12 not borrow; you shall reign over many nations, but they shall not reign over you."  
13 [Deut. 15:6, Bible, NKJV]

14 "The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless  
15 all the work of your hand. You shall lend to many nations, but you shall not borrow."  
16 [Deut. 28:12, Bible, NKJV]

17 "You shall not charge interest to your brother--interest on money or food or anything that is lent out at interest."  
18 [Deut. 23:19, Bible, NKJV]

19 "To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your  
20 God may bless you in all to which you set your hand in the land which you are entering to possess."  
21 [Deut. 23:20, Bible, NKJV]

22 Buyers take positions, defend what they know and make statements about it; they ignore, argue and/or contest. Extreme  
23 buyer-minded people presume victimhood and seek to limit their liability. Buyers operate unwittingly from and within the  
24 public venue. They are satisfied with mere equitable title - they can own and operate, but not totally control their property.  
25 Buyer possibilities are limited and confining, as debtors are slaves.

26 Merchants are present to whatever opportunity arises; they ask questions to bring remedy if called for; they accept, either  
27 fully or conditionally. Accomplished Merchants take full responsibility for their life, their finances and their world.  
28 Merchants understand and make use of their unlimited ability to contract privately with anyone they want at any time. They  
29 maintain legal title and control of their property. Merchant possibilities are infinite. Merchants are sovereign and free.

30 Governments always take the Merchant role by ensuring that every "tax" paid to them is legally defined as and treated as a  
31 "gift" that creates no obligation on their part:

32 31 U.S.C. § 321 - General authority of the Secretary

33 (d)

34 (1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real  
35 and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and  
36 bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited  
37 in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property  
38 accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with  
39 the terms of the gift or bequest.

40 (2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be  
41 considered as a gift or bequest to or for the use of the United States.

42 Hence, you should never describe ANYTHING you pay to them as a "tax" or a "gift", but rather a temporary GRANT that  
43 comes with strings, just like the way they do with all their socialist franchises. Likewise, you should emulate their behavior  
44 as a Merchant and ensure that EVERYTHING they pay you is characterized and/or legally defined as a GIFT rather than a  
45 LOAN. This is consistent with the following scripture:

46 "The rich rules over the poor,  
47 And the borrower is servant to the lender."

Remember:

1. If everything you give any government is a GRANT with conditions rather than a GIFT, then they always work for you and you can NEVER work for them.
2. They can only govern you civilly with your consent. If you don't consent, everything they do to you will be unjust and a tort per the Declaration of Independence.
3. Everyone starts out EQUAL. An entire government cannot have any more rights than a single human being. That's what a government of delegated authority means. NEVER EVER consent to:
  - 3.1. Become CIVILLY unequal.
  - 3.2. Be civilly governed under civil statutory law.
  - 3.3. Waive your sovereign immunity. Instead insist that you have the SAME sovereign immunity as any and every government because we are ALL equal. If they assert their own sovereign immunity they have to recognize YOURS under the concept of equal protection and equal treatment.
4. Any attempt to penalize you or take away your property requires that all of the affected property had to be donated to a public use and a public purpose VOLUNTARILY and EXPRESSLY before it can become the subject of such a penalty. The right of property means that you have a right to deny any and every other person, including GOVERNMENTS, the right to use, benefit, or profit from your property. If they can take away something you didn't hurt someone with, they have the burden of proving that it belonged to them and that you gave it to them BEFORE they can take it. All property is presumed to be EXCLUSIVELY PRIVATE until the government meets the burden of proof that you consented to donate it to a public use, public purpose, and/or public office.

Below is a sample from our Tax Form Attachment, Form #04.201, showing how we implement the approach documented in this section:

*This form and all attachments shall NOT be construed as a consent or acceptance of any proposed government "benefit", any proposed relationship, or any civil status under any government law per U.C.C. §2-206. It instead shall constitute a COUNTER-OFFER and a SUBSTITUTE relationship that nullifies and renders unenforceable the original government OFFER and ANY commercial, contractual, or civil relationship OTHER than the one described herein between the Submitter and the Recipient. See U.C.C. §2-209. The definitions found in section 4 shall serve as a SUBSTITUTE for any and all STATUTORY definitions in the original government offer that might otherwise apply. Parties stipulate that the ONLY "Merchant" (per U.C.C. §2-104(1)) in their relationship is the Submitter of this form and that the government or its agents and assigns is the "Buyer" per U.C.C. §2-103(1)(a).*

*Pursuant to U.C.C. §1-202, this submission gives REASONABLE NOTICE and conveys FULL KNOWLEDGE to the Recipient of all the terms and conditions exclusively governing their commercial relationship and shall be the ONLY and exclusive method and remedy by which their relationship shall be legally governed. Ownership by the Submitter of him/her self and his/her PRIVATE property implies the right to exclude ALL others from using or benefitting from the use of his/her exclusively owned property. All property held in the name of the Submitter is, always has been, and always will be stipulated by all parties to this agreement and stipulation as: 1. Presumed EXCLUSIVELY PRIVATE until PROVEN WITH EVIDENCE to be EXPRESSLY and KNOWINGLY and VOLUNTARILY (absent duress) donated to a PUBLIC use IN WRITING; 2. ABSOLUTE, UNQUALIFIED, and PRIVATE; 3. Not consensually shared in any way with any government or pretended DE FACTO government. Any other commercial use of any submission to any government or any property of the Submitter shall be stipulated by all parties concerned and by any and every court as eminent domain, THEFT, an unconstitutional taking in violation of the Fifth Amendment, and a violation of due process of law.  
[Tax Form Attachment, Form #04.201]*

### 7.9.2.3 Why Definitions are Important

Governments can only tax or regulate that which they create:

*"The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control."*  
*[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]*

*"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,*

1 and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing  
2 stroke must proceed from the same hand.”  
3 [*VanHorne’s Lessee v. Dorrance*, 2 U.S. 304 (1795)]

4 “The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law  
5 [including a tax law] involving the power to destroy.”  
6 [*Providence Bank v. Billings*, 29 U.S. 514 (1830)]

7 DEFINITIONS found in franchise statutes are the precise place where government CREATES things. If you want to attack  
8 a tax or regulation, you have to attack and undermine its DEFINITIONS.

9 Governments didn’t create human beings. God did. Therefore, if they want to tax or regulate PRIVATE human beings, they  
10 must do it INDIRECTLY by creating a PUBLIC office or franchise, fooling you into volunteering for it (usually  
11 ILLEGALLY), and then regulating you INDIRECTLY by regulating the PUBLIC office.

- 12 1. The PUBLIC OFFICE was created by the government and therefore is PROPERTY of the government.
- 13 2. The PUBLIC OFFICE is legally in partnership with the CONSENTING human being volunteer filling the office. It is
- 14 the ONLY lawful “person” under most franchises.
- 15 3. Most people are enticed to volunteer for the PUBLIC OFFICE by having a carrot dangled in front of their face called
- 16 “benefits”. See:

[The Government “Benefits” Scam, Form #05.040  
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

- 17 4. The human being volunteer becomes SURETY for and a representative of the PUBLIC office and a debtor, but is not
- 18 the PUBLIC OFFICE itself. Instead, the human being is called a PUBLIC OFFICER and is identified in Federal Rule
- 19 of Civil Procedure 17(d). The all caps name in association with the de facto license, the Social Security Number, is the
- 20 name of the OFFICE, not the human filling the office.

21 [Rule 17. Plaintiff and Defendant; Capacity; Public Officers](#)

22 (d) Public Officer's Title and Name.

23 *A public officer who sues or is sued in an official capacity may be designated by official title rather than by name,*  
24 *but the court may order that the officer's name be added.*

- 25 5. Once you take the bait and apply for the PUBLIC OFFICE by filling out a government “benefit” form such as an SS-5,
- 26 W-4, etc., they GRANT you the office, which is THEIR property and continues to be THEIR property AFTER you
- 27 receive it. The RECIPIENT of said property is ALWAYS the servant, “PUBIC SERVANT”, and DEBTOR relative to
- 28 the lender, which is “U.S. Inc.”:

29 “How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by  
30 equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on**  
31 **the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of**  
32 **the donor could be at all accomplished, consistently with the entire ownership of the property passing to the**  
33 **donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the**  
34 **donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.  
35 Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by  
36 imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or  
37 with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in  
38 this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)  
39 by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in  
40 which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every**  
41 **equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating**  
42 **an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect**  
43 **to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal**  
44 **obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just**  
45 **explained.”**

46 [*Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543*]

47 “The rich rules over the poor, and the borrower is slave to the lender.”  
48 [*Proverbs 22:7, Bible, NKJV*]

49 The above is confirmed by the statutory definition of “person” within the Internal Revenue Code, Subtitle A “trade or  
50 business” franchise agreement. Without this partnership, there is no statutory “person” to regulate or tax:

1 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.](#)  
2 [Sec. 7343.](#) - Definition of term "person"

3 The term "person" as used in this chapter [Chapter 75] includes an officer or employee of a corporation [U.S.  
4 Inc.], or a member or employee of a partnership, who as such officer, employee, or member is under a duty to  
5 perform the act in respect of which the violation occurs

6 The PUBLIC office that they reach you through is also called the "straw man":

7 *"Straw man. A "front"; a third party who is put up in name only to take part in a transaction. Nominal party to*  
8 *a transaction; one who acts as an agent for another for the purpose of taking title to real property and executing*  
9 *whatever documents and instruments the principal may direct respecting the property. Person who purchases*  
10 *property, or to accomplish some purpose otherwise not allowed."*  
11 *[Black's Law Dictionary, Sixth Edition, p. 1421]*

12 Once you volunteer for the office or acquiesce to OTHER PEOPLE volunteering you for the office with FALSE information  
13 returns such as IRS Forms W-2, 1042-S, 1098, and 1099, etc., then and only then do you become "domestic" and thereby  
14 subject to the otherwise "foreign" franchise agreement:

15 26 U.S.C. §7701 - Definitions

16 (a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
17 thereof—

18 (4) Domestic

19 The term "domestic" when applied to a corporation or partnership means **created or organized in the United**  
20 **States [GOVERNMENT, U.S. Inc., NOT the geographical "United States"] or under the law of the United**  
21 **States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.**

22 If you never volunteer or you were nonconsensually volunteered by others, then you remain both "foreign" and "not subject"  
23 but not statutorily "exempt" from the provisions of the franchise agreement:

24 26 U.S.C. §7701 - Definitions

25 (a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
26 thereof—

27 (31) Foreign estate or trust

28 (A) Foreign estate

29 The term "foreign estate" means an estate the income of which, from sources without the United States [U.S.  
30 Inc. the government] which is not effectively connected with the conduct of a trade or business [public office,  
31 per 26 U.S.C. §7701(a)(26)] within the United States[U.S. Inc. the government corporation, not the  
32 geographical "United States"], is not includible in gross income under subtitle A.

33 Jesus warned of this above mechanism of enslaving you as follows:

34 *"Most assuredly, I say to you, he who does not enter the sheepfold by the door, but climbs up some other way,*  
35 *the same is a thief and a robber. <sup>2</sup> But he who enters by the door is the shepherd of the sheep."*  
36 *[John 10:1-2, Bible, NKJV]*

37 Consonant with the right of governments to CREATE franchises and the PUBLIC offices that animate them, is the right to  
38 DEFINE every aspect of the thing they created:

39 But when Congress creates a statutory right [a "privilege" in this case, such as a "trade or business"], it clearly  
40 has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe  
41 remedies; it may also provide that persons seeking to vindicate that right must do so before particularized  
42 tribunals created to perform the specialized adjudicative tasks related to that right [such as "Tax Court",  
43 "Family Court", "Traffic Court"] etc.].FN35 Such provisions do, in a sense, affect the exercise of judicial power,  
44 but they are also incidental to Congress' power to define the right that it has created. No comparable justification  
45 exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial  
46 inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as  
47 incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest

1 unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for  
2 Art. III courts.  
3 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)*]

#### 4 **7.9.2.4 UCC provisions useful in defeating franchises**

5 The key constraints that the U.C.C. places upon commercial transactions which are useful in defeating compelled participation  
6 in franchises are the following:

- 7 1. There are two parties to every transaction:
  - 8 1.1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
  - 9 1.2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.
- 10 2. The Merchant making the offer has the duty of giving NOTICE to the Buyer of the terms of the sale. U.C.C. §1.202.
- 11 3. The Merchant has the power and duty to define the precise MODE by which the Buyer signals acceptance of his/her/its  
12 offer. U.C.C. §1.303.
- 13 4. The Buyer may signal non-acceptance by reserving all their rights pursuant to U.C.C. §1-308.
- 14 5. The language of the offer and the acceptance MUST be the same. Otherwise a meeting of minds has not occurred. See  
15 U.C.C. §2-206(1).

16 *Uniform Commercial Code*  
17 § 2-206. *Offer and Acceptance in Formation of Contract.*

18 (1) Unless otherwise unambiguously indicated by the language or circumstances.

- 19 6. A counteroffer by the original Buyer invalidates or modifies the original offer and turns the applicant from a Buyer to a  
20 Merchant. U.C.C. §2-209.

21 *Uniform Commercial Code*  
22 § 2-209. *Modification, Rescission and Waiver.*

23 (1) An agreement modifying a contract within this Article needs no consideration to be binding.

24 (2) An agreement in a signed record which excludes modification or rescission except by a signed record may  
25 not be otherwise modified or rescinded, but except as between merchants such a requirement in a form supplied  
26 by the merchant must be separately signed by the other party.

27 (3) The requirements of Section 2-201 must be satisfied if the contract as modified is within its provisions.

28 (4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3), it  
29 may operate as a waiver.

30 (5) A party that has made a waiver affecting an executory portion of a contract may retract the waiver by  
31 reasonable notification received by the other party that strict performance will be required of any term waived,  
32 unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

33 The following two videos insightfully illustrate how the above two principles can be used to defeat an offer of a franchise by  
34 the government and make YOU the Merchant and THEM the Buyer, rather than the other way around. In effect, you are  
35 using their own secret weapon against them and turning the tables. Under the concept of equal protection and equal treatment,  
36 they HAVE to let you do this and if they deny you the ability, indirectly they have to deny THEMSELVES the ability as  
37 well!:

- 38 1. This Form is Your Form, Mark DeAngelis  
39 <http://www.youtube.com/embed/b6-PRwhU7cg>
- 40 2. Mirror Image Rule, Mark DeAngelis  
41 <http://www.youtube.com/embed/j8pqbZV757w>

42 Those seeking to undermine compelled participation in government franchises should consider the following tactics:

- 43 1. Attaching a MANDATORY attachment to the application indicating the duress and saying the applicant does NOT  
44 consent to receive any “benefit”.

2. Defining all terms on the form to completely exclude any government jurisdiction over them.
3. Identifying the application NOT as an ACCEPTANCE of any kind, but a counter offer that makes the GOVERNMENT the recipient of the “benefit” of the temporary use of YOUR property and labor and thereby subject to YOUR anti-franchise franchise.

We use the above tactics throughout our ministry in the following forms:

1. Tax Form Attachment, Form #04.201 – turns the government’s offer of the “trade or business” franchise into a COUNTER-OFFER and you into the Merchant instead of them. Proposes an anti-franchise franchise that obligates the GOVERNMENT and not YOU. Signifies that a failure to deny constitutes acceptance of the offer.
2. Socialism: The New American Civil Religion, Form #05.016, Section 13-describes how to defeat word games intended to unknowingly recruit you into a franchise status.
3. Injury Defense Franchise and Agreement, Form #06.027- provides a SUBSTITUTE franchise you can cite and use in your counter-offer as a Merchant rather than a Buyer.

The only defense the de facto government has against the above tactics is sovereign immunity, but the agreement turns anyone receiving the “benefits” into YOUR public officer instead of an officer of the de facto government, so that defense can’t and doesn’t work.

### 7.9.2.5 Using definitions to destroy or replace the government’s offer

Socialism is state worship and idolatry from a religious perspective. It places civil rulers and/or government above the average man and imputes supernatural powers to them that ordinary men do not have. THAT is the ONLY lawful technique by which they can “govern” you. From a legal perspective, state worship can only be maintained when equal protection and equal treatment can be replaced with inequality and hypocrisy. This inequality is manufactured using the following means within the legal field:

1. Using franchises to make the applicants subservient to the grantor of the franchises. In legal terms, the grantor is referred to as a “*parens patriae*”.
2. Confusing STATUTORY and CONSTITUTIONAL contexts for words. They will try to make you believe that BOTH contexts are the same, even though they are NOT. The difference between STATUTORY and CONSTITUTIONAL contexts is described in:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006, Sections 3 and 4  
<http://sedm.org/Forms/FormIndex.htm>

3. Confusing the LEGAL and ORDINARY meaning of words. This is done using “words of art”. They will use the words in the ORDINARY sense when speaking to the jury and on government forms, but when actually ENFORCING the implications of the forms, they will interpret them in their LEGAL sense. See:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

4. Using government forms that promote policies inconsistent with what the law actually says. This is an abuse of government forms to in effect “invisibly contract” with the applicant.
5. Refusing to define words on government forms and publications, and telling you that you can’t trust the content of government forms. This allows the forms to be misused as propaganda devices and conveys what the supreme court calls “arbitrary power” to the government bureaucrat to MISINTERPRET the meaning of the words in their favor. Thus, a “society of law” is replaced with a “society of men”.
6. Not providing statutory definitions for key words, so that they can be subjectively defined by judges to prejudice your rights and advantage a corrupted government.
7. PRESUMING that the form or application being submitted is being done voluntarily and that the applicant CONSENTS to the jurisdiction of the government. Anything you consent to cannot form the basis for an injury in a court of law:

*“Voluntati non fit injuria.  
He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

*Consensus tollit errorem.  
Consent removes or obviates a mistake. Co. Litt. 126.*

1 *Melius est omnia mala pati quam malo concentire.*  
2 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

3 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
4 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*  
5 *[Bouvier’s Maxims of Law, 1856;*  
6 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

7 The way to destroy any religion is to discredit or contradict the underlying belief with legal evidence. Therefore, the way to  
8 prevent all of the above abuses from a legal perspective is to use the following approach to all government forms or  
9 applications:

- 10 1. Ensuring that you DO NOT apply for any franchise, license, or privilege and terminating participation in any and all  
11 franchises. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

- 12 2. The CONTEXT for each word is carefully defined to be EITHER STATUTORY or CONSTITUTIONAL.  
13 3. The specific statutory definition for each term is referenced as NOT applying. This places the applicant OUTSIDE the  
14 jurisdiction of the government.  
15 4. Proposals or statements on the form or publication which are in conflict with the written law are identified as FALSE  
16 and FRAUDULENT.  
17 5. Emphasizing that since the terms on the form are NOT defined and the government says you can’t trust their forms,  
18 then you MUST define all terms to leave NO room for unconstitutional presumption that might damage your rights.  
19 For proof that you can’t trust most government forms, and especially tax forms, see:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

- 20 6. Disassociating yourself from government jurisdiction by defining geographical “words of art” to place you outside the  
21 government’s jurisdiction.  
22 7. Ensuring that the government application or form you are filling out is identified NOT as an “acceptance” of anything,  
23 but rather a COUNTER-OFFER under the Uniform Commercial Code (U.C.C.) in which the government is asking for  
24 something from you rather than the other way around.  
25 8. Providing an affidavit of duress, stating that you were compelled to fill out the form and asking the source of the duress  
26 to be criminally prosecuted for criminal coercion, theft, and slavery.  
27 9. Removing any and all discretion by any judge or government administrator to DEFINE or REDEFINE any of the key  
28 words on the form.  
29 10. Stating that you are the only one who can decide the definitions on the form, because you are the only witness signing  
30 the form and that if they try to modify your testimony, they are criminally tampering with a witness.

31 The reason the above tactics work is insightfully described in the following two entertaining videos on the Uniform  
32 Commercial Code (U.C.C.):

- 33 1. [This Form is Your Form, Mark DeAngelis](http://www.youtube.com/embed/b6-PRwhU7cg)  
34 <http://www.youtube.com/embed/b6-PRwhU7cg>  
35 2. [Mirror Image Rule, Mark DeAngelis](http://www.youtube.com/embed/j8pgbZV757w)  
36 <http://www.youtube.com/embed/j8pgbZV757w>

37 To give you an idea of how the above process works, you may want to examine the following form on our website which is  
38 attached to all government tax forms:

*Tax Form Attachment*, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

39 In the legal field, the MOST important power you can have is the power to DEFINE words. In practice, HE who defines the  
40 word FIRST wins ALL legal battles. That is why all contracts usually contain a definitions section. Notably ABSENT from  
41 all GOVERNMENT forms is such a definition section. This is deliberate, because:

- 42 1. The government is an insurance company that NEVER accepts responsibility for its own actions and abuses sovereign  
43 immunity to avoid all such responsibility.

1 2. The government and courts will ALWAYS tell you that you can't trust the accuracy of the form. Therefore, even if  
2 they DID define it, they would make sure they included a disclaimer that said you couldn't trust their definition  
3 anyway. For an example of this, see:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

4 3. The purpose of the form is to unlawfully and unconstitutionally convey to a bureaucrat or judge the power to define the  
5 words ANY WAY THEY WANT and thus, to corruptly turn a "society of law" into a "society of men".

6 All government forms usually contain a perjury statement at the end which gives the form the character of "testimony of a  
7 witness" and assigns the content of the form the status of legally admissible evidence in court. As such, it is a criminal  
8 offense to influence the person filling out the form or to change their testimony. That crime is called witness tampering.

9 *18 U.S.C. §1512 - Tampering with a witness, victim, or an informant*

10 a)

11 *(1)Whoever kills or attempts to kill another person, with intent to—*

12 *(A)prevent the attendance or testimony of any person in an official proceeding;*

13 *(B)prevent the production of a record, document, or other object, in an official proceeding; or*

14 *(C)prevent the communication by any person to a law enforcement officer or judge of the United States of*  
15 *information relating to the commission or possible commission of a Federal offense or a violation of conditions*  
16 *of probation, parole, or release pending judicial proceedings;*

17 *shall be punished as provided in paragraph (3).*

18 *(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with*  
19 *intent to—*

20 *(A)influence, delay, or prevent the testimony of any person in an official proceeding;*

21 *(B)cause or induce any person to—*

22 *(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;*

23 *(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object*  
24 *for use in an official proceeding;*

25 *(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or*  
26 *other object, in an official proceeding; or*

27 *(iv)be absent from an official proceeding to which that person has been summoned by legal process; or*

28 *(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of*  
29 *information relating to the commission or possible commission of a Federal offense or a violation of conditions*  
30 *of probation, supervised release, parole, or release pending judicial proceedings;*

31 *shall be punished as provided in paragraph (3).*

32 If you want to win ANY and EVERY battle against the government in court, all you have to do is be the FIRST to define the  
33 words using the techniques in this section, and to turn their own form against them to make THEM the franchisee and YOU  
34 the grantor of the franchise. Since you are signing the form under penalty of perjury, they can't tell you what to put on it or  
35 they are criminally tampering with and threatening a protected witness. If they don't like the terms of YOUR offer, then all  
36 they can do is respond by saying YOU ARE NOT ELIGIBLE to participate in THEIR franchise or to receive the Mark of the  
37 Beast, the Social Security Number. You can even define a non-response in your offer as a statement by them that YOU ARE  
38 NOT ELIGIBLE. Then you can tell everyone who wants such a number that the government says you are NOT eligible, and  
39 therefore, that they cannot demand the Mark of the Beast. Hurt me!

1 Finally, they can't respond to the tactics suggested in this section by saying that you can't use them, because these are  
2 EXACTLY the same tactics the GOVERNMENT uses and if they deny you the ability to use them, then under the concept  
3 of equal protection and equal treatment, they HAVE to deny THEMSELVES the SAME ability.

4 You should view EVERY opportunity to fill out any government form as an act of contracting away your God-given,  
5 unalienable rights and to thereby become INFERIOR and UNEQUAL in relation to the pagan government.

## 6 **8. LANGUAGE ABUSE Identity Theft**

7 The following subsections will not discuss the subject of language abuse in detail. They will merely show how legal language  
8 is abused to deceive and enslave people that the government is supposed to be protecting. If you want detailed background  
9 on language abuse terms and contexts, please refer to the following free memorandum of law on our site:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

<http://sedm.org/Forms/FormIndex.htm>

10 The following subsections derive from sections 4-7, 11-12 of the above document.

### 11 **8.1 Ignorant presumptions about tax "terms" and definitions that aren't true**

12 It is quite common for people and companies to make false PRESUMPTIONS about the requirements of the Internal Revenue  
13 Code. These presumptions are engaged in mainly because of legal ignorance. Below are a few of these common presumptions  
14 that are COMPLETELY FALSE.

- 15 1. That the terms used in the Internal Revenue Code have the same meaning as in ordinary speech. They DO NOT.
- 16 2. That definitions in the Internal Revenue Code ADD TO rather than REPLACE the meaning of ordinary words. They  
17 DO NOT. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

<http://sedm.org/Forms/FormIndex.htm>

- 18 3. That EVERYONE is subject to the Internal Revenue Code whether they want to be or not. FALSE. The Declaration  
19 of Independence says that all just powers of government derive from the CONSENT. Without CONSENT to  
20 BECOME a statutory "taxpayer" manifested in some form, one is presumed to be NOT subject but not statutorily  
21 "exempt".
- 22 4. That EVERYONE, including state citizens, fits into one of the following civil statuses. They DO NOT.  
23 4.1. "citizen" per 26 C.F.R. §1.1-1(c), 26 U.S.C. §911, and 8 U.S.C. §1401.  
24 4.2. "resident" per 26 U.S.C. §7701(b)(1)(A) and 26 U.S.C. §911.  
25 4.3. "nonresident alien" per 26 U.S.C. §7701(b)(1)(B).
- 26 5. That there is NO one who is NOT subject to the Internal Revenue Code. In other words, that "non-resident non-  
27 persons" DO NOT exist. FALSE. See:

*Non-Resident Non-Person Position*, Form #05.020

<http://sedm.org/Forms/FormIndex.htm>

- 28 6. That you may rely upon ANYTHING the IRS says or publishes in their publications or websites as a basis for belief.  
29 The courts say ABSOLUTELY NOT! See:

*Reasonable Belief About Income Tax Liability*, Form #05.007

<http://sedm.org/Forms/FormIndex.htm>

30 Anyone who believes that any of the above false presumptions are true is asked to kindly provide legally admissible evidence  
31 proving otherwise, signed under penalty of perjury, by a person with delegated authority to do so, and who agrees to be  
32 legally liable for any misrepresentation.

33 Absent legally admissible proof that the above presumptions are TRUE rather than FALSE, any attempt to engage in them  
34 in my specific case is clearly an instance of criminal identity theft, as exhaustively described in the following:

*Government Identity Theft*, Form #05.046

<http://sedm.org/Forms/FormIndex.htm>

## 8.2 Violations of Due Process of Law by Language Abuse

### 8.2.1 Due Process of Law Defined

All abuse of language ultimately leads to false inferences, beliefs, or presumptions that produce violations of due process of law. This section will provide an overview of due process of law so that you may have the tools to describe what due process violations have occurred as a result of the abuse of language, usually by the government, so that you will have standing to sue for violations of due process. Due process of law is defined as follows:

***Due process of law.*** Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and **under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.** A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence **for the enforcement and protection of private rights.** To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. *Pennoy v. Neff*, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.**

An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having the power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d. 405, 259 N.E.2d. 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. *Pettit v. Penn*, LaApp., 180 So.2d. 66, 69. The concept of “due process of law” as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. *U.S. v. Smith*, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of “due process of law” is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. *Trinity Episcopal Corp. v. Romney*, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, “due process” means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d. 879, 883.

***Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites for a fair trial.*** These rights and requirements have been expanded by Supreme Court decisions and include, timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity to confront accusers and to present evidence on one’s own behalf before an impartial jury or judge; the presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy). [Black’s Law Dictionary, Sixth Edition, p. 500]

As indicated above, the purpose of due process of law is:

1. To protect rights identified within but not granted by the Constitution of the United States.

***“The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure and support the rights of individuals, or else vain is government.”***  
[*Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793)]

2. To protect private rights but not public rights. Those engaged in any of the following are not exercising private rights, but public rights:

- 2.1. Government franchises.

***Government Instituted Slavery Using Franchises***, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

- 2.2. Government “benefits”. See:

***The Government “Benefits” Scam***, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

2.3. Public office.

2.4. “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

2.5. Licensed activities, which are franchises.

3. To prevent litigants before a court of being deprived of their property by the court or their opponent without just compensation. In law, all rights are property and any deprivation of rights without consideration is a deprivation of property in violation of the Fifth Amendment takings clause. Those who violate due process essentially are STEALING from their opponent.

*“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.**”*

*[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

4. Prevent presumptions, and especially conclusive presumptions, that may injure the rights of the litigants by insisting that only physical evidence with foundational testimony may form the basis for any inferences by the court or the jury.

***“If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.”***

*[Black’s Law Dictionary, Sixth Edition, p. 500]*

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*(1) [8:4993] Conclusive presumptions affecting protected interests:*

*A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due process and equal protection rights.** [Vlandis v. Kline (1973) **412 U.S. 441**, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) **414 US 632**, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*

*[Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34]*

### **8.2.2 How the government routinely and willfully violates due process of law**

The most prevalent method for violating due process of law is to make presumptions that:

1. Prejudice the rights of one or more litigants.
2. Are not supported by evidence.
3. Are not required by the judge to be supported by evidence.
4. Are not challenged by those who are injured by the presumption.
5. Are not allowed to be challenged by the judge because he/she deliberately interferes with the admission of evidence by those who are the victim of the presumption. This happens usually because the judge has a financial conflict of interest in violation of 18 U.S.C. §201, 28 U.S.C. §455, and 28 U.S.C. §144.

If you would like to learn more about how the above methods are used to unlawfully extend jurisdiction of the government and prejudice your rights, see:

**Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017**  
<http://sedm.org/Forms/FormIndex.htm>

The following methods are commonly used by the government to violate due process of law and make you the victim of their false presumptions:

1. Assuming you are engaging in a public office or franchise so that you aren’t entitled to due process of law.

- 1 2. Refusing to meet or enforce the burden of proof imposed upon the government as moving party to show that you are in
- 2 fact and in deed engaged in public offices or franchises and therefore not entitled to “due process”.
- 3 3. Interfering with the introduction of evidence by you that would prove that presumptions they are engaging in which
- 4 prejudice your rights are false.
- 5 4. Presuming or assuming that are domiciled in a place that is not protected by the Constitution and therefore that you have
- 6 no rights. This includes assuming that you are any of the following:
- 7 4.1. “U.S. persons” as defined in 26 U.S.C. §7701(a)(30).
- 8 4.2. Statutory “U.S. citizen” pursuant to 8 U.S.C. §1401.
- 9 4.3. Statutory “resident alien” pursuant to 26 U.S.C. §7701(b)(1)(A).
- 10 4.4. Representing a federal corporation domiciled on federal territory where there are no constitutional rights. This
- 11 includes “public officers” engaged in the “trade or business” franchise.

12 **8.2.3 How Governments Abuse CONFUSION OVER CONTEXT in Statutes and/or Government Forms to**  
 13 **Deliberately Create False Presumptions that Deceive, Injure, and Violate Rights of Readers**

14 Next, we must address the main methods by which government employees abuse language in order to deceive those reading  
 15 or administering the law. The following primary methods are used:

- 16 1. Using the expansive or additive sense of the word “includes” within definitions appearing in the code and falsely
- 17 claiming that such a use authorizes them to add ANYTHING THEY WANT to the meaning of definition of the term.
- 18 We cover this later in section 8.4.4.
- 19 2. Deliberately specifying in a statute or form a vague definition or no definition at all of keywords, thus:
- 20 2.1. Inviting false presumptions, equivocation, or confusion of what context is intended.
- 21 2.2. Leaving undue discretion to readers, judges, and juries when disputes over meaning occur in order to add
- 22 whatever they want to the meaning of terms.
- 23 The above approach is discussed in Form #05.014, Section 10.8, where we talk about the “Void for Vagueness
- 24 Doctrine”.
- 25 3. Abusing words on government forms as follows to confuse the ORDINARY context with the STATUTORY context,
- 26 both of which are usually MUTUALLY EXCLUSIVE and opposite to each other:
- 27 3.1. Making the reader believe that the word is used in its ORDINARY rather than STATUTORY meaning.
- 28 3.2. Telling the reader that they aren’t allowed to trust anything on the form.
- 29 3.3. Refusing to clarify WHICH of the two contexts is intended, or that they are NOT equivalent, in the instructions
- 30 for the form.
- 31 3.4. When the person who is asked to fill out the form asks the government representative which of the two contexts
- 32 are intended, maliciously and deliberately refusing to clarify, so that they the government can protect itself from
- 33 blame for what usually ends up being PERJURY on the form when the person filling it out PRESUMES that the
- 34 ordinary rather than the STATUTORY meaning applies.
- 35 3.5. Examples of words that fit this category:
- 36 3.5.1. “United States”
- 37 3.5.2. “State”
- 38 3.5.3. “Employee”
- 39 3.5.4. “Income”
- 40 4. Abusing words on government forms and statutes to confuse the LEGAL/STATUTORY context with the
- 41 POLITICAL/CONSTITUTIONAL context, both of which are usually MUTUALLY EXCLUSIVE and opposite to
- 42 each other:
- 43 4.1. There are two main contexts for “terms”: Constitutional and Statutory. These two contexts, in nearly all cases,
- 44 are MUTUALLY EXCLUSIVE and do not overlap geographically because of the separation of powers doctrine.
- 45 4.2. The CONSTITUTIONAL context of “United States” is a POLITICAL use of the word that includes states of the
- 46 Union and excludes federal territory, while the STATUTORY context of the term refers to the LEGAL sense of
- 47 the word and includes federal territory but excludes states of the Union in nearly all cases.
- 48 4.3. An example of such an abuse is to ask you whether you are a “U.S. citizen”, assuming it means the LEGAL and
- 49 STATUTORY sense, but making the reader believe it means the POLITICAL and CONSTITUTIONAL sense.
- 50 This fraud is exhaustively explained in the following document:

*Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

51 **8.2.4 Preventing violations of due process of law by government opponents**

1 If you would like to prevent most of the above abuses, we recommend the following defensive weapons:

- 2 1. Attaching the following to your initial complaint or response in every action in federal court:
  - 3 1.1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002  
4 <http://sedm.org/Litigation/LitIndex.htm>
  - 5 1.2. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006  
6 <http://sedm.org/Litigation/LitIndex.htm>
  - 7 1.3. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
8 <http://sedm.org/Forms/FormIndex.htm>
- 9 2. Rebutting the use of any license numbers or government numbers that might connect you to federal franchises using the following:
  - 10 2.1. *Tax Form Attachment*, Form #04.201-attach to any tax form you are asked to fill out so that your status as other  
11 than a franchisee called a “taxpayer” is preserved  
12 <http://sedm.org/Litigation/LitIndex.htm>
  - 13 2.2. *Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”*, Form #04.205-use this to explain  
14 why you can’t lawfully use government numbers and would be committing a crime to do so.  
15 <http://sedm.org/Litigation/LitIndex.htm>
- 16 3. Not citing statutes implementing federal franchises in your defense and instead basing your action entirely upon the  
17 constitution, equity, and equal protection. All you do by citing provisions of a franchise agreement that is voluntary is  
18 prove that you are subject to it. Such franchises include but are not limited to:
  - 19 3.1. 26 U.S.C.: Internal Revenue Code.
  - 20 3.2. 42 U.S.C.: Social Security Act, Medicare, and Unemployment insurance
- 21 4. Using your own franchise to defend yourself from theirs and insisting on equal protection. Insist that our government is  
22 one of delegated powers and that if they can establish a franchise using their property and their numbers, then you can  
23 do so with your property, which includes all information about you and any attempt to demand your services or your  
24 response to their correspondence. The following mandatory attachment to all tax forms does this in Section 6 of the  
25 form:  
26 

<i>Tax Form Attachment</i> , Form #04.201 <a href="http://sedm.org/Litigation/LitIndex.htm">http://sedm.org/Litigation/LitIndex.htm</a>
--
- 27 5. Challenging the ability of the federal government to enforce federal franchises within states of the Union as both a scam  
28 and a violation of the separation of powers doctrine using the following:
  - 29 5.1. *The Government “Benefits” Scam*, Form #05.040  
30 <http://sedm.org/Forms/FormIndex.htm>
  - 31 5.2. *Government Instituted Slavery Using Franchises*, Form #05.030  
32 <http://sedm.org/Forms/FormIndex.htm>
  - 33 5.3. *The “Trade or Business” Scam*, Form #05.001  
34 <http://sedm.org/Forms/FormIndex.htm>
- 35 6. Not referring to yourself as a franchisee called a “taxpayer” or a “benefit recipient” and contradicting any attempts by  
36 your opponent to do so. See:  

<i>Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”</i> , Form #05.013 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
---
- 37 7. Terminating participation in any and all franchises and introducing evidence that you have terminated participation. See  
38 the following for details on how to do this and how to produce evidence that you are not eligible:  

SEDM Liberty University, Section 4: Avoiding Government Franchises and Licenses <a href="http://sedm.org/LibertyU/LibertyU.htm">http://sedm.org/LibertyU/LibertyU.htm</a>
--
- 39 8. Introducing the following document into evidence whenever you are either deposed or sent a request for production of  
40 documents.  

<i>Citizenship, Domicile, and Tax Status Options</i> , Form #10.003 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
--
- 41 9. Ensuring that you don’t make any false presumptions or statements yourself by reading and heeding the following and  
42 challenging all those who engage in any of the false presumptions or beliefs identified:
  - 43 9.1. *Flawed Tax Arguments to Avoid*, Form #08.004  
44 <http://sedm.org/Forms/FormIndex.htm>
  - 45 9.2. *Rebutted Version of the IRS “The Truth About Frivolous Tax Arguments”*, Form #08.005  
46 <http://sedm.org/Forms/FormIndex.htm>

1 9.3. Rebutted Version of Congressional Research Service Report 97-59A: Frequently Asked Questions Concerning the  
2 Federal Income Tax, Form #08.006  
3 <http://sedm.org/Forms/FormIndex.htm>

4 **8.2.5 How corrupt judges and prosecutors abuse “GENERAL terms” to STEAL from you and thereby violate due**  
5 **process**

6 It is a maxim of law that fraud lies hid in what is called “general expressions”:

7 *"Dolus versatur generalibus. A deceiver deals in generals. 2 Co. 34."*

8 *"Fraus latet in generalibus. Fraud lies hid in general expressions."*

9 *Generale nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.*

10 *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. Where a thing is*  
11 *concealed generally, this exception arises, that there shall be nothing contrary to law and right. 10 Co. 78.*

12 *[Bouvier's Maxims of Law, 1856*

13 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

14 “General expressions”, and especially those relating to geographical terms, franchise statuses, or citizenship, are the biggest  
15 source of FRAUD in courtrooms across the country. By “general expressions”, we mean those which:

- 16 1. The speaker is either not accountable or **REFUSES to be accountable** for the accuracy or truthfulness or definition of  
17 the word or expression.
- 18 2. Fail to recognize that there are multiple contexts in which the word could be used.  
19 2.1. CONSTITUTIONAL (States of the Union).  
20 2.2. STATUTORY (federal territory).
- 21 3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative  
22 interpreting the context stands to benefit from handsomely. Thus, “equivocation” is undertaken, in which they TELL  
23 you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret it to mean  
24 the STATUTORY context.

25 [equivocation](#)

26 *EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double*  
27 *signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow*  
28 *men. Equivocation is incompatible with the Christian character and profession.*

29 *[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation>]*

30  
31 *Equivocation ("to call by the same name") is an informal logical fallacy. It is the misleading use of a term with  
32 more than one meaning or sense (by glossing over which meaning is intended at a particular time). It generally  
33 occurs with polysemic words (words with multiple meanings).*

34 *Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only*  
35 *occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument*  
36 *appear to have the same meaning throughout.*

37 *It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the*  
38 *word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure*  
39 *due to punctuation or syntax.*

40 *[Wikipedia topic: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]*

- 41 4. **PRESUMES** that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
- 42 5. Fail to identify the specific context implied on the form.
- 43 6. Fail to provide an actionable definition for the term that is useful as evidence in court.

1 7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context of the  
2 terms so that they can protect their right to make injurious presumptions about their meaning.

3 Words susceptible to be used as “general expressions” include but are not limited to the following “words of art”:

- 4 1. “United States”. See 26 U.S.C. §7701(a)(9) and (a)(10) .
- 5 2. “State”. See 26 U.S.C. §7701(a)(10), 4 U.S.C. §110(d), and 42 U.S.C. §1301(a)(1).
- 6 3. “Trade or business”. See 26 U.S.C. §7701(a)(26).
- 7 4. “Employee”. See 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a).
- 8 5. “Employer”. See 26 U.S.C. §3401(d).
- 9 6. “Taxpayer”. See 26 U.S.C. §7701(a)(14).
- 10 7. “Resident”. See 26 U.S.C. §7701(b)(4).
- 11 8. “citizen”, “U.S. citizen”, or “citizen of the United States”. See:  
12 8.1. 26 C.F.R. §1.1-1(c), 8 U.S.C. §1401.  
13 8.2. Why You are a “national”, “state national”, and Constitutional but not Statutory “Citizen”, Form #05.006  
14 <http://sedm.org/Forms/FormIndex.htm>  
15 8.3. Citizenship Status v. Tax Status, Form #10.011  
16 <http://sedm.org/Forms/FormIndex.htm>

17 Abuse of the above “general expressions” is the main mechanism of FRAUD in courtrooms across the country and its abuse  
18 leads to more crimes committed by federal judges and prosecutors than all the other crimes put together. A “general  
19 expression” is one which satisfies one or more of the following criteria:

- 20 1. Used in its ORDINARY meaning when described to a jury, even when that meaning is WILLFULLY and  
21 DELIBERATELY in CONFLICT with the statutory meaning. Thus, the judge’s will instead of the written law defines  
22 the word, leading to the judge violating the separation of powers doctrine by acting as a legislator.
- 23 2. Judge or prosecutor REFUSES to discuss the statutory meaning of the term in front of the jury.
- 24 3. Judge or prosecutor REFUSES to strictly apply the rules of statutory construction in any and every use of the term.
- 25 4. Judge or prosecutor refuses to allow the defendant to define the meaning in any or every government form they fill out,  
26 thereby compelling a jury to interpret the meaning according to ORDINARY understanding rather than what the law  
27 EXPRESSLY says or defines.
- 28 5. Judge or prosecutor interferes with the jury reading the statutes and especially the definitions being enforced for the  
29 statutes or tries to exclude evidence containing the statutes or definitions using motions in limine.
- 30 6. A term in which the PROPER statutory meaning would deprive the judge, prosecutor, or government of revenue or  
31 subsidy. Thus there is a CRIMINAL financial conflict of interest on the part of the judge and due process is violated  
32 because the judge or fact-finders have a financial conflict of interest:

33 *“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”*  
34 *[Exodus 23:8, Bible, NKJV]*

35 *“He who is greedy for gain troubles his own house,*  
36 *But he who hates bribes will live.”*  
37 *[Prov. 15:27, Bible, NKJV]*

38 *“Surely oppression destroys a wise man’s reason.*  
39 *And a bribe debases the heart.”*  
40 *[Ecclesiastes 7:7, Bible, NKJV]*

41 *“The king establishes the land by justice, but he who receives bribes overthrows it.”*  
42 *[Prov. 29:4, Bible, NKJV]*

43 Below is how the person who designed our Republican Form of Government, Baron Montesquieu, complete with the three  
44 branches of government, described the above types of abuses, in which the separation of powers is destroyed, thus leaving  
45 room for what the U.S. Supreme Court calls “arbitrary power”:

46 *“When the legislative and executive powers are united in the same person, or in the same body of magistrates,*  
47 *there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact*  
48 *tyrannical laws, to execute them in a tyrannical manner.*

1 Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it  
2 joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge  
3 would be then the legislator. Were it joined to the executive power, the judge might behave with violence and  
4 oppression [sound familiar?].

5 There would be an end of everything, were the same man or the same body, whether of the nobles or of the  
6 people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of  
7 trying the causes of individuals."

8 [. . .]

9 In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,  
10 as executors of the laws, of the whole power they have given themselves in quality of legislators. They may  
11 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,  
12 every private citizen may be ruined by their particular decisions."

13 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;

14 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws\sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws\sol_11.htm)]

### 15 **8.3 Treason and Sedition by Lawyers Using Word Games**

16 Lawyers are warriors and adversaries. The legal field in general is very confrontational and adversarial and unethical. The  
17 only weapon they have to fight with is:

- 18 1. Words.
- 19 2. Definitions of words.
- 20 3. Controlling who gets to define the meaning of words.
- 21 4. Controlling or influencing what part of the law is enforced or who it is enforced against. In other words, they use  
22 "selective enforcement" in order to benefit themselves personally and financially, and to hell with what the law  
23 requires.
- 24 5. Exploiting your own legal ignorance to terrorize you into submission. It's a poker game and this tactic in poker is  
25 called a bluff. They manipulate the risks or perceived risks in order to coerce the outcome they seek.
- 26 6. The authority you delegate to them OVER YOU by consenting to the jurisdiction of a court that otherwise would have  
27 no jurisdiction by making an "appearance". At the point you consent, you lose your right to complain about what the  
28 court did to you.

29 *Volunt non fit injuria.*

30 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

31 *Consensus tollit errorem.*

32 *Consent removes or obviates a mistake. Co. Litt. 126.*

33 *Melius est omnia mala pati quam malo consentire.*

34 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

35 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*

36 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.*

37 [Bouvier's Maxims of Law, 1856;

38 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

39  
40 **appearance.** A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or  
41 defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The  
42 **voluntary submission** to a court's jurisdiction.

43 *In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who*  
44 *enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages*  
45 *of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf.*  
46 *See e.g., Federal Rule of Criminal Procedure 43.*

47 **An appearance may be either general or special; the former is a simple and unqualified or unrestricted**  
48 **submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose**  
49 **only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the**  
50 **sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a**

1 *general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court.*  
2 *Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.*  
3 *[Black's Law Dictionary, Sixth Edition, p. 97]*

4 Lawyers use words to “sell” and “market” their political view of the world to circumvent the will of the people expressed in  
5 the law. They do this regardless of whether that view is consistent with the truth or reality or the “legislative intent” of the  
6 statute they pretend to want to enforce. This may be why some people call lawyers and judges “silver tongued devils”.

7 Lawyers who wish to advance a position contrary to what the law expressly says and which serves their own financial interest  
8 at the expense of others have a very limited repertoire of “weapons” they can use, all of which have dishonest and unlawful  
9 goals at their heart. Every American should understand and immediately recognize these tactics and if they did, our system  
10 of law would much better serve the interests of true justice. Here is a list of some of the dishonest tactics that dishonest “word  
11 games” that lawyers use to expand their own importance and the jurisdiction of the government beyond what the law clearly  
12 and expressly authorizes:

- 13 1. They will provide a statutory definition in the law, but then insist that the jury or the judge enforce the ORDINARY  
14 meaning RATHER than the LEGAL meaning. We call this tactic “deception through words of art”.
- 15 2. They will deliberately confuse the two main contexts for legal “terms”. There are two main contexts for “words of  
16 art”: (1) Constitution; (2) Statutes. These contexts are usually mutually exclusive and NOT synonymous. This  
17 approach takes many forms:
  - 18 2.1. With citizenship terms, they will confuse CONSTITUTIONAL/POLITICAL status with STATUTORY  
19 STATUS.
  - 20 2.2. With geographic words of art such as “State” and “United States”, they will presume that the two contexts are the  
21 same and that they are equivalent to the constitutional context.  
22 These types of tactics are further clarified in the next section.
- 23 3. They will add things to the definition of statutory “terms” that do not expressly appear in the law itself, in violation of  
24 the rules of statutory construction and of due process of law. The success of this approach depends primarily on:
  - 25 3.1. The legal ignorance of the audience they are trying to convince. The more legally ignorant the audience is, the  
26 better for the lawyer making the FALSE proposition.
  - 27 3.2. The willingness of the audience to make “presumptions” that what they are adding is indeed “included” without  
28 actually looking at the law.
- 29 4. They will propose a meaning to the law or its operation that does not appear in the law itself and then:
  - 30 4.1. Exclude all evidence from the record that disproves this meaning.
  - 31 4.2. Make a motion in limine to exclude the evidence disproving their argument.
- 32 5. They will invite in “experts” to share opinions that are irrelevant because not substantiated by facts.
- 33 6. When confronted with the truth, they will:
  - 34 6.1. Personalize the discussion and try to discredit the opponent using issues that are irrelevant.
  - 35 6.2. Threaten their opponent with endless retaliatory litigation, and indirectly, with a mountain of debt needed to pay  
36 for the litigation, as a financial dis-incentive to follow what the law actually says.
- 37 7. They will redefine words in the legal dictionary to deceive or mislead people. Earlier versions of Black’s Law  
38 Dictionary, for instance, are much more complete and truthful than later versions. Westlaw, the publisher, refuses to  
39 allow older versions of their legal dictionary to be offered to the public because they want to perpetuate social change  
40 and further corruption of the legal profession.
- 41 8. They will associate the terms used on government forms that even the government says are untrustworthy with the  
42 ORDINARY meaning rather than the statutory meaning. The way to prevent this is to attach to every government  
43 form you fill out a mandatory attachment such as the following which defines EVERY “word of art” to prevent being  
44 victimized by their usually false, prejudicial, and injurious presumptions.

[Tax Form Attachment, Form #04.201](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 45 9. Judges will censor the truth about the meaning of the words in the law by:
  - 46 9.1. Approving motions of government attorneys to censor evidence seen by the jury that might point the jury to the  
47 correct application of the statute or definition being enforced.
  - 48 9.2. Insisting that they are the only ones who are allowed to define what a word means on a form that YOU submitted,  
49 even if it is in conflict with the definition you provided on the form and even attached to the form. By doing so,  
50 they are interfering with the exercise of your right to contract and to associate, because the status us use to  
51 describe yourself is the ONLY legal method by which you can exercise your constitutional right to associate and  
52 contract.
  - 53 9.3. Placing arbitrary limits on the size of pleadings filed with the court.

- 9.4. Calling arguments or litigants “frivolous” but refusing to provide legally admissible evidence that proves that their arguments are inaccurate.
- 9.5. Rejecting the filing of pleadings.
- 9.6. Refusing to allow litigants to discuss what the law actually says in the courtroom and especially in front of the jury. This is criminal jury tampering, but of course, judges violate the law more often than most Americans.
- 9.7. Sanctioning litigants for insisting on reading the law to the jurists.
- 9.8. Punishing or sanctioning those litigants who insist on a jury trial that might result in a ruling more consistent with what the law actually says.
- 9.9. Threatening to disbar attorneys who insist on acting consistent with what the law actually says.

The purpose of all of the above TREACHERY is to allow the corrupt covetous judge or the jury to substitute THEIR will for what the law actually and expressly says and to turn a country and a civilization into an ABOMINATION in the sight of the Lord:

*“One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination.”*  
 [Prov. 28:9, Bible, NKJV]

*“But this crowd that does not know [and quote and follow and use] the law is accursed.”*  
 [John 7:49, Bible, NKJV]

*“In the United States, sovereignty resides in the people...the Congress cannot invoke sovereign power of the People to override their will as thus declared.”*  
 [Perry v. U.S., 294 U.S. 330 (1935)]

Collectively, all of the above tactics are dishonest, underhanded, and ultimately result in a violation of the law and obstruction of justice. In many cases, the violation is even CRIMINAL and treasonous and should result in them being disbarred. In fact, such tactics have been identified in the statutes as a criminal offense:

[TITLE 18](#) > [PART I](#) > [CHAPTER 77](#) > § 1589  
[§ 1589. Forced labor](#)

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

**(3) by means of the abuse or threatened abuse of law or legal process; or**

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

**(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.**

(2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

1 (d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If  
2 death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap,  
3 aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any  
4 term of years or life, or both.

5 In fact, lawyers who use the above tactics are “devising evil by law” and doing the very thing that Jesus criticized the Pharisees  
6 for:

7 **“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather**  
8 **together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and**  
9 **my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own**  
10 **wickedness; **the Lord our God shall cut them off.**”**  
11 [Psalm 94:20-23, Bible, NKJV]

12 And WHAT is the main purpose of “law”? The U.S. Supreme Court identified the purpose of *all law* as a “definition and  
13 limitation of power”. Upon WHO? How about the GOVERNMENT and all servants working for the government!:

14 *“When we consider the nature and theory of our institutions of government, the principles*  
15 *upon which they are supposed to rest, and review the history of their development, we are*  
16 *constrained to conclude that they do not mean to leave room for the play and action of purely*  
17 *personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is*  
18 *the author and source of law; but in our system, while sovereign powers are delegated to*  
19 *the agencies of government, sovereignty itself remains with the people, by whom and for*  
20 *whom all government exists and acts. **And the law is the definition and limitation of***  
21 **power.”**

22 *From Marbury v. Madison to the present day, no utterance of this Court has intimated a doubt that in its operation*  
23 *on the people, by whom and for whom it was established, the national government is a government of enumerated*  
24 *powers, the exercise of which is restricted to the use of means appropriate and plainly adapted to constitutional*  
25 *ends, and which are “not prohibited, but consist with the letter and spirit of the Constitution.”*

26 *The powers delegated by the people to their agents are not enlarged by the expansion of the domain within which*  
27 *they are exercised. When the restriction on the exercise of a particular power by a particular agent is ascertained,*  
28 *that is an end of the question.*

29 *To hold otherwise is to overthrow the basis of our constitutional law, and moreover, in effect, to reassert the*  
30 *proposition that the states, and not the people, created the government.*

31 *It is again to antagonize Chief Justice Marshall, when he said:*

32 *The government of the Union, then (whatever may be the influence of this fact on the case),*  
33 *is emphatically and truly a government of the people. In form and in substance, it emanates*  
34 *from them. Its powers are granted by them, and are to be exercised directly on them and for*  
35 *their benefit. This government is acknowledged by all to be one of enumerated powers.*

36 [Downes v. Bidwell, 182 U.S. 244 (1901) ]

37 Law can only function as a “definition or limitation of power” delegated to public servants and government when:

- 38 1. All statutory terms are defined.  
39 2. The “definition” expressly includes EVERYTHING or CLASS OF THING that is included.  
40 3. Everything not “expressly included” is presumed to be purposefully excluded.

41 The legal definition of the word “definition”, in fact, confirms these assertions:

42 **definition.** *A description of a thing by its properties; an explanation of the meaning of a word or term. The*  
43 *process of stating the exact meaning of a word by means of other words. **Such a description of the thing defined,***  
44 ***including all essential elements and excluding all nonessential, as to distinguish it from all other things and***  
45 ***classes.”***

46 [Black’s Law Dictionary, Sixth Edition, p. 423]

47 Legal maxims of law also confirm that everything NOT within the definition of a term is presumed to be “purposefully  
48 excluded”:

1 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***  
2 ***thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,*  
3 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
4 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***  
5 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
6 *of a certain provision, other exceptions or effects are excluded."*  
7 *[Black's Law Dictionary, Sixth Edition, p. 581]*

8 The essence of what it means to be a "communist" is that communists:

9 *"Refuse to recognize any limitation, and especially constitutional or statutory limitation, upon their power."*

10 Here is the proof of this fact provided by the communists themselves in their own laws:

11 [TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
12 [Sec. 841. – Findings and declarations of fact](#)

13 *The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and*  
14 *a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy*  
15 *to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by*  
16 *the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in*  
17 *collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges*  
18 *[including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the*  
19 *Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by*  
20 *the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through*  
21 *public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs*  
22 *to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are*  
23 *secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes",*  
24 *Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal*  
25 *Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman*  
26 *Trafficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike*  
27 *members of political parties, members of the Communist Party are recruited for indoctrination [in the public*  
28 *FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are*  
29 *organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the*  
30 *assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks*  
31 *to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon*  
32 *that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and*  
33 *gives scant indication of capacity ever to attain its ends by lawful political means. **The peril inherent in its***  
34 ***operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its***  
35 ***activities, and its dedication to the proposition that the present constitutional Government of the United States***  
36 ***ultimately must be brought to ruin by any available means, including resort to; force and violence [or using***  
37 ***income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve***  
38 ***and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the***  
39 ***security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via***  
40 ***identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information***  
41 ***returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE***  
42 ***government publications and statements that the government is not accountable for the accuracy of, Form***  
43 ***#05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form***  
44 ***#05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party***  
45 ***should be outlawed***

46 For emphasis, look at the essence of communism again from the above:

47 ***"Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no***  
48 ***constitutional or statutory limitations upon its conduct or upon that of its members. [ . . . ] **The peril inherent in*****  
49 ***its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of***  
50 ***its activities. . ."***

51 Any effort to therefore exceed the limitations of either the Constitution or the laws which implement it constitutes an act of  
52 communism that must be swiftly and decisively stopped, and especially in a legal setting. A failure to prevent anyone in  
53 government from exceeding their authority or expanding any of their powers beyond the clear limits of the law, in fact, results  
54 in all the following consequences:

- 55 1. Destroys the separation of powers and makes the judiciary into an oligarchy.
- 56 2. Causes a loss of liberty for ALL but civil rulers.

1 3. Turns an objective “society of law” into a subjective “society of men” in violation of the legislative intent of the  
2 constitution.

3 *“The government of the United States has been emphatically termed a government of laws, and not of men. It*  
4 *will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested*  
5 *legal right.”*  
6 *[Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]*

7 4. Makes the Constitution into toilet paper.

8 *“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our*  
9 *government of laws with a judicial oligarchy.”*  
10 *[Senator Sam Ervin, during Watergate hearing]*

11 5. Makes public servants into tyrants and dictators, instead of SERVANTS of the sovereign people. This de facto form of  
12 government is called a “dulocracy”:

13 *“Dulocracy. A government where servants and slaves have so much license and privilege that they domineer.”*  
14 *[Black’s Law Dictionary, Sixth Edition, p. 501]*

15 6. Makes Americans subject to the whims of their civil rulers and the subject of EVERY act of Congress.  
16 7. Makes a profitable business for lawyers out of alienating rights that are supposed to be UNALIENABLE. This type of  
17 business, in fact, is a franchise, in which lawyers SELL you and your rights like cattle to the highest bidder. An  
18 unalienable right is, after all, a right that you CANNOT LAWFULLY CONSENT TO GIVE AWAY!

19 *“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*  
20 *[Black’s Law Dictionary, Fourth Edition, p. 1693]*

21 8. Results in a destruction of equality and places civil rulers above and superior to those they govern. This turns  
22 government into a pagan civil religion, in which:

- 23 8.1. Civil rulers become “superior beings” and therefore “gods”.
- 24 8.2. Presumption serves as a substitute for religious faith. Faith, after all, is a belief about something that either  
25 CANNOT be or IS NOT REQUIRED TO BE proven with legally admissible PHYSICAL evidence.
- 26 8.3. Consensually obeying franchise codes that are otherwise foreign and alien becomes the equivalent of an act of  
27 “worship” of the pagan deity. “Worship”, after all, is defined as obedience to the laws of one’s God, which is  
28 exactly the purpose of law as well:

29 ***Worship.** Any form of religious service showing reverence for Divine Being, or **exhortation to obedience to or***  
30 ***following the mandates of such Being.** Religious exercises participated in by a number of persons assembled*  
31 *for that purpose, the disturbance of which is a statutory offense in many states.*

32 *English law. A title of honor or dignity used in addresses to certain magistrates and other persons of rank or*  
33 *office.*  
34 *[Black’s Law Dictionary, Sixth Edition, pp. 1606-1607]*

35  
36 *“worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some*  
37 *mayors) 2: **reverence offered a divine being or supernatural power**; also: an act of expressing such reverence*  
38 *3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or devotion to*  
39 *an object of esteem <~ the dollar>.”*  
40 *[Webster’s Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, 1983, p. 1361]*

41  
42 *“Obedientia est legis essentia.*  
43 *Obedience is the essence of the law. 11 Co. 100.”*  
44 *[Bouvier’s Maxims of Law, 1856;*  
45 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

46 8.4. “Taxes” become tithes to a state-sponsored church.  
47 8.5. Franchises “codes” serve as the “bible” that facilitate people joining this voluntary church of socialism.

- 1 8.6. Your consent to be associated with a status under a government franchise is the method that you join the state-
- 2 sponsored church.
- 3 8.7. Judges become “priests” of a civil religion.
- 4 8.8. Courthouses become “churches” of the civil religion.
- 5 8.9. Pleadings to the judge become “prayers” to the priest of the civil religion.
- 6 8.10. Attorneys act as deacons who conduct “worship services” at the altar of the judge in the “court” church building.
- 7 8.11. Seats in the church act as “pews” for those who worship the imperial monarch and priest of the civil religion
- 8 called “judge”.
- 9 8.12. Money becomes a permission slip to exist from the pagan deity.
- 10 8.13. A statutory “U.S. person” is really just an employee of the government who needs permission from a public
- 11 servant to do ANYTHING and EVERYTHING.

12 The Bible confirms the above, wherein it admits that when the Israelites insisted on nominating a King who is sovereign over  
 13 and superior to them, they were committing idolatry and worshipping a false religion.

14 *“Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, ‘Look, you are*  
 15 *old, and your sons do not walk in your ways. **Now make us a king to judge us like all the nations** [and be OVER*  
 16 *them].”*

17 *“But the thing displeased Samuel when they said, ‘**Give us a king to judge us.**’ So Samuel prayed to the Lord.*  
 18 ***And the Lord said to Samuel, ‘Heed the voice of the people in all that they say to you; for they have rejected***  
 19 ***Me, that I should not reign over them.** According to all the works which they have done since the day that I*  
 20 *brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods—**so***  
 21 ***they are doing to you also** [government becoming idolatry].”*  
 22 *[1 Sam. 8:4-8, Bible, NKJV]*

23 God also warned us that allowing the servants in government to write their own delegation order by adding whatever they  
 24 want to it through the abuse of the word “includes” would result in a government that becomes a THIEF and a tyrant:

25 ***“However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over***  
 26 ***them.”***

27 *So Samuel told all the words of the LORD to the people who asked him for a king. And he said, “**This will be the***  
 28 ***behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own***  
 29 ***chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his***  
 30 ***thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to***  
 31 ***make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be***  
 32 ***perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive***  
 33 ***groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give***  
 34 ***it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest***  
 35 ***young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your***  
 36 ***sheep. And you will be his servants. And you will cry out in that day because of your king whom you have***  
 37 ***chosen for yourselves, and the LORD will not hear you in that day.**”*

38 *Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over us,*  
 39 *that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles.”*  
 40 *[1 Sam. 8:9-20, Bible, NKJV]*

41 Thomas Jefferson also said that it is completely wrong to allow the servants to write or rewrite their own delegation of  
 42 authority order to give them unlimited power:

43 *“In questions of power...let no more be heard of confidence in man, but bind him down from mischief by the chains*  
 44 *of the Constitution.”*  
 45 *[Thomas Jefferson: Kentucky Resolutions, 1798]*

46 *“Whenever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no*  
 47 *force.”*  
 48 *[Thomas Jefferson: Kentucky Resolutions, 1798]*

49 *“It [is] inconsistent with the principles of civil liberty, and contrary to the natural rights of the other members of*  
 50 *the society, that any body of men therein [INCLUDING judges] should have authority to enlarge their own*  
 51 *powers... without restraint.”*  
 52 *[Thomas Jefferson: Virginia Allowance Bill, 1778]*

1 Any attempt, therefore, to violate the rules of statutory construction, add things to definitions that don't expressly appear, or  
2 to invoke powers not expressly delegated amounts to the following for those who consent to be victims of it:

- 3 1. Treason.
- 4 2. Communism.
- 5 3. Slavery and subjection.

6 Confucius explained this situation best when he wisely said:

7 *"When words lose their meaning, people will lose their liberty."*  
8 *[Confucius, circa 500 B.C.]*

9 If you would like to study the subject of corruption in the legal profession further touched upon in this section and even find  
10 evidence needed to PROVE the corruption, the following resources should prove useful:

- 11 1. [SEDM Forms/Publications Page](http://sedm.org/Forms/FormIndex.htm), Section 1.11.4: Corruption  
12 <http://sedm.org/Forms/FormIndex.htm>
- 13 2. [Activism Page](http://famguardian.org/Subjects/Activism/Activism.htm), Section 13: Investigate Government Corruption, Family Guardian Fellowship  
14 <http://famguardian.org/Subjects/Activism/Activism.htm>
- 15 3. [Law and Government Page](http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm), Section 14: Legal and Government Ethics, Family Guardian Fellowship  
16 <http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>

## 17 **8.4 "Includes" and "including" abuse**

### 18 **8.4.1 Purpose of Due Process: To completely remove "presumption" from legal proceedings**

19 All presumption represents a violation of Constitutional Due Process. The only exception to this rule is if the Defendant is  
20 not covered by the Constitution because domiciled in the federal zone or exercising agency of a legal "person" who is  
21 domiciled in the federal zone. This was thoroughly covered in the previous section.

22 According to the Bible, "presumption" also happens to be a Biblical sin in violation of God's law as well, which should result  
23 in the banishment of a person from his society:

24 *"But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings*  
25 *reproach on the LORD, and he shall be cut off from among his people."*  
26 *[Numbers 15:30, Bible, NKJV]*  
27

28 *"Keep back Your servant also from **presumptuous** sins; Let them not have dominion over me. Then I shall be*  
29 *blameless, And I shall be innocent of great transgression."*  
30 *[Psalm 19:13, Bible, NKJV]*  
31

32 *"Now the man who acts presumptuously and will not heed the priest who stands to minister there before the*  
33 *LORD your God, or the judge, that man shall die. So you shall put away the evil from Israel. 13 And all the people*  
34 *shall hear and fear, and no longer act presumptuously."*  
35 *[Deut. 17:12-13, Bible, NKJV]*

36 We have therefore established that "presumption" is something we should try very hard to avoid, because it is a violation of  
37 both man's law AND God's law. As a matter of fact, we have a whole free book on our website that challenges the false  
38 assumption of liability to federal taxation available at:

39 <http://famguardian.org/Publications/AssumptOfLiability/AssumptionOfLiability.htm>

40 The chief purpose of Constitutional "due process" is therefore to completely remove bias and the presumption that produces  
41 it from every legal proceeding in a court of law. This is done by:

- 42 1. Completely removing all presumptions from the legal proceeding.
- 43 2. Preventing the application of any "statutory presumptions" that might prejudice the rights of the Defendant.

- 1 3. Insisting that every conclusion is based on physical and non-presumptive (not “prima facie”) evidence.
- 2 4. To apply the same rules of evidence equally against both parties.
- 3 5. Choosing jurists who are free from bias or prejudice during the voir dire (jury selection) process.
- 4 6. Choosing judges who are free from bias or prejudice during the voir dire process.

5 A good lawyer will challenge presumptions at every stage of a legal proceeding. You can tell when presumptions are being  
6 prejudicially used in a legal proceeding when:

- 7 1. The judge or either party uses any of the following phrases:
  - 8 1.1. “Everyone knows. . .”
  - 9 1.2. “You knew or should have known...”
  - 10 1.3. “A reasonable [presumptuous] person would have concluded otherwise...”
- 11 2. The judge does not *exclude* the I.R.C. from evidence in the case involving a person who is not domiciled in the federal  
12 zone and provided proof of same.
- 13 3. The judge allows the Prosecutor to throw accusations at the Defendant in front of the jury without insisting on evidence  
14 to back it up.
- 15 4. The judge admits into evidence or cites a statutory presumption that prejudices your rights.

16 *“It is apparent, this court said in the Bailey Case ( 219 U.S. 239, 31 S.Ct. 145, 151) ‘that a constitutional*  
17 *prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be*  
18 *violated by direct enactment. The power to create presumptions is not a means of escape from constitutional*  
19 *restrictions.”*  
20 *[Heiner v. Donnan, 285 U.S. 312 (1932); Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v.*  
21 *Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.]*

- 22 5. A judge challenges your choice of domicile and/or citizenship. In such a case, the court is illegally involving itself in  
23 what actually are strictly political matters and what is called “political questions”. One’s choice of domicile is a political  
24 matter that may not be coerced or presumed to be anything other than what the subject himself has clearly and  
25 unambiguously stated, both orally and on government forms. See the end of the previous section.

26 Unscrupulous government prosecutors will frequently make use of false presumption as their chief means of winning a tax  
27 case as follows:

- 28 1. They will choose a jury that is misinformed or under-informed about the law and legal process.
- 29 2. They will use the prejudices and ignorance of the jury as a weapon to manipulate them into becoming an angry “lynch  
30 mob” with a vendetta against the Defendant.
- 31 3. They will make frequent use of “words of art” to deceive the jury into making false presumptions that will prejudice the  
32 rights of the defendant.

33 *“The power to create presumptions is not a means of escape from constitutional restrictions,”*  
34 *[New York Times v. Sullivan, 376 U.S. 254 (1964)]*

- 35 4. They will prevent evidence of the meaning of the words they are using from entering the court record or the deliberations.  
36 Federal judges will help them with this process by insisting that “law” may not be discussed in the courtroom.

37 A good judge will ensure that the above prejudice does not happen. He will especially do so where the matter involves  
38 taxation and where there is no jury or where anyone in the jury is either a taxpayer or a recipient of government benefits. He  
39 will do so in order to avoid violation of 18 U.S.C. §597, which forbids bribing of voters, since jurists are a type of voter.  
40 However, we don’t have many good judges who will be this honorable in the context of a tax trial because their pay and  
41 retirement, they think, depends on a vigorous illegal enforcement of the Internal Revenue Code in violation of 28 U.S.C.  
42 §455.

43 [TITLE 28 > PART 1 > CHAPTER 21 > § 455](#)  
44 [§ 455. Disqualification of justice, judge, or magistrate judge](#)

45 (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which  
46 his impartiality might reasonably be questioned.

47 (b) He shall also disqualify himself in the following circumstances:

[...]

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

Most of the injustice that occurs in federal courtrooms across the country relating to income taxation occurs primarily because the above statute is violated. This statute wasn't always violated. It was only in the 1930's that federal judges became "taxpayers". Before that, they were completely independent, which is why most people were not "taxpayers" before that. For details on this corruption of our judiciary, see our free book Great IRS Hoax, Form #11.302, Sections 6.5.15, 6.5.18, 6.8.2 through 6.9.12:

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

The U.S. Supreme Court has declared that judges must be alert to prevent such unconstitutional encroachments upon the sacred Constitutional Rights of those domiciled in the states of the Union, when it gave the following warning, which has gone largely unheeded by federal circuit and district courts since then:

*"It may be that it...is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the courts to be watchful for the constitutional rights of the citizens, and against any stealthy encroachments thereon. Their motto should be obsta principalis."* [Mr. Justice Brewer, dissenting, quoting Mr. Justice Bradley in *Boyd v. United States*, 116 U.S. 616, 29 L.Ed. 746, 6 Sup.Ct.Rep. 524] [*Hale v. Henkel*, 201 U.S. 43 (1906)]

If you would like to read more authorities on the subject of "presumption", see:

<http://famguardian.org/TaxFreedom/CitesByTopic/presumption.htm>

Another very important point needs to be made about the subject of "presumption", which is that "presumption", when it is left to operate unchecked in a federal court proceeding:

1. Has all the attributes of religious "faith". Religious faith is simply a belief in anything that can't be demonstrated with physical evidence absent presumption.
2. Turns the courtroom into a federal "church", and the judge into a "priest".
3. Produces a "political religion" when exercised in the courtroom.
4. Corrupts the court and makes it essentially into a political, and not a legal tribunal.
5. Violates the separation of powers doctrine, which was put in place to protect our rights from such encroachments.

If you would like to investigate the fascinating matter further of how the abuse of presumption in federal courtrooms has the effect of creating a state-sponsored religion in violation of the First Amendment Establishment Clause, please consult our free Great IRS Hoax book, sections 5.4 through 5.4.3.6 below. We strongly encourage you to rebut the evidence contained there if you find any errors or omissions:

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

#### **8.4.2 Statutory Presumptions that Injure Rights are Unconstitutional**

A statutory presumption is a presumption that is mandated by a statute. Below is an example of such a presumption, from section Form #05.014, Section 13.6.2:

26 U.S.C. Sec. 7701(c) INCLUDES AND INCLUDING.

*The terms 'include' and 'including' when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined."*

1 What Congress is attempting to create in the above is the following false presumption:

2 *“Any definition which uses the word ‘includes’ shall be construed to imply not only what is shown in the statute*  
3 *and the code itself, but also what is commonly understood for the term to mean or whatever any government*  
4 *employee deems is necessary to fulfill what he believes is the intent of the code.”*

5 We know that the above presumption is unconstitutional and if applied as intended, would violate the Void for Vagueness  
6 Doctrine described in section Form #05.014, Section 16.2.3.5 and following. It would also violate the rules of statutory  
7 construction described in section Form #05.014, Section 14 that says:

- 8 1. The purpose for defining a word within a statute is so that its ordinary (dictionary) meaning is not implied or assumed  
9 by the reader.
- 10 2. When a term is defined within a statute, that definition is provided usually to supersede and not enlarge other definitions  
11 of the word found elsewhere, such as in other Titles or Codes.

12 The U.S. Supreme Court has ruled many times that statutory presumptions that prejudice or threaten constitutional rights are  
13 unconstitutional. Below are a few of its rulings on this subject to make the meaning perfectly clear:

14 *“Legislation declaring that proof of one fact of group of facts shall constitute prima facie evidence of an*  
15 *ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred.*  
16 *A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his*  
17 *evidence on the particular point to which the presumption relates. A statute creating a presumption that is*  
18 *arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process clause of the Fourteenth*  
19 *Amendment. Legislative fiat may not take the place of fact in the judicial determination of issues involving life,*  
20 *liberty, or property. Manley v. Georgia, 279 U.S. 1, 49 S.Ct. 215, 73 L. Ed. -, and cases cited.”*  
21 *[Western and Atlantic Railroad v. Henderson, 279 U.S. 639 (1929)]*  
22

23 *“[I]t is unconstitutional for a legislature to remove from the jury the assessment of facts that increase the*  
24 *prescribed range of penalties to which a criminal defendant is exposed. It is equally clear that such facts must be*  
25 *established by proof beyond a reasonable doubt.”*  
26 *[McMillan v. Pennsylvania, 477 U.S. 79 (1986)]*  
27

28 *It has always been recognized that the guaranty of trial by jury in criminal cases means that the jury is to be the*  
29 *factfinder. This is the only way in which a jury can perform its basic constitutional function of determining the*  
30 *guilt or innocence of a defendant. See, e. g., United States ex rel. Toth v. Quarles, 350 U.S. 11, 15-19; Reid v.*  
31 *Covert, 354 U.S. 1, 5-10 (opinion announcing judgment). And of course this constitutionally established power*  
32 *of a jury to determine guilt or innocence of a defendant charged with crime cannot be taken away by Congress,*  
33 *directly or indirectly, in whole or in part. Obviously, a necessary part of this power, vested by the Constitution in*  
34 *juries (or in judges when juries are waived), is the exclusive right to decide whether evidence presented at trial*  
35 *is sufficient to convict. I think it flaunts the constitutional power of courts and juries for Congress to tell them*  
36 *what “shall be deemed sufficient evidence to authorize conviction.” And if Congress could not thus directly*  
37 *encroach upon the judge’s or jury’s exclusive right to declare what evidence is sufficient to prove the facts*  
38 *necessary for conviction, it should not be allowed to do so merely by labeling its encroachment a “presumption.”*  
39 *Neither Tot v. United States, 319 U.S. 463, relied [380 U.S. 63, 78] on by the Court as supporting this*  
40 *presumption, nor any case cited in Tot approved such an encroachment on the power of judges or juries. In fact,*  
41 *so far as I can tell, the problem of whether Congress can so restrict the power of court and jury in a criminal*  
42 *case in a federal court has never been squarely presented to or considered by this Court, perhaps because*  
43 *challenges to presumptions have arisen in many crucially different contexts but nevertheless have generally*  
44 *failed to distinguish between presumptions used in different ways, treating them as if they are either all valid*  
45 *or all invalid, regardless of the rights on which their use may impinge.* Because the Court also fails to  
46 *differentiate among the different circumstances in which presumptions may be utilized and the different*  
47 *consequences which will follow, I feel it necessary to say a few words on that subject before considering*  
48 *specifically the validity of the use of these presumptions in the light of the circumstances and consequences of*  
49 *their use.*

50 *In its simplest form a presumption is an inference permitted or required by law of the existence of one fact,*  
51 *which is unknown or which cannot be proved, from another fact which has been proved.* The fact presumed  
52 may be based on a very strong probability, a weak supposition or an arbitrary assumption. The burden on the  
53 party seeking to prove the fact may be slight, as in a civil suit, or very heavy - proof beyond a reasonable doubt -  
54 as in a criminal prosecution. *This points up the fact that statutes creating presumptions cannot be treated as*  
55 *fungible, that is, as interchangeable for all uses and all purposes. The validity of each presumption must be*  
56 *determined in the light of the particular consequences that flow from its use. When matters of trifling moment*  
57 *are involved, presumptions may be more freely accepted, but when consequences of vital importance to litigants*  
58 *and to the administration of justice are at stake, a more careful scrutiny is necessary.* [380 U.S. 63, 79]

1 *In judging the constitutionality of legislatively created presumptions this Court has evolved an initial criterion*  
2 *which applies alike to all kinds of presumptions: that before a presumption may be relied on, there must be a*  
3 *rational connection between the facts inferred and the facts which have been proved by competent evidence,*  
4 *that is, the facts proved must be evidence which is relevant, tending to prove (though not necessarily*  
5 *conclusively) the existence of the fact presumed.* And courts have undoubtedly shown an inclination to be less  
6 strict about the logical strength of presumptive inferences they will permit in civil cases than about those which  
7 affect the trial of crimes. *The stricter scrutiny in the latter situation follows from the fact that the burden of*  
8 *proof in a civil lawsuit is ordinarily merely a preponderance of the evidence, while in a criminal case where a*  
9 *man's life, liberty, or property is at stake, the prosecution must prove his guilt beyond a reasonable doubt.* See  
10 *Morrison v. California*, 291 U.S. 82, 96 -97. The case of *Bailey v. Alabama*, 219 U.S. 219, is a good illustration  
11 of this principle. There *Bailey* was accused of violating an Alabama statute which made it a crime to fail to  
12 perform personal services after obtaining money by contracting to perform them, with an intent to defraud the  
13 employer. *The statute also provided that refusal or failure to perform the services, or to refund money paid for*  
14 *them, without just cause, constituted "prima facie evidence" (i. e., gave rise to a presumption) of the intent to*  
15 *injure or defraud.* This Court, after calling attention to prior cases dealing with the requirement of rationality,  
16 passed over the test of rationality and held the statute invalid on another ground. *Looking beyond the rational-*  
17 *relationship doctrine the Court held that the use of this presumption by Alabama against a man accused of*  
18 *crime would amount to a violation of the Thirteenth Amendment to the Constitution, which forbids*  
19 *"involuntary [380 U.S. 63, 80] servitude, except as a punishment for crime."* In so deciding the Court  
20 *made it crystal clear that rationality is only the first hurdle which a legislatively created presumption must*  
21 *clear - that a presumption, even if rational, cannot be used to convict a man of crime if the effect of using the*  
22 *presumption is to deprive the accused of a constitutional right.*  
23 *[United States v. Gainly, 380 U.S. 63 (1965)]*

24 The reason a statutory presumption that injures rights is unconstitutional was also revealed in the Federalist Papers, which  
25 say on the subject:

26 *"No legislative act [including a statutory presumption] contrary to the Constitution can be valid. To deny this*  
27 *would be to affirm that the deputy (agent) is greater than his principal; that the servant is above the master;*  
28 *that the representatives of the people are superior to the people; that men, acting by virtue of powers may do*  
29 *not only what their powers do not authorize, but what they forbid...[text omitted] It is not otherwise to be*  
30 *supposed that the Constitution could intend to enable the representatives of the people to substitute their will*  
31 *to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate*  
32 *body between the people and the legislature, in order, among other things, to keep the latter within the limits*  
33 *assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A*  
34 *Constitution is, in fact, and must be regarded by judges, as fundamental law. If there should happen to be an*  
35 *irreconcilable variance between the two, the Constitution is to be preferred to the statute."*  
36 *[Alexander Hamilton, Federalist Paper #78]*

37 The implication of the prohibition against statutory presumptions is that:

- 38 1. No natural person who is domiciled within a state of the Union and protected by the Bill of Rights may be victimized or  
39 injured in any way by any kind of statutory presumption.
- 40 2. Statutory presumptions may only lawfully be applied against legal "persons" who do not have Constitutional rights,  
41 which means corporations or those natural persons who are domiciled in the federal zone, meaning on land within  
42 exclusive federal jurisdiction that is not protected by the First Ten Amendments to the United States Constitution. See  
43 *Downes v. Bidwell*, 182 U.S. 244 (1901).
- 44 3. Any court which uses "judge-made law" to do any of the following in the case of a natural person protected by the Bill  
45 of Rights is involved in a conspiracy against rights:
  - 46 3.1. Imposes a statutory or judicial presumption.
  - 47 3.2. Extends or enlarges any definition in the Internal Revenue Code based on any arbitrary criteria.
  - 48 3.3. Invokes an interpretation of a definition within a code which may not be deduced directly from language in the  
49 code itself.

50 The above inferences help establish who the only proper audience for the Internal Revenue Code is, which is federal  
51 corporations, agents, and employees and those domiciled within the federal zone, and excluding those within states of the  
52 Union. The reason is that those domiciled in the federal zone are not protected by the Bill of Rights. The only exception to  
53 this rule is that any natural person who is domiciled in a state of the Union but who is exercising agency of a federal  
54 corporation or legal "person" which has a domicile within the federal zone also may become the lawful subject of statutory  
55 presumptions, but only in the context of the agency he is exercising. For instance, we demonstrate in our document below:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

1 that those participating in the Social Security program are deemed to be “agents”, “employees”, and “fiduciaries” of the  
2 federal corporation called the United States, which has a “domicile” in the federal zone (District of Columbia) under [4 U.S.C.](#)  
3 [§72](#). Therefore, unless and until they eliminate said agency using the above document, statutory presumptions may be used  
4 against them without an unconstitutional result, but only in the context of the agency they are exercising.

### 5 **8.4.3 Application of “Expressio unius est exclusio alterius” rule**

6 *“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one*  
7 *thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
8 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or*  
9 *things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*  
10 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
11 *of a certain provision, other exceptions or effects are excluded.”*  
12 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

13 The above important rule establishes that what is not enumerated in law can safely be ignored. The Supreme court has said  
14 about the above rule:

- 15 1. That it is a rule of statutory construction and interpretation, and not a substantive law. See *U.S. v. Barnes*, 222 U.S. 513  
16 (1912).
- 17 2. That the rule can never override clear and contrary evidences of Congressional intent. See *Neuberger v. Commissioner*  
18 *of Internal Revenue*, 311 U.S. 83 (1940).
- 19 3. A few exceptions to the *Exclusio Rule* were made in the following cases:  
20 3.1. *Springer v. Government of the Philippine Islands*, 277 U.S. 189 (1928)  
21 3.2. *U.S. v. Barnes*, 222 U.S. 513 (1912)  
22 3.3. *Neuberger v. Commissioner of Internal Revenue*, 311 U.S. 83 (1940)
- 23 4. For examples of the use of the above rule of statutory construction, see the following U.S. Supreme Court Rulings:  
24 *Tennessee Valley Auth. v. Hill*, 437 U.S. 153, 188 (1978); *Passenger Corp. v. Passengers Assoc.*, 414 U.S. 453, 458 (1974);  
25 *Bingler v. Johnson*, 394 U.S. 741, 749 (1969); *Evans v. Newton*, 382 U.S. 296, 311 (1966); *Nashville Milk Co. v. Carnation*  
26 *Co.*, 355 U.S. 373, 375 (1958)).

27 The reason for the above rule is twofold:

- 28 1. A fundamental requirement of Constitutional due process is “due notice”. This means that a law must warn an individual  
29 exactly and specifically what the law requires and what is prohibited. Therefore, it must describe all of the persons and  
30 things and behaviors EXACTLY to which it applies.

31 *“One of the important steps in the enactment of a valid law is the requirement that it shall be made known to the*  
32 *people who are to be bound by it. There would be no justice if the state were to hold its people responsible for*  
33 *their conduct before it made known to them the unlawfulness of such behavior. In practice, our laws are published*  
34 *immediately upon their enactment so that the public will be aware of them.”*  
35 *[How Our Laws Are Made, Chapter 19, U.S. Government Printing Office*  
36 <http://thomas.loc.gov/home/lawsmade.toc.html>]

37 To enforce a law that does not meet this requirement violates not only the requirement for “due notice”, but more  
38 importantly violates the “void for vagueness doctrine”, which states:

39 *“Men of common intelligence cannot be required to guess at the meaning of penal enactment.*

40 *“In determining whether penal statute is invalid for uncertainty, courts must do their best to determine whether*  
41 *vagueness is of such a character that men of common intelligence must guess at its meaning.*

42 *“Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained.”*  
43 *[Winters v. People of State of New York, 333 U.S. 507; 68 S.Ct. 665 (1948)]*

- 44 2. In addition to the above, a statute also may NOT create or encourage presumption. Statutory presumptions are absolutely  
45 forbidden where they impair or injure Constitutionally guaranteed rights. If the reader is required to “presume” what is  
46 included in a statute or regulations or if he must rely on a judge rather than the law itself to decide what is “included”,  
47 then we have violated the legislative intent of the Constitution, which was to create a society of law and not of men:

1 *"The government of the United States has been emphatically termed a government of laws, and not of men. It*  
2 *will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested*  
3 *legal right."*  
4 *[Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]*

5 Either "presuming" or being compelled by the court to "presume" something that isn't actually written in the law,  
6 especially where it would prejudice Constitutional rights, is a violation of due process and represents a gross injury to  
7 the rights of the Alleged Defendant. Below is the U.S. Supreme Court's condemnation of such statutory presumptions  
8 in *United States v. Gainly*, 380 U.S. 63 (1965). Notice that they go so far as to call the consequences of such a  
9 presumption slavery in violation of the Thirteenth Amendment. This is a very important point:

10 *Looking beyond the rational-relationship doctrine the Court held that the use of this presumption by Alabama*  
11 *against a man accused of crime would amount to a violation of the Thirteenth Amendment to the Constitution,*  
12 *which forbids "involuntary [380 U.S. 63, 80] servitude, except as a punishment for crime."* *In so deciding the*  
13 *Court made it crystal clear that rationality is only the first hurdle which a legislatively created presumption must*  
14 *clear - that a presumption, even if rational, cannot be used to convict a man of crime if the effect of using the*  
15 *presumption is to deprive the accused of a constitutional right. In Bailey the constitutional right was given by the*  
16 *Thirteenth Amendment. In the case before us the accused, in my judgment, has been denied his right to the kind*  
17 *of trial by jury guaranteed by Art. III, 2, and the Sixth Amendment, as well as to due process of law and freedom*  
18 *from self-incrimination guaranteed by the Fifth Amendment. And of course the principle announced in the Bailey*  
19 *case was not limited to rights guaranteed by the Thirteenth Amendment. The Court said in Bailey:*

20 *"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the*  
21 *creation of a statutory presumption any more than it can be violated by direct enactment.*  
22 *The power to create presumptions is not a means of escape from constitutional restrictions."*  
23 *219 U.S., at 239 .*

24 *Thus the Court held that presumptions, while often valid (and some of which, I think, like the presumption of*  
25 *death based on long unexplained absence, may perhaps be even salutary in effect), must not be allowed to*  
26 *stand where they abridge or deny a specific constitutional guarantee.*  
27 *[United States v. Gainly, 380 U.S. 63 (1965)]*

#### 28 **8.4.4 Meaning of "extension" and "enlargement" context of the word "includes"**

29 Earlier in this document, we quoted the definition of "includes" from Black's Law Dictionary. We have underlined and  
30 emphasized that portion which we shall address in this section:

31 *"Include.* (Lat. Includere, to shut in. keep within.) *To confine within, hold as an inclosure. Take in, attain, shut*  
32 *up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an*  
33 *enlargement and have the meaning of and or in addition to, or merely specify a particular thing already*  
34 *included within general words theretofore used. "Including" within statute is interpreted as a word of*  
35 *enlargement or of illustrative application as well as a word of limitation. Premier Products Co. v. Cameron,*  
36 *240 Or. 123, 400 P.2d. 227, 228."*  
37 *[Black's Law Dictionary, Sixth Edition, p. 763]*

38 The Supreme Court has ruled that the use of the word "includes" as a term of enlargement" or "extension" is the exceptional  
39 and not usual use:

40 *The determining word is, of course the word 'including.' It may have the sense of addition, [221 U.S. 452, 465]*  
41 *as we have seen, and of 'also;' but, we have also seen, 'may merely specify particularly that which belongs to the*  
42 *genus.' Hiller v. United States, 45 C.C.A. 229, 106 Fed. 73, 74. It is the participle of the word 'include,' which*  
43 *means, according to the definition of the Century Dictionary, (1) 'to confine within something; hold as in an*  
44 *inclosure; inclose; contain.' (2) 'To comprise as a part, or as something incident or pertinent; comprehend; take*  
45 *in; as the greater includes the less; . . . the Roman Empire included many nations.' 'Including,' being a participle,*  
46 *is in the nature of an adjective and is a modifier."*

47 ...

48 *"...The court also considered that the word 'including' was used as a word of enlargement, the learned court*  
49 *being of opinion that such was its ordinary sense. With this we cannot concur. It is its exceptional sense, as*  
50 *the dictionaries and cases indicate. We may concede to 'and' the additive power attributed to it. It gives in*  
51 *connection with 'including' a quality to the grant of 110,000 acres which it would not have had,-the quality of*  
52 *selection from the saline lands of the state. And that such quality would not exist unless expressly conferred we*  
53 *do not understand is controverted. Indeed, it cannot be controverted...."*  
54 *[Montello Salt Co. v. Utah, 221 U.S. 452 (1911)]*

1 A favorite tactic of those who wish to illegally expand the public perception of federal jurisdiction is to zero in on the use of  
2 the word “includes” as a word of “enlargement”. They will first cite 26 U.S.C. §7701(c) :

3 [26 U.S.C. Sec. 7701\(c\) INCLUDES AND INCLUDING.](#)

4 *The terms ‘include’ and ‘including’ when used in a definition contained in this title shall not be deemed to exclude*  
5 *other things otherwise within the meaning of the term defined.”*

6 Then they will try to imply that the above definition allows for:

- 7 1. The inclusion of the common meaning or use of the word IN ADDITION to that context in which it is defined in the  
8 code. This violates the rules of statutory construction summarized in section Form #05.014, Section 14.10, rules 6 and  
9 7.
- 10 2. The inclusion of subjects or things which are not specifically pointed out in the code itself. This is a violation of the  
11 “Expressio unius est exclusion alterius” rule covered in the previous section.
- 12 3. The inclusion of anything the government or the reader wants to include. This is a violation of the Supreme Court ruling  
13 in the case of *Marbury v. Madison*, which unequivocally stated that we are a society of law and not of men. The meaning  
14 of the law cannot be mandated to be decided by any man, but only by a reader of average intelligence.

15 *“The government of the United States has been emphatically termed a government of laws, and not of men. It*  
16 *will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested*  
17 *legal right...”*

18 *“The government of the United States is the latter description. The powers of the legislature are defined and*  
19 *limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose*  
20 *are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time,*  
21 *be passed by those intended to be restrained? The distinction between a government with limited and unlimited*  
22 *powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited*  
23 *and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the constitution*  
24 *controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary*  
25 *act.”*

26 [*Marbury v. Madison*, [5 U.S. 137](#), 1 Cranch 137, 2 L.Ed. 60 (1803)]

27 As the above case points out, the government of the United States is one of finite, limited, and delegated powers. The limits  
28 imposed by the Constitution, Ninth and Tenth Amendments, upon our public servants are there to protect our rights and  
29 freedoms and for no other reason. The purpose of law, in fact, is to define and limit government power. Law is incapable of  
30 performing that essential role of protection from government abuse when:

- 31 1. A statute compels a presumption (called a “statutory presumption”) which violates or prejudices the Constitutional rights  
32 of the litigant.
- 33 2. Judge-made law compels presumptions or uses presumptions as a substitute for REAL, positive law evidence.
- 34 3. The law uses terms whose definition is uncertain.
- 35 4. The law uses terms that can only be understood subjectively.
- 36 5. The law uses terms that can be interpreted to mean whatever the reader or a government bureaucrat wants them to mean.

37 The Supreme Court related why the above tactics represent malicious abuses of legal process when it created what it calls  
38 “the void for vagueness doctrine”:

39 *“That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are*  
40 *subject to it what conduct on their part will render them liable to its penalties is a well- recognized requirement,*  
41 *consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids*  
42 *or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at*  
43 *its meaning and differ as to its application violates the first essential of due process of law. *International**  
44 *Harvester Co. v. Kentucky, [234 U.S. 216, 221](#), 34 S.Ct. 853; *Collins v. Kentucky, [234 U.S. 634, 638](#), 34 S.Ct. 924**

45 ...

46 [[269 U.S. 385, 393](#)] ... *The dividing line between what is lawful and unlawful cannot be left to conjecture. The*  
47 *citizen cannot be held to answer charges based upon penal statutes whose mandates are so uncertain that they*  
48 *will reasonably admit of different constructions. A criminal statute cannot rest upon an uncertain foundation.*  
49 *The crime, and the elements constituting it, must be so clearly expressed that the ordinary person can intelligently*  
50 *choose, in advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain*

1 things, and providing a punishment for their violation, should not admit of such a double meaning that the citizen  
2 may act upon the one conception of its requirements and the courts upon another.'  
3 [Connally v. General Construction Co., 269 U.S. 385 (1926)]

4 Based on the above, the only reasonable interpretation of any statute or code is to include only that which is explicitly spelled  
5 out. There are only three ways to define a term in a law:

- 6 1. To define every use and application of a term within a single section of a code or statute. Such a definition could be  
7 relied upon as a universal rule for interpreting the word defined, to the exclusion, even, of the common definition of the  
8 word. Remember that according to the Rules of Statutory Construction, the purpose for defining a word in a statute is  
9 to exclude all other uses, and even the common use, from being used by the reader. This is the case with the word  
10 "includes" within the Internal Revenue Code, which is only defined in one place in the entire Title 26, which is found in  
11 26 U.S.C. §7701(c). For this type of definition, the word "includes" would be used ONLY as a term of "limitation".
- 12 2. To break the definition across multiple sections of code, where each additional section is a regional definition that is  
13 limited to a specific range of sections within the code. For this context, the term "includes" is used mainly as a word of  
14 "limitation" and it means "is limited to". For instance, the term "United States" is defined in three places within the  
15 Internal Revenue Code, and each definition is different:
  - 16 2.1. 26 U.S.C. §3121
  - 17 2.2. 26 U.S.C. §4612
  - 18 2.3. 26 U.S.C. §7701(a)(9) and (a)(10).
- 19 3. To break the definition across multiple sections of code, where each additional section ADDS to the definition. For this  
20 context, the term "includes" is used mainly as a word of "enlargement", and functions essentially as meaning "in addition  
21 to". For instance:
  - 22 3.1. Code section 1 provides the following definition:

23 *Chapter 1 Definitions*  
24 *Section 1: Definition of "fruit"*

25 *For the purposes of this chapter, the term "fruit" shall include apples, oranges and bananas.*

- 26 3.2. Code section 10 expands the definition of "fruit" as follows. Watch how the "includes" word adds and expands the  
27 original definition, and therefore is used as a term of "enlargement" and "extension":

28 *Chapter 2 Definitions*  
29 *Section 10 Definition of "fruit"*

30 *For the purposes of this Chapter, the term "fruit" shall include, in addition to those items identified in section 1,*  
31 *the following: Tangerines and watermelons.*

32 The U.S. Supreme Court elucidated the application of the last rule above in the case of *American Surety Co. of New York v.*  
33 *Marotta*, 287 U.S. 513 (1933):

34 *"In definitive provisions of statutes and other writings, 'include' is frequently, if not generally, used as a word*  
35 *of extension or enlargement [meaning "in addition to"] rather than as one of limitation or enumeration.*  
36 *Fraser v. Bentel, 161 Cal. 390, 394, 119 P. 509, Ann.Cas. 1913B, 1062; People ex rel. Estate of Woolworth v.*  
37 *S.T. Comm., 200 App.Div. 287, 289, 192 N.Y.S. 772; Matter of Goetz, 71 App.Div. 272, 275, 75 N.Y.S. 750;*  
38 *Calhoun v. Memphis & P.R. Co., Fed. Cas. No. 2,309; Cooper v. Stinson, 5 Minn. 522 (Gil. 416). Subject to the*  
39 *effect properly to be given to context, section 1 (11 USCA 1) prescribes the constructions to be put upon various*  
40 *words and phrases used in the act. Some of the definitive clauses commence with 'shall include,' others with 'shall*  
41 *mean.' The former is used in eighteen instances and the latter in nine instances, and in two both are used. When*  
42 *the section as a whole is regarded, it is evident that these verbs are not used synonymously or loosely, but with*  
43 *discrimination and a purpose to give to each a meaning not attributable to the other. It is obvious that, in some*  
44 *instances at least, 'shall include' is used without implication that any exclusion is intended. Subsections (6) and*  
45 *(7), in each of which both verbs are employed, illustrate the use of 'shall mean' to enumerate and restrict and of*  
46 *'shall include' to enlarge and extend. Subsection (17) declares 'oath' shall include affirmation, Subsection (19)*  
47 *declares 'persons' shall include corporations, officers, partnerships, and women. Men are not mentioned. In these*  
48 *instances the verb is used to expand, not to restrict. It is plain that 'shall include,' as used in subsection (9) when*  
49 *taken in connection with other parts of the section, cannot reasonably be read to be the equivalent of 'shall mean'*  
50 *or 'shall include only.' [287 U.S. 513, 518] There being nothing to indicate any other purpose, Congress must*  
51 *be deemed to have intended that in section 3a(1) 'creditors' should be given the meaning usually attributed to it*  
52 *when used in the common-law definition of fraudulent conveyances. See Coder v. Arts, 213 U.S. 223, 242, 29*  
53 *S.Ct. 436, 16 Ann.Cas. 1008; Lansing Boiler & Engine Works v. Joseph T. Ryerson & Son (C.C.A.) 128 F. 701,*  
54 *703; Githens v. Shiffler (D.C.) 112 F. 505. Under the common-law rule a creditor having only a contingent claim,*

1 such as was that of the petitioner at the time respondent made the transfer in question, is protected against  
2 fraudulent conveyance. And petitioner, from the time that it became surety on Mogliani's bond, was entitled as a  
3 creditor under the agreement to invoke that rule. *Yeend v. Weeks*, 104 Ala. 331, 341, 16 So. 165, 53 Am.St.Rep.  
4 50; *Whitehouse v. Bolster*, 95 Me. 458, 50 A. 240; *Mowry v. Reed*, 187 Mass. 174, 177, 72 N.E. 936; *Stone v.*  
5 *Myers*, 9 Minn. 303 (Gil. 287, 294), 86 Am.Dec. 104; *Cook v. Johnson*, 12 N.J.Eq. 51, 72 Am.Dec. 381; *American*  
6 *Surety Co. v. Hattrem*, 138 Or. 358, 364, 3 P.(2d) 1109, 6 P.(2d) 1087; *U.S. Fidelity & Guaranty Co. v.*  
7 *Centropolis Bank (C.C.A.)* 17 F.(2d) 913, 916, 53 A.L.R. 295; *Thomson v. Crane (C.C.)* 73 F. 327, 331."  
8 [*American Surety Co. of New York v. Marotta*, 287 U.S. 513 (1933)]

#### 9 **8.4.5 Three Proofs that demonstrate the proper meaning of the word "includes"**

10 In this section, we shall use evidence from the Internal Revenue Code and the IRS' own Internal Revenue Manual to establish  
11 the proper use of the word "includes". We will statistically examine three different aspects about the use of the word  
12 "includes" within these sources in order to prove that the only conclusion a reasonable person can reach about the use of the  
13 word "includes" and "including" is that it is used as a term of "limitation" in these sources unless accompanied by "in addition  
14 to".

##### 15 **8.4.5.1 PROOF #1: Internal Revenue Code (I.R.C.) uses of the word "includes"**

16 The Internal Revenue Code defines the words "includes and including" under Title 26, Section 7701(c):

17 *Title 26 – Section 7701(c) Includes and Including.*

18 *The terms "include" and "including" when used in a definition contained in this title shall not be deemed to*  
19 *exclude other things otherwise within the meaning of the term defined.*

20 Let us accept this definition for now on its face. If we are to accept the definition under 7701(c) then why is the Internal  
21 Revenue Code using the phrase 'but not limited to' twenty-five (25) times in the 2003 version Internal Revenue Code – while  
22 the code already defines it to include other things not listed? Logically, this can mean that "includes" and "including" are to  
23 be limiting terms, because obviously there are (25) instances where the phrase 'but not limited to' has been used. Through  
24 logical reasoning, this implies that there are instances in the Internal Revenue Code where "includes" and 'including' are to  
25 be used "expansively". Here are the following sections that use the phrase 'including but not limited to' or "includes but not  
26 limited to" in Section order through the Internal Revenue Code:

- 27 1- Section 61(a) Gross income defined
- 28 2- Section 127(c)(1) Educational assistance programs
- 29 3- Section 162(e)(2)(B) Trade or business expenses
- 30 4- Section 162(j)(2) Trade or business expenses
- 31 5- Section 175(c)(1) Soil and water conservation expenditures
- 32 6- Section 190(a)(3) Expenditures to remove architectural and transportation barriers to the handicapped and  
33 elderly
- 34 7- Section 382(m) Limitation on net operating loss carry forwards and certain built-in losses following ownership
- 35 8- Section 415(j) Limitations on benefits and contribution
- 36 Section 416(f)
- 37 9- Section 509(d) Definition of support
- 38 10- Section 513(d)(2) Unrelated trade or business
- 39 11- Section 513(d)(3)(A) Unrelated trade or business
- 40 12- Section 613(B)(7) Percentage depletion
- 41 13- Section 851(B)(2) Definition of regulated investment company
- 42 14- Section 852(B)(5)(B) Taxation of regulated investment companies and their shareholders
- 43 15- Section 901(e)(2) Taxes of foreign countries and of possessions of United States
- 44 16- Section 954(f) Foreign base company income
- 45 17- Section 955(B)(1) Withdrawal of previously excluded subpart F income from qualified investment
- 46 18- Section 1253(a)(2) Transfers of franchises, trademarks, trade names
- 47 19- Section 1504(a)(5) Definitions
- 48 20- Section 4462(i) Definitions and special rules
- 49 21- Section 4942(g)(2)(B)(ii)(III) Failure to distribute income
- 50 22- Section 5002(a)(5)(B) Definitions
- 51 23- Section 5006(a)(1) Determination of tax

- 24- Section 7624(a) Reimbursement to State and local law enforcement agencies
- 25- Section 9712(c )(2) Establishment and coverage of 1992 UMWA Benefit Plan

The history of the Internal Revenue Code also documents that the phrase “but not limited to” was also used. The term “includes and including” were defined in this version the same way as it is defined in the 1986 version of the Internal Revenue Code. For instance, there were 6 instances of the phrase 'including but not limited to' in the Internal Revenue Code (1954 Version):

- 1- Section 61 Gross Income Defined
- 2- Section 175(c )(1) Soil and Water Conservation Expenditures
- 3- Section 346 (a)(2) Partial Liquidation defined
- 4- Section 613 (B)(6) Percentage depletion
- 5- Section 5006 (a)(1) Determination of tax
- 6- Section 5026 Determination and collection of rectification tax

**Question for doubters that “includes” is a limiting term in the Internal Revenue Code:**

If Congress and the Internal Revenue Service would like us to believe that the words “includes” and “including” are to be understood “expansively”, then why add the phrase “but not limited to” used 25 times in the Internal Revenue Code of 1986 and 6 instances of it in the 54 Code?

**8.4.5.2 PROOF #2: The I.R.C. definition of “gross income”**

This proof is a bit complex and requires a little analysis. Below is section 61 of the Internal Revenue Code:

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter B](#) > [PART 1](#) > § 61  
[§ 61. Gross income defined](#)

*Section 61(a) Gross income defined – Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:*

- (1) Compensation for services, including fees, commissions fringe benefits, and similar items.*
- (2) Gross income derived from business*
- (3) Gains derived from dealings in property*
- (4) Interest*
- (5) Rents*
- (6) Royalties*
- (7) Dividends*
- (8) Alimony and separate maintenance payments*
- (9) Annuities*
- (10) Income from life insurance and endowment contracts*
- (11) Pensions*
- (12) Income from discharge of indebtedness*
- (13) Distributive share*
- (14) Income in respect of a decedent and*
- (15) Income from an interest in an estate*

Based on this Section 61(a) definition, we are to understand that “gross income” is to mean the 15 elements above and ANYTHING that is ALSO NOT listed in that category. Taking that statement into consideration, we now are confronted with 37 sections of the Internal Revenue Code Sections which use the phrase:

*“gross income does not include”*

at least once within their respective sections, and then lists various elements. The above phrase proves a contradiction, within the I.R.C. because there appears to be some sort of “definition deadlock” where “gross income” means nothing at all! Below is the list of specific sections which use the above phrase so you can prove the contradiction yourself.

- Section 101(a)
- Section 101(h)(1)
- Section 102(a)
- Section 103(a)
- Section 104(a)

1 Section 105(c )  
2 Section 106(a)  
3 Section 107  
4 Section 108(a)(1)  
5 Section 108(f)(1)  
6 Section 109  
7 Section 110(a)  
8 Section 111(a)  
9 Section 112(a)  
10 Section 112(B)  
11 Section 112(d)(1)  
12 Section 112(d)(2)  
13 Section 114(a)  
14 Section 115  
15 Section 117(a)  
16 Section 117(d)(1)  
17 Section 118(a)  
18 Section 120(a)  
19 Section 121(a)  
20 Section 122(a)  
21 Section 123(a)  
22 Section 126(a)  
23 Section 127(a)  
24 Section 127(c )(1)  
25 Section 129(a)  
26 Section 131(a)  
27 Section 132(a)  
28 Section 132(j)(4)  
29 Section 134(a)  
30 Section 136(a)  
31 Section 138(a)  
32 Section 139(a)

33 The IRS is fond of lying to us by saying that ‘includes’ and ‘including’ are to be used EXPANSIVELY. We accept that  
34 definition and apply it to Section 61(a) ‘gross income’ and also apply it to the above 37 sections. Next, we take the above 37  
35 sections and apply the same ‘includes’ and ‘including’ rule. For instance, when one section states ‘gross income does NOT  
36 include A B C D and E’ – then we can claim that gross income does NOT INCLUDE anything, because we are told to use  
37 the word EXPANSIVELY.

38 If our critics DISMISS this proof, then LOGICALLY this would mean that the they admit that the word ‘includes’ and  
39 ‘including’ are used in a limiting rather expansive way, in the above 37 sections. As a result, this would also prove that the  
40 phrase ‘includes’ and ‘including’ CAN ALSO be used in a limiting way, DESPITE Section 7701(c ). In turn, this would  
41 introduce the ‘void for vagueness’ doctrine.

42 In conclusion, either way you look at it “includes and including” are words in such a way that they compel men of common  
43 intelligence must necessarily have to guess at its meaning, which the Supreme Court said no law can do.

44 Following the illogic of our detractors leads to the conclusion that the Internal Revenue Code is filled with such contradictions  
45 with ‘includes’ and ‘does not include’. For instance, Section 1273 uses the word ‘includes’ and ‘include’ in a very interesting  
46 manner:

47 *Section 1273(B)(5) – Property. In applying this subsection, the term ‘property’ includes services and the right to*  
48 *use property, but such term does not include money.*

49 If one states that “include” and “includes” is used EXPANSIVELY in this Section, then the word “property” as used in that  
50 Section means nothing! If one states that ‘include’ and “includes” is used in a LIMITING way, then this proves that ‘include’  
51 and all of its derivatives as used in the Code are void for vagueness.

1 Here is another interesting way the word “include” is used, as found in Section 1301(B)(2), in which the same LOGIC can  
2 be used:

3 *Section 1301(B)(2) – Individual. The term ‘individual’ shall not include any estate or trust.*

4 Here is another Section that uses the word ‘include’ in a very interesting way in Section 3405(e)(11):

5 *Section 3405(e)(11) – Withholding includes deduction. The term ‘withholding’ ‘withhold’ and ‘withheld’ include  
6 ‘deducting’ ‘deduct’ and ‘deducted’*

7 An important question that might be asked is – What if Congress wished to use the word ‘include’ or any of its derivatives in  
8 a limiting way? What would it need to do?

9 Answer: They would need to add the word “only” before or after the word “include” as they have done so with the Sections  
10 below.

11 In Section 132(k):

12 *“Customers not to include employees – for the purposes of this section (other than subsection (c)(2)), the term  
13 ‘customers’ shall **only include** customers who are not employees.”*

14 In Section 164(B)(2) and Section 164(B)(3):

15 *“(2) State or Local taxes – A State or local taxes **includes only** a tax imposed by a State, a possession of the  
16 United States, or a political subdivision of any of the foregoing, or by the District of Columbia.*

17 *(3) Foreign taxes. A foreign tax **includes only** a tax imposed by the authority of a foreign country.”*

18 In Section 7701(a)(9):

19 *“United States. The term ‘United States’ when used in a geographical sense **includes only** the States and the  
20 District of Columbia.”*

21 CONCLUSION OF THIS PROOF: The word “includes” and all of its derivatives is either used as a word of limitation or is  
22 void for vagueness.

23 **8.4.5.3 PROOF #3: IRS uses of the word in their own Internal Revenue Manual (I.R.M.)**

24 Believe it or not, the Internal Revenue Service itself uses the words “includes” and “including” in a limiting way. Ironically,  
25 the Internal Revenue Service’s own, Internal Revenue Manual (I.R.M.) can prove this! The Manual as of April 15, 2004 uses  
26 the phrases”

27 *“includes but is not limited to” or*

28 *“including but not limited to”*

29 (426) times. Furthermore, the IRM at time when it deems necessary, uses the phrase “includes” or “including” WITHOUT  
30 using the phrase “but not limited to”. Obviously, the Manual recognizes this distinction. The deception is revealing. Below  
31 is the list of IRM sections which contain the above two phrases:

- 32 1.1.10.1 - Equal Employment Opportunity and Diversity
- 33 1.1.12.2.1 - Office of Security Standards and Evaluation
- 34 1.1.16.6.1 - Program Management
- 35 1.2.1.5.19 - Collection Activity
- 36 1.2.4.7 - Additional Information
- 37 1.4.1.7 Employee Development and Training
- 38 1.4.16.5.4 - Workload Reviews
- 39 1.4.20.3 – Extracts
- 40 1.4.50.2 - Role of the Collection Field Function (CFF) Manager

1 1.4.50.3 Protecting Taxpayer Rights  
2 1.4.50.5.4 - Other Managerial Responsibilities  
3 1.4.50.5.5 – Administrative  
4 1.4.50.5.7 - Employee Development and Training  
5 1.4.50.5.12 - Interaction With Employees on Flexiplace  
6 1.5.2.7 - Reason for Prohibitions on the Use of ROTERS  
7 1.5.2.9 - Records of Tax Enforcement Results (ROTERS)  
8 1.5.2.12 Exercise of Judgment in Pursuing Enforcement of the Tax Laws  
9 1.5.3.3 - Certification and Waiver Requirements  
10 1.5.4.4 - Tax Enforcement Results  
11 1.5.4.5 - Examples of Section 1204 Employees in Appeals  
12 1.5.5.3 (10-01-2000) - Use of ROTERS in Evaluations  
13 1.5.5.4 (10-01-2000) - Other Measures and Statistics  
14 1.5.6.2 - Definition and Examples of Section 1204 Employees in LMSB  
15 1.5.6.3 - What Are Tax Enforcement Results?  
16 1.5.6.4 (10-01-2000) - What are NOT Tax Enforcement Results?  
17 1.5.6.5 - What are Records of Tax Enforcement Results (ROTERS)  
18 1.5.6.6 - What are Quantity and Quality Measures?  
19 1.5.7.7 - Section 1204 Employees  
20 1.5.7.9 - Tax Enforcement Results (TERS)  
21 1.5.7.10 - Records of Tax Enforcement Results (ROTERS)  
22 1.5.7.12 - Quality Measures  
23 1.5.8.3 - Self-Certification  
24 1.5.9.2 (10-01-2000) Examples of Section 1204 Employees in TE/GE  
25 1.5.9.3 - What Are Tax Enforcement Results  
26 1.5.9.5 - What Are Records of Tax Enforcement Results (ROTERS)  
27 1.5.10.3 - What Are Tax Enforcement Results?  
28 1.5.10.4 - What are Records of Tax Enforcement Results?  
29 1.5.10.8 - What are Quantity and Quality Measures?  
30 1.11.1.4.2 (07-01-2003) - IMD Coordinator Responsibilities  
31 1.11.1.5 (07-01-2003) - Routing and Clearing IMDs  
32 1.15.7.4 (01-01-2003) Subject Files  
33 1.16.8.3.4 (07-01-2003) Significant Incidents  
34 1.16.10.3 (07-01-2003) – Planning  
35 1.16.13.3.4.1 (07-01-2003) – Disposition  
36 1.16.14.10 (07-01-2003) - Automatic Detection Equipment  
37 1.17.6.7.2 (11-01-2003) - Work Planning and Control (WP&C)  
38 1.22.6.1.2 (05-28-2002) – Responsibility  
39 1.22.7.5.1 (05-28-2002) - Shipment Valuation  
40 1.23.2.1.3 (02-01-2003) – Definitions  
41 1.23.2.2 (02-01-2003) - General Investigative Requirements  
42 1.23.3.1.3 (01-02-2000) – Definitions  
43 1.54.1.3.1 (09-30-2003) - Elevation to Inform Managers or Executives  
44 1.54.1.3.2 (09-30-2003) - Elevation to Obtain a Decision  
45 1.54.1.6.6 (09-30-2003) - Commissioner and Deputy Commissioner, TE/GE  
46 3.0.257.3.1 (10-01-2002) - Centralized File  
47 3.0.273.3.5 (01-01-2003) - Form 9345, Editorial Change Request  
48 3.0.275.5.5.3 (12-01-2002) - Deposit Error Rate Summary Reports  
49 3.8.45.6.40 (02-01-2004) - Processing Items From NCS, EFAST Processing Center OSPC only  
50 3.13.5.12 (01-01-2004) - Oral Statement, Change of Address  
51 3.13.5.14.1 (01-01-2004) - Updating Address Records  
52 3.17.63.19.1 (10-01-2003) - After Hours Assessments  
53 3.21.260.10 (10-01-2002) - Unacceptable Documentation  
54 3.30.28.5.2.1 (03-01-2003) - BMF Entity SS-4 Review  
55 3.30.28.5.2.2 (03-01-2003) - BMF Returns Received Without EIN's  
56 3.30.28.5.3.2 (03-01-2003) - FTD Penalty Adjustments  
57 3.30.28.5.3.3 (03-01-2003) - FTD Review for Accounting

1 3.31.125.3 (01-01-2004) - Types of Forms Used to Submit IRM/Program Changes  
2 4.1.4.23 (05-19-1999) – Nonfilers  
3 4.1.7.4 (05-19-1999) - Control and Management of Tax Return and Return Information  
4 4.2.2.4 (10-01-2003) - Identification of Bad Payer Data  
5 4.2.3.3.1.1 (10-01-2003) - Examples of Area Counsel Assistance  
6 4.2.4.2 (10-01-2003) - Responsibilities of Examiners  
7 4.3.1.1 (05-18-1999) – Overview  
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26 35.8.12.7.1 (12-13-1999) - Field Responsibilities with Respect to Obtaining and Disseminating Chief Counsel  
27 Advice  
28 35.13.2.1 (01-24-1996) - Responsibilities and Functions (Department of Justice, National Office, Field Offices)  
29 35.13.10.3 (07-11-1991) - Assessment in Appealed Cases  
30 42.2.2.1 (06-15-1988) - Formal Document Request  
31 42.10.9.1 (11-15-1996) - Coordination with Ongoing Litigation  
32 42.10.10.1 (11-15-1996) - Application of APA Methodology to Prior Years

33 It is obvious that the Internal Revenue Manual (I.R.M.) recognizes the difference between:

- 34 1. “includes” and “include but not limited to”  
35 2. “including” and “including but not limited to”

36 **8.4.6 Techniques for Malicious Abuse of the rules of Statutory Construction by Misbehaving Public Servants**

37 The most famous type of abuse of the rules of statutory construction occurs in the context of terms used within the Internal  
38 Revenue Code that are used to define and limit the jurisdiction of the Internal Revenue Code. The only purpose for such  
39 abuse is to extend federal jurisdiction beyond the clear limits imposed by the code itself in order to enlarge federal revenues.

40 *"The love of money is the root of all evil."*  
41 *[1 Tim. 6:10]*

42 The definitions within the Internal Revenue Code which are most frequently abused in this way are the following, all of which  
43 incorporate the word “includes” into their definitions:

- 44 1. “**employee**”: 26 U.S.C. §3401(c)  
45 2. “**gross income**”: 26 U.S.C. §872  
46 3. “**person**”: 26 U.S.C. §7701(a)(1), 26 U.S.C. §7343, 26 U.S.C. §6671(b)  
47 4. “**State**”: 26 U.S.C. §7701(a)(10)  
48 5. “**trade or business**”: 26 U.S.C. §7701(a)(26)  
49 6. “**United States**”: 26 U.S.C. §7701(a)(9)

1 Tyrants in government will frequently point to the above words, when used by an American, and point out that the definitions  
2 of the terms use the word “includes”. They will then cite the definition of “includes” found in 26 U.S.C. §7701(c) and try to  
3 “enlarge” or expand the definition using some arbitrary criteria that financially benefits them, and in clear violation of the  
4 uses for that context of the word described in the previous section. They will attempt to imply that I.R.C. 7701(c) gives them  
5 carte blanche authority to include whatever they subjectively want to add into the definition of the term being controverted.  
6 This approach obviously:

- 7 1. Violates the whole purpose behind why law exists to begin with, explained earlier , which is to define and limit  
8 government power so as to protect the citizen from abuse by his government.
- 9 2. Gives arbitrary authority to a single individual to determine what the law “includes” and what it does not.

10 *“When we consider the nature and the theory of our institutions of government, the principles on which they*  
11 *are supposed to rest, and review the history of their development, we are constrained to conclude that they do*  
12 *not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,*  
13 *of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers*  
14 *are delegated to the agencies of government, sovereignty itself remains with the*  
15 *people, by whom and for whom all government exists and acts.*  
16 *And the law is the definition and limitation of power.* *It is, indeed, quite*  
17 *true that there must always be lodged somewhere, and in some person or body, the authority of final decision;*  
18 *and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the*  
19 *ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage.*  
20 *But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are*  
21 *secured by those maxims of constitutional law which are the monuments showing the victorious progress of the*  
22 *race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous*  
23 *language of the Massachusetts bill of rights, the government of the commonwealth ‘may be a government of laws*  
24 *and not of men.’ For the very idea that one man may be compelled to hold his life, or the means of living, or*  
25 *any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any*  
26 *country where freedom prevails, as being the essence of slavery itself.”*  
27 [*Yick Wo v. Hopkins, 118 U.S. 356 (1886)*]

- 28 3. Creates a society of men and not law, in violation of *Marbury v. Madison* cited earlier.
- 29 4. Is a recipe for tyranny and oppression.
- 30 5. Creates slavery and involuntary servitude of citizens toward their government, in violation of the Thirteenth Amendment.
- 31 6. Creates a “dulocracy”, where our public servants unjustly domineer over their sovereign citizen masters:

32 *“Dulocracy. A government where servants and slaves have so much license and privilege that they domineer.”*  
33 [*Black’s Law Dictionary, Sixth Edition, p. 501*]

- 34 7. Compels “presumption” and therefore violates due process of law.
- 35 8. Injures the Constitutional rights of the interested party.

36 The only way to eliminate the above types of abuses in the interpretation of law and to oppose such an abuse of authority by  
37 a public servant is to demand that the misbehaving “servant” produce a definition of the word somewhere within the code  
38 that clearly establishes the thing which he is attempting to “include”. If it isn’t shown in an enacted positive law, then it  
39 violates the exclusio rule and due process: To wit:

40 *“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***  
41 *thing is the exclusion of another.* *Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
42 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
43 *things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*  
44 *inferred.* *Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
45 *of a certain provision, other exceptions or effects are excluded.”*  
46 [*Black’s Law Dictionary, Sixth Edition, p. 581*]

#### 47 **8.4.7 Summary: Precise Meaning of “includes”**

48 This section shall attempt a concise, complete, and more useful definition of the word “includes” which removes the  
49 controversies over the use of the word so commonly found throughout the freedom community. In doing so, we started with  
50 the definition from Black’s Law Dictionary, Sixth Edition, and expanded upon it as little as possible so that the clear meaning  
51 can clearly and unambiguously be understood. The intention of doing so is to prevent false presumption and abuses of due

1 process by those with a political or financial agenda who work in the tax profession or for the government. The added  
2 language is shown underlined in order to emphasize what we added to the definition in order to make it clearer:

3 **“Include.** (Lat. Inclaudere, to shut in. keep within.) To confine within, hold as an inclosure. Take in, attain, shut  
4 up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an  
5 enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included  
6 within general words theretofore used. “Including” within statute is interpreted as a word of enlargement or of  
7 illustrative application as well as a word of limitation. Premier Products Co. v. Cameron, 240 Or. 123, 400 P.2d.  
8 227, 228.” When ‘Includes’ is used as a term, of ‘enlargement’ or ‘expansion’, it is only in the context of a  
9 definition which is spread across multiple sections of a title or code and which refer and/or relate to each other,  
10 each of which usually use the phrase ‘in addition to’. If the definition of a word within a Title of a code is only  
11 found in **one** place, it is always used only as a term of limitation and is equivalent to “is limited to”. When  
12 “includes” it is used in the context of a definition, it may safely be concluded that the purpose of providing the  
13 definition was to **supersede, and not extend,** the commonly understood meaning of the term. Stenberg v. Carhart,  
14 530 U.S. 914 (2000) (“When a statute includes an explicit definition, we must follow that definition, even if it  
15 varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987)” Any other method or  
16 construction or interpretation of a statute compels a statutory presumption and therefore violates due process of  
17 law. United States v. Gainly, 380 U.S. 63 (1965) All presumption which prejudices constitutionally guaranteed  
18 rights is impermissible in any court of law. Vlandis v. Kiene, 412 U.S. 441, 449, 93 S.Ct. 2230, 2235 (1973);  
19 Cleveland Bd. of Ed. v. LaFleur, 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215 (1974)”  
20 [Black’s Law Dictionary, Sixth Edition, p. 763]

## 21 **8.5 Ability to add anything one wants to a definition is a legislative function prohibited to constitutional courts**

22 The separation of powers doctrine that is the heart of the United States Constitution reserves the power to make law  
23 exclusively to the Legislative Branch of the government. The purpose of the separation of powers doctrine is to protect your  
24 sacred constitutional rights:

25 “To the contrary, the Constitution divides authority between federal and state governments for the protection  
26 of individuals. State sovereignty is not just an end in itself: “Rather, federalism secures to citizens the liberties  
27 that derive from the diffusion of sovereign power.” Coleman v. Thompson, 501 U.S. 722, 759 (1991)  
28 (BLACKMUN, J., dissenting). “Just as the separation and independence of the coordinate branches of the Federal  
29 Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power  
30 between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.”  
31 Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed.  
32 1961).  
33 [New York v. United States, 505 U.S. 144 (1992)]

34 Included within that legislative power is the exclusive authority to define words used within statutes. Anything not expressly  
35 appearing in the definition in turn is conclusively presumed to be “purposefully excluded”:

36 “Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one**  
37 thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,  
38 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or  
39 things are specified in a law, contract, or will, an intention to exclude all others from its operation may be  
40 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
41 of a certain provision, other exceptions or effects are excluded.”  
42 [Black’s Law Dictionary, Sixth Edition, p. 581]

43 The purpose of the expressio unius est exclusio alterius rule indicated above is to prevent the exercise of what the founding  
44 fathers called “arbitrary power”:

45 “It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the  
46 inconveniences necessarily connected with the advantages of a free government. **To avoid an arbitrary discretion**  
47 in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and  
48 interpretation] and precedents, which serve to define and point out their duty in every particular case that  
49 comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly  
50 and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable  
51 bulk, and must demand long and laborious study to acquire a competent knowledge of them.”  
52 [Federalist Paper No. 78, Alexander Hamilton]

53 “When we consider the nature and the theory of our institutions of government, the principles upon which they  
54 are supposed to rest, and review the history of their development, **we are constrained to conclude that they do**  
55 not mean to leave room for the play and action of purely personal and arbitrary power.”  
56 [Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071]

1 The exercise of arbitrary power has the practical effect of turning a “society of law” into a “society of men”:

2 *“The government of the United States has been emphatically termed a government of laws, and not of men. It*  
3 *will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested*  
4 *legal right.”*  
5 *[Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]*

6 Arbitrary power is power whose limits are not defined. Statutory definitions are the main method of delegating and expressly  
7 limiting the exercise of such power and thereby preventing the exercise of arbitrary power.

8 When judges or executive branch employees do any of the following, they are unconstitutionally exercising “legislative  
9 power” reserved exclusively for the legislative branch in violation of the separation of powers doctrine and acting in a  
10 POLITICAL rather than LEGAL capacity:

- 11 1. Add any thing or class of thing they want to a statutory definition.
- 12 2. Act in a way inconsistent with the statutory definitions and refuse to define where the thing they want to include  
13 expressly appears in the statutes.
- 14 3. PRESUME any of the following. All presumption which adversely impact rights protected by the Constitution and  
15 which are not consented to are a violation of due process of law that renders a void judgment and renders the actions  
16 that result from it as de facto rather than de jure.
  - 17 3.1. That the statutory definition EXPANDS the common meaning of a term.
  - 18 3.2. That exclusively private conduct, property, or activities are included within the definition. The purpose of  
19 statutory civil law is to define and limit and control GOVERNMENT, but to leave private rights and private  
20 conduct ALONE. The ability to regulate private rights and private conduct is repugnant to the constitution.

21 When either the executive or judicial branches of the government exercise the above types of legislative powers reserved  
22 exclusively to the legislative branch, then you have tyranny and liberty is impossible. The founding fathers in writing the  
23 U.S. Constitution relied on a book entitled *The Spirit of Laws*, by Charles de Montesquieu as the design for our republican  
24 form of government. In that book, Montesquieu describes how freedom is ended within a republican government, which is  
25 when the judicial branch exercises any of the functions of the executive branch, such as by exercising “legislative powers”  
26 in adding to the statutory definitions of words.

27 *“When the legislative and executive powers are united in the same person, or in the same body of magistrates,*  
28 *there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact*  
29 *tyrannical laws, to execute them in a tyrannical manner.*

30 *Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it*  
31 *joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge*  
32 *would be then the legislator. Were it joined to the executive power, the judge might behave with violence and*  
33 *oppression [sound familiar?].*

34 *There would be an end of everything, were the same man or the same body, whether of the nobles or of the*  
35 *people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of*  
36 *trying the causes of individuals.”*

37 [. . .]

38 *In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,*  
39 *as executors of the laws, of the whole power they have given themselves in quality of legislators. They may*  
40 *plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,*  
41 *every private citizen may be ruined by their particular decisions.”*

42 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;*  
43 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

44 Franchise courts such as the U.S. Tax Court were identified by the U.S. Supreme Court in *Freytag v. Commissioner*, 501  
45 U.S. 868 (1991) as exercising Executive Branch powers. Hence, such franchise courts are the most significant source of  
46 destruction of freedom and liberty in this country, according to Montesquieu. Other similar courts include family court and  
47 traffic court at the state level. We also wish to point out that the effect he criticizes also results when:

- 48 1. Any so-called “court” entertains “political questions”. Constitutional courts are not permitted to act in this capacity  
49 and they cease to be “courts” in a constitutional sense when they do. The present U.S. Tax Court, for instance, was

1 previously called the “Board of Tax Appeals” so that people would not confuse it with a REAL court. They renamed it  
2 to expand the FRAUD. See:

Political Jurisdiction, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>

- 3 2. Litigants are not allowed to discuss the law in the courtroom or in front of the jury or are sanctioned for doing so. This  
4 merely protects efforts by the corrupt judge to substitute HIS will for what the law actually says and turns the jury from  
5 a judge of the law and the facts to a policy board full of people with a financial conflict of interest because they are  
6 “taxpayers”. This sort of engineered abuse happens all the time both in U.S. Tax Court and Federal District and Circuit  
7 courts on income tax matters.
- 8 3. Judges are permitted to add anything they want to the definition and are not required to identify the thing they want to  
9 include within the statutory definition. This is equivalent to exercising the powers of the legislative branch.
- 10 4. A franchise court is the only administrative remedy provided and PRIVATE people are punished or financially or  
11 inconvenienced for going to a constitutional court.
- 12 5. Judges in any court are allowed to wear two hats: a political hat when they hear franchises cases and a constitutional  
13 hat for others. This is how the present de facto federal district and circuit courts operate. This creates a criminal  
14 financial conflict of interest.
- 15 6. Franchise courts refuse to dismiss cases and stay enforcement against private citizens who are not legitimate public  
16 officers within the SAME branch of government as THEY are. It is a violation of the separation of powers for one  
17 branch of government to interfere with the personnel or functions of another.
- 18 7. Judges in franchise courts are allowed the discretion to make determinations about the status of the litigants before  
19 them and whether they are “franchisees” called “taxpayers”, “drivers”, etc. When they have this kind of discretion,  
20 they will always abuse it because of the financial conflict of interest they have. Such decisions must always be made  
21 by impartial decision-makers who are not ALSO franchisees. That is why 28 U.S.C. §2201(a) forbids the exercise of  
22 this type of discretion by federal district and circuit judges.

23 Note that Montesquieu warns that franchise courts are the means for introducing what he calls “arbitrary control”:

24 *“Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for*  
25 *the judge would be then the legislator.”*

## 26 **8.6 EQUIVOCATION: How corrupt judges and government prosecutors confuse contexts to unlawfully extend** 27 **the meaning of words**

28 In the legal field, context is EVERYTHING. In the real estate field, there are three things that determine the VALUE of  
29 property: LOCATION, LOCATION, and LOCATION. In the legal field, there are three things that determine the  
30 MEANING of a word: CONTEXT, CONTEX, and CONTEXT.

31 Law is about language, and the meaning of words in turn is determined entirely by their context. The last skill most people  
32 develop in learning any new subject, including law, is to understand the various contexts in which words can be used and to  
33 apply the correct context in determining the exact meaning of words. Understanding the various contexts is difficult because  
34 it requires the broadest possible exposure to the subject matter addressed by the word.

35 Within the legal field, there are four different contexts for the meaning of words:

- 36 1. Public v. Private context.
- 37 2. Geographical v. Legal context for words “United States” and “State”.
- 38 3. Statutory v. Constitutional context for citizenship terms.
- 39 4. “Subject to THE jurisdiction” v. “subject to ITS jurisdiction”

40 The following sections will individually address these two contexts to improve your comprehension of legal terms when  
41 reading and interpreting the law. They will also describe how these two contexts are deliberately confused to unlawfully and  
42 unconstitutionally expand government jurisdiction and power.

43 All the confusion of contexts is only possible under following mandatory conditions:

- 44 1. The audience hearing them are legally ignorant. Legal ignorance is MANUFACTURED by the government in the  
45 public schools, so the slaves and serfs never have the key to their chains. The same thing happened with black slavery.  
46 Black slaves were not allowed to go to school.

2. The legal ignorance of the audience allows them to be unaware of the various legal contexts for words.
3. “Equivocation”, which is a logical fallacy, is abused to make two opposing and non-overlapping contexts appear equivalent, even though they are not. This leads to an unconstitutional or unlawful or even CRIMINAL result.
4. All source of information on the Internet that might identify the contexts and eliminate the confusion of them are systematically censored and enjoined. The de facto government tried to enjoin our website, for instance, to prevent people learning essentially how to escape the IDENTITY THEFT and legal kidnapping being systematically abused by judges and lawyers to STEAL from people and unlawfully and unconstitutionally enlarge their jurisdiction and importance.
5. Government propaganda is abused to accomplish the equivocation that makes the contexts falsely appear equivalent.
  - 5.1. This propaganda is used by both lawyers and courts and even the media, and none of it is trustworthy.
  - 5.2. This propaganda is only possible because no one in the government is accountable for anything they say or write.

For extensive research on HOW government propaganda is abused to confuse the contexts and make them appear equivalent, see:

1. *Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>
2. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

### **8.6.1 How the two contexts are deliberately and maliciously confused and made to appear the same in order to unlawfully and unconstitutionally expand government jurisdiction**

The process of confusing two non-overlapping contexts is called “equivocation”. Here is the best definition we have found on the subject matter:

#### **equivocation**

*EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. **Equivocation is incompatible with the Christian character and profession.***  
[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation>]

Wikipedia defines the term much more expansively:

***Equivocation** (“to call by the same name”) is an [informal logical fallacy](#). It is the misleading use of a term with more than one [meaning](#) or [sense](#) (by glossing over which meaning is intended at a particular time). It generally occurs with [polysemic](#) words (words with multiple meanings).*

*Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.<sup>53</sup>*

*It is therefore distinct from (semantic) [ambiguity](#), which means that the context doesn't make the meaning of the word or phrase clear, and [amphiboly](#) (or syntactical ambiguity), which refers to ambiguous sentence structure due to [punctuation](#) or [syntax](#).<sup>54</sup>*

[Wikipedia topic: *Equivocation*, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

Equivocation is maliciously abused mainly by government and the legal field to:

1. **Confuse PUBLIC statutory “persons” and public offices with PRIVATE human beings.**

<sup>53</sup> Damer, T. Edward (2009), *Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments* (6th ed.), Wadsworth, p. 121, [ISBN 978-0-495-09506-4](#)

[Fischer, D. H.](#) (June 1970), *Historians' fallacies: toward a logic of historical thought*, Harper torchbooks (first ed.), New York: Harper Collins, p. 274, [ISBN 978-0-06-131545-9](#), [OCLC 185446787](#)

<sup>54</sup> Damer, T. Edward (2009), *Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments* (6th ed.), Wadsworth, p. 123, [ISBN 978-0-495-09506-4](#)

- 1.1. PUBLIC statutory “persons” are subject to the civil statutory law.  
1.2. PRIVATE human beings are not subject to civil statutory law unless they FIRST consent to act as a public officer.

For details on this dichotomy, see:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

2. Confuse the GEOGRAPHICAL context of “United States” and “State” with the LEGAL context.  
2.1. The “United States” and “State” in “acts of Congress, in a GEOGRAPHICAL sense means federal territory and excludes states of the Union. See 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d).  
2.2. The “United States” and “State” can also be used in a LEGAL context, whereby it implies the United States government corporation as a legal person and not a geographical place. To be “in” this “United States” means to be a public officer of the body corporate, which is a federal corporation.

For details on this dichotomy, see:

*Non-Resident Non-Person Position*, Form #05.020, Sections 10 through 13  
<http://sedm.org/Forms/FormIndex.htm>

3. Confuse STATUTORY citizens or residents with CONSTITUTIONAL citizens or residents. These groups are mutually exclusive and non-overlapping.  
3.1. A STATUTORY citizen is someone born on federal territory subject to the exclusive jurisdiction of Congress. This type of citizen is a creation and franchise of Congress created exclusively under the authority of 8 U.S.C. §1401 and NOT the Fourteenth Amendment. This is a civil statutory status that implies a domicile on federal territory and NOT a constitutional state.  
3.2. A CONSTITUTIONAL citizen is a human being and not an artificial entity or office. This human being is born in a CONSTITUTIONAL state of the Union and outside of federal territory. This type of citizen is created under the authority of the Fourteenth Amendment and NOT 8 U.S.C. §1401. This is a CONSTITUTIONAL status rather than a civil statutory status. It requires the person to “reside” in a constitutional state of the Union, meaning to have a domicile there. If they do not, then they are not even Fourteenth Amendment citizens, but nonresidents and transient foreigners. “reside” in the Fourteenth Amendment implies DOMICILE per Saenz v. Roe, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999).

For details on this dichotomy, see:

*Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

4. Confuse “subject to THE jurisdiction” in the Fourteenth Amendment with “subject to ITS jurisdiction” in federal statutes.  
4.1. “Subject to THE jurisdiction” means the POLITICAL and not LEGISLATIVE jurisdiction. This phrase is found in the Fourteenth Amendment and sometimes in federal statutes. It has a completely different meaning in each of the two contexts.  
4.2. “Subject to ITS jurisdiction” means subject to the LEGISLATIVE and not POLITICAL jurisdiction. This phrase is commonly found in federal statutes only and not the constitution.

The following sections will break down each of the above four areas where equivocation is commonly abused mainly by judges and lawyers to illegally and unconstitutional expand their jurisdiction and importance.

### 8.6.2 **PUBLIC v. PRIVATE context**

The purpose for establishing all civil government is the protection of PRIVATE rights. The Declaration of Independence affirms this principle.

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--**That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.** -”*  
[Declaration of Independence, 1776]

All the authority delegated to any government derives from the CONSENT of those it governs. Any government that does not respect or protect the requirement for consent of the governed in a civil context is, in fact, a terrorist government.

**TER-ROR-ISM** noun 1 The act of terrorizing. 2 A system of government that seeks to rule by intimidation. 3 Violent and unlawful acts of violence committed in an organized attempt to overthrow a government.

[Original (pre-Orwellian) Definition of the Word "Terrorism"  
Funk and Wagnalls New Practical Standard Dictionary (1946)]

The U.S. Supreme Court has held that PRIVATE rights are beyond the legislative power of the state and identifies any so-called "government" that neither recognizes private rights nor protects them as a "vain government". We would add that such a government is NO GOVERNMENT AT ALL, but a TERRORIST MAFIA and criminal extortion ring.

"The power to 'legislate generally upon' life, liberty, and property, as opposed to the 'power to provide modes of redress' against offensive state action, was 'repugnant' to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."  
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

"The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but **they [the government] cannot change innocence [a "nontaxpayer"] into guilt [a "taxpayer"]; or punish innocence as a crime [criminally prosecute a "nontaxpayer" for violation of the tax laws]; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained; would, \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments.**"  
[Calder v. Bull, 3 U.S. 386 (1798)]

"It must be conceded that there are [PRIVATE] rights [and property] in every free government beyond the control of the State for any judge or jury. A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to call it so--but it is not the less a despotism."  
[Loan Ass'n v. Topeka, 87 U.S. (20 Wall.) 655, 665 (1874)]

The first step in protecting private rights is to protect citizens from having their PRIVATE property converted into PUBLIC property without their consent. Governments implement this principle by:

1. Presuming that all your property is PRIVATE property beyond their legislative control until the government meets the burden of proof of showing that you donated it to the government.

"Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and the pursuit of happiness; and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];** second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."  
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

2. Not allowing you to consent to alienate private rights, meaning consent to donate PRIVATE rights to the government and therefore converting it to PUBLIC property if you are protected by the Constitution. An "unalienable right" mentioned in the Declaration of Independence is, after all, a right that YOU ARE NOT ALLOWED BY LAW to consent to donate to or give away to a government.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain **unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -"  
[Declaration of Independence, 1776]

"**Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.**"  
[Black's Law Dictionary, Fourth Edition, p. 1693]

1 3. Ensuring that the ONLY people who can donate PRIVATE property to the government and thereby ALIENATE a  
2 right are those domiciled on federal territory not protected by the Constitution.

3 *“Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform  
4 to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or  
5 conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to ‘guarantee to every  
6 state in this Union a republican form of government’ (art. 4, 4), by which we understand, according to the  
7 definition of Webster, ‘a government in which the supreme power resides in the whole body of the people, and  
8 is exercised by representatives elected by them,’ Congress did not hesitate, in the original organization of the  
9 territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,  
10 Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing  
11 a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative  
12 power either in a governor and council, or a governor and judges, to be appointed by the President. It was not  
13 until they had attained a certain population that power was given them to organize a legislature by vote of the  
14 people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
15 thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
16 the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
17 habeas corpus, as well as other privileges of the bill of rights.”*  
18 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

19 4. Enacting civil laws that can and do regulate ONLY:

20 4.1. Use of PUBLIC property owned by the government. This includes federal territory and federal chattel property.

21 4.2. Conduct of PUBLIC officers within the government.

22 5. Never enacting a law that gives any government any right or advantage over those governed because all “persons” are  
23 equal under the law.

24 Consistent with the above:

25 1. The following document proves that all civil law enacted by the government can and does pertain only to public  
26 officers on official business and does not pertain to PRIVATE people:

[Why Statutory Civil Law is Law for Government and Not Private Persons](http://sedm.org/Forms/FormIndex.htm), Form #05.037

<http://sedm.org/Forms/FormIndex.htm>

27 2. All “persons” defined in government civil statutes are, in fact, public officers within the government and not private  
28 human beings. They are:

29 2.1. “Officers of a corporation”, which corporation is a federal corporation and government instrumentality.

30 2.2. “Partners” with such a federal corporation who entered into partnership by signing a government form or  
31 application.

32 For proof, see the definitions of “person” found in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which identify all  
33 “persons” within the I.R.C. as employees or officers of a corporation. 5 U.S.C. §2105(a) in turn says that these  
34 “employees” are in fact public officers.

35 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > §6671](#)  
36 [§6671. Rules for application of assessable penalties](#)

37 (b) Person defined

38 *The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or*  
39 *employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in***  
40 ***respect of which the violation occurs.***

42 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > §7343](#)  
43 [§7343. Definition of term “person”](#)

44 *The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or*  
45 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect*  
46 *of which the violation occurs.*

47 3. All taxes, fees, or penalties the government charges must always be connected with public offices in the U.S.  
48 government. The income tax is upon ONLY those lawfully engaged in a public office in the U.S. government. This  
49 activity is defined in the Internal Revenue Code as a “trade or business”, which 26 U.S.C. §7701(a)(26) defines as “the  
50 functions of a public office”.

2 “The term ‘trade or business’ [includes](#) [is limited to] the performance of the functions of a [public office](#).”

3 Judges and government prosecutors are keenly aware of the above limitations and frequently attempt to try to unlawfully and  
4 criminally enlarge their jurisdiction by adding things to the definition of “person” or “individual” that do not and cannot  
5 expressly appear in the statutes themselves. This is most frequently done by abusing the word “includes” as indicated  
6 throughout this pamphlet.

7 When anyone in government, whether it be a corrupt judge or a government prosecutor, claims that you had a duty under any  
8 civil statute to do anything, you should always insist on them meeting the burden of proving that:

- 9 1. You lawfully occupied a public office at the time the transaction occurred.
- 10 2. You expressly consented to occupy the public office. Otherwise, you are being subjected to involuntary servitude.
- 11 3. Your domicile was on federal territory at the time you consented to lawfully occupy the public office.
- 12 4. The public office was lawfully created and expressly authorized to be exercised in the place it was exercised as  
13 required by 4 U.S.C. §72.
- 14 5. The franchise statute imposing the duty expressly authorizes the CREATION of the public office you allegedly  
15 occupy.
- 16 6. The property that is the subject of the tax or penalty or fee was PUBLIC PROPERTY and BECAME public property  
17 by your voluntary consent, if you are the owner.
- 18 7. The statutes defining the “person”, “individual”, or “taxpayer” who is the subject of the tax, fee, or penalty  
19 EXPRESSLY INCLUDE PRIVATE human beings. Otherwise, they are presumed to be “purposefully excluded”  
20 under the rules of statutory construction.

21 For further information relating to the subject of this section, please see:

- 22 1. [Why Statutory Civil Law is Law for Government and Not Private Persons](#), Form #05.037-why the government can’t  
23 enact civil law to regulate private human beings.  
24 <http://sedm.org/Forms/FormIndex.htm>
- 25 2. [Government Instituted Slavery Using Franchises](#), Form #05.030-how franchises are unlawfully abused by corrupt  
26 rulers to convert all “citizens” and “residents” into public offices in the government.
- 27 3. [Proof That There Is a “Straw Man”](#), Form #05.042-how the “person” in all federal civil law is associated with only  
28 public officers.  
29 <http://sedm.org/Forms/FormIndex.htm>
- 30 4. [The “Trade or Business” Scam](#), Form #05.001-why the federal income tax is upon public offices in the government  
31 called a “trade or business”.  
32 <http://sedm.org/Forms/FormIndex.htm>
- 33 5. [Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes](#), Form #05.008-why  
34 all “taxpayers” are public officers.  
35 <http://sedm.org/Forms/FormIndex.htm>
- 36 6. [Corporatization and Privatization of the Government](#), Form #05.024-how the government has been transformed into a  
37 de facto government by turning it into a private corporation that does not recognize private rights.  
38 <http://sedm.org/Forms/FormIndex.htm>
- 39 7. [De Facto Government Scam](#), Form #05.043-why the present government is a fraud because they have turned all  
40 “citizens” and “residents” into public officers.  
41 <http://sedm.org/Forms/FormIndex.htm>

### 42 **8.6.3 GEOGRAPHICAL v. LEGAL context for words “United States” and “State”**

43 It is fundamental to the legal field that anything outside the geographical territory of a government entity is “nonresident”  
44 and beyond its jurisdiction, except of course those things that it does with the consent of the nonresident parties. This consent  
45 is called “comity”:

46 *“Every State or nation possesses an exclusive sovereignty and jurisdiction within her own territory, and her laws  
47 affect and bind all property and persons residing within it. It may regulate the manner and circumstances under  
48 which property is held, and the condition, capacity, and state of all persons therein, and also the remedy and  
49 modes of administering justice. **And it is equally true that no State or nation can affect or bind property out of  
50 its territory, or persons not residing [domiciled] within it. No State therefore can enact laws to operate beyond***

1 its own dominions, and if it attempts to do so, it may be lawfully refused obedience. Such laws can have no  
2 inherent authority extraterritorially. This is the necessary result of the independence of distinct and separate  
3 sovereignties."

4 "Now it follows from these principles that whatever force or effect the laws of one State or nation may have in  
5 the territories of another must depend solely upon the laws and municipal regulations of the latter, upon its  
6 own jurisprudence and polity, and upon its own express or tacit consent."

7 [Dred Scott v. John F.A. Sanford, [60 U.S. 393](#) (1856)]

8 It should also be emphasized that the States of the Union mentioned in the Constitution are not legally defined as "territory"  
9 as described in the above holding. This means that they are legislatively (but not constitutionally) foreign and sovereign in  
10 relation to the national government, and therefore incapable of being "States" as used within ordinary acts of STATUTORY  
11 Congress:

12 *Corpus Juris Secundum Legal Encyclopedia*  
13 *"§1. Definitions, Nature, and Distinctions*

14 *"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal*  
15 *meaning under the political institutions of the United States, and does not necessarily include all the territorial*  
16 *possessions of the United States, but may include only the portions thereof which are organized and exercise*  
17 *governmental functions under act of congress."*

18 *"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions*  
19 *of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the*  
20 *United States exercises dominion, the word 'territory,' when used to designate a political organization, has a*  
21 *distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory'*  
22 *or 'territories' does not necessarily include only a portion or the portions thereof which are organized and*  
23 *exercise government functions under acts of congress. The term 'territories' has been defined to be political*  
24 *subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description*  
25 *of a definite area of land but of a political unit governing and being governed as such. The question whether a*  
26 *particular subdivision or entity is a territory is not determined by the particular form of government with which*  
27 *it is, more or less temporarily, invested.*

28 "Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may,  
29 under certain circumstances, include the states of the Union, as used in the federal Constitution and in  
30 ordinary acts of congress "territory" does not include a [foreign state](#).

31 *"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,*  
32 *and not within the boundaries of any of the several states."*  
33 [86 *Corpus Juris Secundum (C.J.S.), Territories, §1* (2003)]

34 Consistent with the above, the same *Corpus Juris Secundum Legal Encyclopedia* describes the national government as a  
35 "foreign corporation" in relation to a state of the Union:

36 *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*  
37 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*  
38 *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

39 *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*  
40 *corporation. The United States government is a [foreign corporation with respect to a state](#)."*  
41 [19 *Corpus Juris Secundum (C.J.S.), Corporations, §883* (2003)]

42  
43 *"A corporation is a citizen, [resident](#), or inhabitant of the state or country by or under the laws of which it was*  
44 *created, and of that state or country only."*  
45 [19 *Corpus Juris Secundum (C.J.S.), Corporations, §886* (2003)]

46 In the GEOGRAPHICAL context within the Internal Revenue Code, the term "United States" and "State" have the following  
47 meanings:

48 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#) [Internal Revenue Code]  
49 [Sec. 7701. - Definitions](#)

50 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
51 thereof—

1 (9) *United States*

2 The term "United States" when used in a geographical sense includes only the States and the District of  
3 Columbia.

4 (10) *State*

5 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to  
6 carry out provisions of this title.

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8 TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

9 CHAPTER 4 - **THE STATES**

10 Sec. 110. Same; definitions

11 (d) The term "State" includes any Territory or possession of the United States.

12 Anything OUTSIDE of the GEOGRAPHICAL "United States" as defined above is "foreign", beyond the jurisdiction of the  
13 government, and therefore sovereign. Included within that legislatively "foreign" and "sovereign" area are both the  
14 constitutional states of the Union AND foreign countries. Anyone domiciled in a legislatively "foreign" or "sovereign"  
15 jurisdiction, REGARDLESS OF THEIR NATIONALITY, is a "non-resident non-person" for the purposes of income  
16 taxation. If they are also engaged in a public office, they are a "nonresident alien", "individual", and "taxpayer". This is  
17 exhaustively proven and explained with evidence in the following document:

Non-Resident Non-Person Position, Form #05.020

<http://sedm.org/Forms/FormIndex.htm>

18 Another important thing about the above definition is that:

- 19 1. It relates ONLY to the GEOGRAPHICAL CONTEXT of the word.
- 20 2. Not every use of the term "United States" implies the GEOGRAPHIC context.
- 21 3. The ONLY way to verify which context is implied in each case is if they EXPRESSLY identify whether they mean  
22 "United States\*\*\*\*" the legal person or "United States\*\*" federal territory in each case. All other contexts are NOT  
23 expressly invoked in the Internal Revenue Code and therefore PURPOSEFULLY EXCLUDED per the rules of  
24 statutory construction. The DEFAULT context in the absence of expressly invoking the GEOGRAPHIC context is  
25 "United States\*\*\*\*" the legal person and NOT a geographic place. This is how they do it in the case of the phrase  
26 "sources within the United States", as we explain in Form #05.020, Section 12.

27 Therefore, "United States" and "State", WHEN USED IN A GEOGRAPHICAL sense imply federal territory within the  
28 exclusive jurisdiction of Congress. It does not imply any land within the exclusive jurisdiction of a Constitutional State. This  
29 requirement is a fulfillment of the Separation of Powers Doctrine of the U.S. Supreme Court, in fact.

30 One can be "legally present" within a jurisdiction WITHOUT being PHYSICALLY present within a GEOGRAPHIC region.  
31 For example, you can be regarded as a "resident" within the Internal Revenue Code, Subtitles A and C without ever being  
32 physically present in the only place it applies, which is federal territory not part of any state of the Union. Earlier versions  
33 of the Internal Revenue regulations demonstrate how this happens:

34 26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

35 *A domestic corporation is one organized or created in the United States, including only the States (and during*  
36 *the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the*  
37 *law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A*  
38 *domestic corporation is a resident corporation even though it does no business and owns no property in the*  
39 *United States. **A foreign corporation engaged in trade or business within the United States is referred to in the***  
40 ***regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade***  
41 ***or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or*  
42 *business within the United States is referred to in the regulations in this chapter as a resident partnership, and a*  
43 *partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a***  
44 ***partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its***  
45 ***members or by the place in which it was created or organized.***

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]  
[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

The corporations and partnerships mentioned above represent the ONLY “persons” who are “taxpayers” in the Internal Revenue Code, because they are the only entities expressly mentioned in the definition of “person” found at 26 U.S.C. §6671(b) and 26 U.S.C. §7343. It is a rule of statutory construction that any thing or class of thing not EXPRESSLY appearing in a definition is purposefully excluded by implication:

*“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”*  
[Black’s Law Dictionary, Sixth Edition, p. 581]

*“The United States Supreme Court cannot supply what Congress has studiously omitted in a statute.”*  
[Federal Trade Com. v. Simplicity Pattern Co., [360 U.S. 55](#), p. 55, 475042/56451 (1959)]

These same artificial “persons” and therefore public offices within 26 U.S.C. §§6671(b) and 7343, are also NOT mentioned in the constitution either. All constitutional “persons” or “people” are human beings, and therefore the tax imposed by the Internal Revenue Code Subtitles A and C and even the revenue clauses within the United States Constitution itself at 1:8:1 and 1:8:3 can and do relate ONLY to human beings and not artificial “persons” or corporations:

*“Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States.”*<sup>14</sup>

*14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable “to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State.” Orient Ins. Co. v. Dagg, [172 U.S. 557](#), 561 (1869). This conclusion was in harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2. See also Selover, Bates & Co. v. Walsh, [226 U.S. 112](#), 126 (1912); Berea College v. Kentucky, [211 U.S. 45](#) (1908); Liberty Warehouse Co. v. Tobacco Growers, [276 U.S. 71](#), 89 (1928); Grosjean v. American Press Co., [297 U.S. 233](#), 244 (1936).*

[Annotated Fourteenth Amendment, Congressional Research Service.  
SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

One is therefore ONLY regarded as a “resident” within the Internal Revenue Code if and ONLY if they are engaged in the “trade or business” activity, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. This mechanism for acquiring jurisdiction is documented in Federal Rule of Civil Procedure 17(b). [Federal Rule of Civil Procedure 17\(b\)](#) says that when we are representing a federal and not state corporation as “officers” or statutory “employees” per 5 U.S.C. §2105(a), the civil laws which apply are the place of formation and domicile of the corporation, which in the case of the government of “U.S. Inc.” is ONLY the District of Columbia:

[IV. PARTIES](#) > Rule 17.  
[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

**(2) for a corporation, by the law under which it was organized; and**

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) [28 U.S.C. §§754](#) and [959\(a\)](#) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

2 Please note the following very important facts:

- 3 1. The “person” which IS physically present on federal territory in the context of Federal Rule of Civil Procedure 17(b)(2)
- 4 scenario is the PUBLIC OFFICE, rather than the OFFICER who is CONSENSUALLY and LAWFULLY filling said
- 5 office.
- 6 2. The PUBLIC OFFICE is the statutory “taxpayer” per 26 U.S.C. §7701(a)(14) , and not the human being filling said
- 7 office.
- 8 3. The OFFICE is the thing the government created and can therefore regulate and tax. They can ONLY tax and regulate
- 9 that which they created.<sup>55</sup> The public office has a domicile in the District of Columbia per 4 U.S.C. §72, which is the
- 10 same domicile as that of its CORPORATION parent.
- 11 4. Because the parent government corporation of the office is a STATUTORY but not CONSTITUTIONAL “U.S.
- 12 citizen”, then the public office itself is ALSO a statutory citizen per 26 C.F.R. §1.1-1(c). All creations of a government
- 13 have the same civil status as their creator and the creation cannot be greater than the creator:

14 *"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*  
15 *created, and of that state or country only."*  
16 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

- 17 5. An oath of office is the ONLY lawful method by which a specific otherwise PRIVATE person can be connected to a
- 18 specific PUBLIC office.

19 *"It is true, that the person who accepts an office may be supposed to enter into a compact [contract] to be*  
20 *answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of*  
21 *office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But*  
22 *because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man,*  
23 *who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction*  
24 *in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the*  
25 *United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a*  
26 *source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial*  
27 *authorities of the State and the general government. Anything which can prevent a Federal Officer from the*  
28 *punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt,*  
29 *as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the*  
30 *constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases*  
31 *cease to occur. A mere fiction, that the defendant is in the custody of the marshall, has rendered the jurisdiction*  
32 *of the King's Bench universal in all personal actions."*

33 *[United States v. Worrall, 2 U.S. 384 (1798)]*

34 *SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)]*

35 Absent proof on the record of such an oath in any legal proceeding, any enforcement proceeding against a “taxpayer”

36 public officer must be dismissed. The oath of public office:

- 37 5.1. Makes the OFFICER into legal surety for the PUBLIC OFFICE.
- 38 5.2. Creates a partnership between the otherwise private officer and the government. That is the ONLY partnership
- 39 within the statutory meaning of “person” found in 26 U.S.C. §7343 and 26 U.S.C. §6671(b).
- 40 6. The reason that “United States” is defined as expressly including ONLY the District of Columbia in 26 U.S.C.
- 41 §7701(a)(9) and (a)(10) is because that is the ONLY place that “public officers” can lawfully serve, per 4 U.S.C. §72:

42 [TITLE 4 > CHAPTER 3 > § 72](#)

43 *Sec. 72. - Public offices; at seat of Government*

44 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
45 *except as otherwise expressly provided by law*

- 46 7. Even within privileged federal corporations, not all workers are “officers” and therefore “public officers”. Only the
- 47 officers of the corporation identified in the corporate filings, in fact, are officers and public officers. Every other
- 48 worker in the corporation is EXCLUSIVELY PRIVATE and NOT a statutory “taxpayer”.
- 49 8. The authority for instituting the “trade or business” franchise tax upon public officers in the District of Columbia
- 50 derives from the following U.S. Supreme Court cite:

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<sup>55</sup> See [Great IRS Hoax](#), Form #11.302, Section 5.1.1 entitled “The Power to Create is the Power to Tax”. SOURCE:  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

1 “Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original  
2 record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a  
3 direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress could  
4 act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature  
5 for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might  
6 be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could  
7 not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and  
8 excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the  
9 United States [described in the Constitution].** It was held that the grant of this power was a general one without  
10 limitation as to place, and consequently extended to all places over which the government extends; and that it  
11 extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares  
12 that 'representatives and direct taxes shall be apportioned among the several states . . . according to their  
13 respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the  
14 country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which  
15 are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to states,  
16 shall be apportioned to numbers.**' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the  
17 census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal  
18 share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is  
19 within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was  
20 further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when  
21 resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to  
22 all the states. They therefore may, without violence, be understood to give a rule when the territories shall be  
23 taxed, without imposing the necessity of taxing them.'"  
24 [*Downes v. Bidwell*, [182 U.S. 244](#) (1901)]

- 25 9. It is ILLEGAL for a human being domiciled in a constitutional state of the Union and protected by the Constitution and  
26 who is not physically present on federal territory to become legally present there, even with their consent:  
27 9.1. The Declaration of Independence says your rights are “unalienable”, which means you aren’t ALLOWED to  
28 bargain them away through a franchise of office. It is organic law published in the first enactment of Congress in  
29 volume 1 of the Statutes at Large and hence has the “force of law”. All organic law and the Bill of Rights itself  
30 attach to LAND and not the status of the people on the land. Hence, unless you leave the ground protected by the  
31 Constitution and enter federal territory to contract away rights or take the oath of office, the duties of the office  
32 cannot and do not apply to those domiciled and present within a constitutional state.  
33 9.2. You cannot unilaterally “elect” yourself into public office by filling out any tax or franchise form, even with your  
34 consent. Hence you can’t be “legally present” in the STATUTORY “United States\*\*” as a public officer even if  
35 you consent to be, if you are protected by the Constitution.  
36 9.3. When you DO consent to occupy the office AFTER a lawful election or appointment, you take that oath on  
37 federal territory not protected by the Constitution, and therefore only in that circumstance COULD you lawfully  
38 alienate an unalienable right.  
39 10. Since the first four commandments of the Ten Commandments prohibit Christians from worshipping or serving other  
40 gods, then they also forbid Christians from being public officers in their private life if the government has superior or  
41 supernatural powers, immunities, or privileges above everyone else, which is the chief characteristic of any god. The  
42 word “serve” in the scripture below includes serving as a public officer. The essence of religious “worship” is, in fact,  
43 obedience to the dictates of a SUPERIOR or SUPERNATURAL being. You as a human being are the “natural” in the  
44 phrase “supernatural”, so if any government or civil ruler has any more power than you as a human being, then they are  
45 a god in the context of the following scripture.

46 **“You shall have no other gods [including governments or civil rulers] before Me. You shall not make for  
47 yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or  
48 that is in the water under the earth; you shall not bow down or serve them.** For I, the Lord your God, am a  
49 jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who  
50 hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.  
51 [*Exodus 20:3-6, Bible, NKVJ*]

- 52 11. Any attempt to compel you to occupy or accept the obligations of a public office without your consent represents  
53 several crimes, including:  
54 11.1. Theft of all the property and rights to property acquired by associating you with the status of “taxpayer”.  
55 11.2. Impersonating a public officer in violation of 18 U.S.C. §912.  
56 11.3. Involuntary servitude in violation of the Thirteenth Amendment.  
57 11.4. Identity theft, because it connects your legal identity to obligations that you don’t consent to, all of which are  
58 associated with the statutory status of “taxpayer”.  
59 11.5. Peonage, if the status of “taxpayer” is surety for public debts, in violation of 18 U.S.C. §1581. Peonage is slavery  
60 in connection with a debt, even if that debt is the PUBLIC debt.

1 Usually false and fraudulent information returns are the method of connecting otherwise foreign and/or nonresident parties  
2 to the "trade or business" franchise, and thus, they are being criminally abused as the equivalent of federal election devices  
3 to fraudulently "elect" otherwise PRIVATE and nonresident parties to be liable for the obligations of a public office. 26  
4 U.S.C. §6041(a) establishes that information returns which impute statutory "income" may ONLY lawfully be filed against  
5 those lawfully engaged in the "trade or business" franchise. This is covered in:

[Correcting Erroneous Information Returns](http://sedm.org/Forms/FormIndex.htm), Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

#### 6 **8.6.4 STATUTORY v. CONSTITUTIONAL context for citizenship terms**

7 It is very important to understand that there are TWO separate, distinct, and mutually exclusive contexts in which  
8 geographical "words of art" can be used at the federal or national level:

- 9 1. Constitutional.
- 10 2. Statutory.

11 The purpose of providing a statutory definition of a legal "term" is to supersede and not enlarge the ordinary, common law,  
12 constitutional, or common meaning of a term. Geographical words of art include:

- 13 1. "State"
- 14 2. "United States"
- 15 3. "alien"
- 16 4. "citizen"
- 17 5. "resident"
- 18 6. "U.S. person"

19 The terms "State" and "United States" within the Constitution implies the constitutional states of the Union and excludes  
20 federal territory, statutory "States" (federal territories), or the statutory "United States" (the collection of all federal territory).  
21 This is an outcome of the separation of powers doctrine. See:

[Government Conspiracy to Destroy the Separation of Powers](http://sedm.org/Forms/FormIndex.htm), Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

22 The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to  
23 manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All  
24 statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign,  
25 sovereign, and statutory "aliens" for the purposes of federal legislative jurisdiction.

26 It is very important to realize the consequences of this constitutional separation of powers between the states and national  
27 government. Some of these consequences include the following:

- 28 1. Statutory "States" as indicated in [4 U.S.C. §110\(d\)](#) and "States" in nearly all federal statutes are in fact federal  
29 territories and the definition does NOT include constitutional states of the Union.
- 30 2. The statutory "United States" defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and 4 U.S.C. §110(d) includes federal  
31 territory and excludes any land within the exclusive jurisdiction of a constitutional state of the Union.
- 32 3. Terms on government forms assume the statutory context and NOT the constitutional context.
- 33 4. [Domicile is the origin of civil legislative jurisdiction](#) over human beings. This jurisdiction is called "in personam  
34 jurisdiction".
- 35 5. Since the [separation of powers doctrine](#) creates two separate jurisdictions that are legislatively "foreign" in relation to  
36 each other, then there are TWO types of political communities, two types of "citizens", and two types of jurisdictions  
37 exercised by the national government.

38 *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to*  
39 *its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District*  
40 *of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities*  
41 *was the law in question passed?"*  
42 *[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]*

- 1 6. A human being domiciled in a state and born or naturalized anywhere in the Union is a statutory "non-resident non-  
2 person" in relation to the national government and a non-citizen national pursuant to [8 U.S.C. §1101\(a\)\(21\)](#).  
3 7. You cannot be a statutory "citizen" pursuant to 26 U.S.C. §1401 and a constitutional or Fourteenth Amendment  
4 "Citizen" AT THE SAME TIME. Why? Because the Supreme Court held in *Hooven and Allison v. Evatt*, 324 U.S.  
5 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore THREE types of  
6 "citizens of the United States". Here is an example:

7 *"The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei*  
8 *[an 8 U.S.C. §1401 STATUTORY citizen]. The Court first notes that Afroyim was essentially a case construing*  
9 *the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons*  
10 *born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*' the Court reasons that the*  
11 *protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only*  
12 *those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so*  
13 *he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy*  
14 *as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence,*  
15 *falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this*  
16 *a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. While*  
17 *conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-*  
18 *first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not*  
19 *barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects*  
20 *the citizenship of some Americans and not others.*

21 [. . .]

22 *The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional*  
23 *action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'*  
24 *The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view*  
25 *of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen,*  
26 *and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond*  
27 *the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground*  
28 *that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-*  
29 *conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law*  
30 *that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,'*  
31 *the statute must be constitutional.*  
32 [Rogers v. Bellei, 401 U.S. 815 (1971)]

33  
34 *"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
35 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
36 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
37 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
38 *public journals. It had been said by eminent judges that no man was a citizen of the [\*\*\*] except as he was a*  
39 *citizen of one of the states composing the Union. Those therefore, who had been born and resided always in*  
40 *the District of Columbia or in the territories [STATUTORY citizens], though within the United States[\*], were*  
41 *not [CONSTITUTIONAL] citizens."*  
42 [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

43 The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the United  
44 States", and the term "United States" in that context includes states of the Union and excludes federal territory. Hence,  
45 you would NOT be a "citizen of the United States" within any federal statute, because all such statutes define "United  
46 States" to mean federal territory and EXCLUDE states of the Union. For more details, see:

<http://sedm.org/Forms/FormIndex.htm>  
<http://sedm.org/Forms/FormIndex.htm>

- 47 8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form ( a VERY  
48 DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional  
49 context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do  
50 so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign  
51 state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in  
52 relation to the national government of the United States. The following form does that very carefully:

<http://sedm.org/Forms/FormIndex.htm>  
<http://sedm.org/Forms/FormIndex.htm>

- 53 9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this  
54 in our [Reasonable Belief About Income Tax Liability, Form #05.007](#). Hence, if you are compelled to fill out a

1 government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a  
2 way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit,  
3 and no injury to your rights or status by filling out the government form. This includes attaching the following forms  
4 to all tax forms you submit:

5 9.1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001

6 <http://sedm.org/Forms/FormIndex.htm>

7 9.2. *Tax Form Attachment*, Form #04.201

8 <http://sedm.org/Forms/FormIndex.htm>

### 9 **8.6.5 "Subject to THE jurisdiction" v. "subject to ITS jurisdiction"**

10 The phrase "subject to ITS jurisdiction" means the U.S. government and not any other state.

11 *26 C.F.R. §1.1-1 Income tax on individuals*

12 *(c ) Who is a citizen.*

13 *Every person born or naturalized in the [federal] United States[\*\*] and **subject to ITS jurisdiction is a citizen.***  
14 *For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and*  
15 *Nationality Act (8 U.S.C. §1401-1459). "*

16 The above definition of "citizen" applying exclusively to the Internal Revenue Code reveals that it depends on 8 U.S.C. §1401  
17 means a human being and NOT artificial person born anywhere in the country but domiciled in the *federal* United  
18 States\*\*/federal zone, which includes territories or possessions and excludes states of the Union. These people possess a  
19 special "non-constitutional" class of citizenship that is not covered by the Fourteenth Amendment or any other part of the  
20 Constitution.

21 ***"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as***  
22 ***a statutory [PRIVILEGE!], and not a constitutional, right."***  
23 *[Tuana v. U.S.A., Case No. 12-01143 (D.D.C., 2013)]*

24 Notice the term "born or naturalized in the United States and subject to **its** jurisdiction" within 26 C.F.R. §1.1-1, which means  
25 the exclusive legislative jurisdiction of the federal government within the District of Columbia and its territories and  
26 possessions under Article 1, Section 8, Clause 17 of the Constitution and Title 48 of the U.S. Code. If they meant to include  
27 states of the Union, they would have used "**their** jurisdiction" or "**the** jurisdiction" as used in section 1 of the Fourteenth  
28 Amendment instead of "**its** jurisdiction".

29 *"The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States,*  
30 *or in any place **subject to their jurisdiction,**' is also significant as showing that there may be places within the*  
31 ***jurisdiction of the United States that are no part of the Union.** To say that the phraseology of this amendment*  
32 *was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation*  
33 *that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an*  
34 *admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United*  
35 *States.*

36 *Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born*  
37 *or naturalized in the United States, and subject to **the** jurisdiction thereof, are citizens of the United States, and*  
38 *of the state wherein they reside.' **Here there is a limitation to persons born or naturalized in the United States,***  
39 ***which is not extended to persons born in any place 'subject to their jurisdiction.'**"*  
40 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

41 The phrase "Subject to THE jurisdiction", on the other hand, is found in the Fourteenth Amendment:

42 *U.S. Constitution:*  
43 *[Fourteenth Amendment](#)*

44 *Section. 1. All persons **born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof, are***  
45 ***citizens of the United States[\*\*\*]** and of the State wherein they reside.*

46 The phrase "subject to THE jurisdiction" in the context of ONLY the Fourteenth Amendment:

47 1. Means "subject to the POLITICAL and not LEGISLATIVE jurisdiction".

1 “This section contemplates two sources of citizenship, and two sources only,—birth and naturalization. The  
2 persons declared to be citizens are ‘all persons born or naturalized in the United States, and **subject to the**  
3 **jurisdiction thereof.**’ The evident meaning of these last words is, not merely subject in some respect or degree to  
4 the jurisdiction of the United States, **but completely subject to their [plural, not singular, meaning states of the**  
5 **Union] political jurisdiction, and owing them [the state of the Union] direct and immediate**  
6 **allegiance.** And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time  
7 of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth  
8 cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the  
9 naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”  
10 [U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

- 11 2. Requires domicile, which is voluntary, in order to be subject ALSO to the civil LEGISLATIVE jurisdiction of the  
12 municipality one is in. Civil status always has domicile as a prerequisite.

13 *In Udney v. Udney* (1869) L. R., 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the  
14 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
15 subject. Lord Chancellor Hatherley said: **‘The question of naturalization and of allegiance is distinct from that**  
16 **of domicile.’** Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by  
17 saying: **‘The law of England, and of almost all civilized countries, ascribes to each individual at his birth two**  
18 **distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some**  
19 **particular country, binding him by the tie of natural allegiance, and which may be called his political status;**  
20 **another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as**  
21 **such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the**  
22 **civil status or condition of the individual, and may be quite different from his political status.’** And then, while  
23 maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the  
24 criterion established by international law for the purpose of determining civil status, and the basis on which  
25 ‘the personal rights of the party—that is to say, the law which determines his majority or minority, his  
26 marriage, succession, testacy, or intestacy— must depend,’ he yet distinctly recognized that a man’s political  
27 status, his country (patria), and his ‘nationality,—that is, natural allegiance,—’ may depend on different laws in  
28 different countries.’ Pages 457, 460. He evidently used the word ‘citizen,’ not as equivalent to ‘subject,’ but rather  
29 to ‘inhabitant’; and had no thought of impeaching the established rule that all persons born under British  
30 dominion are natural-born subjects.  
31 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
32 SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

- 33 3. Is a POLITICAL status that does not carry with it any civil status to which PUBLIC rights or franchises can attach.  
34 Therefore, the term “citizen” as used in Title 26 is NOT this type of citizen, since it imposes civil obligations. All tax  
35 obligations are civil in nature and depend on DOMICILE, not NATIONALITY. See *District of Columbia v. Murphy*,  
36 314 U.S. 441 (1941) and:

***Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 11.7  
<https://sedm.org/Forms/FormIndex.htm>**

- 37 4. Is a product of PERMANENT ALLEGIANCE that is associated with the political status of “nationals” as defined in 8  
38 U.S.C. §1101(a)(21). The only thing that can or does establish a political status is such allegiance.

39 [8 U.S.C. §1101](#): Definitions

40 (a) As used in this chapter—

41 (21) The term “national” means a person owing permanent allegiance to a state.

42  
43 ***“Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The***  
44 ***one is a compensation for the other; allegiance for protection and protection for allegiance.”***  
45 [Minor v. Happersett, [88 U.S. \(21 Wall.\) 162](#), 166-168 (1874)]

- 46 5. Is NOT a product of TEMPORARY allegiance owed by aliens who are sojourners temporarily in the United States and  
47 subject to the laws but do not have PERMANENT allegiance. Note the phrase “temporary and local allegiance” in the  
48 ruling below:

49 *The reasons for not allowing to other aliens exemption ‘from the jurisdiction of the country in which they are*  
50 *found’ were stated as follows: ‘When private individuals of one nation [states of the Unions are “nations” under*  
51 *the law of nations] spread themselves through another as business or caprice may direct, mingling*  
52 *indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,*  
53 *it would be obviously inconvenient and dangerous to society, and would subject the laws to continual*

1 infraction, and the government to degradation, if such individuals or merchants did not owe temporary and  
2 local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have  
3 any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,  
4 nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons  
5 of this description from the jurisdiction of the country in which they are found, and no one motive for requiring  
6 it. The implied license, therefore, under which they enter, can never be construed to grant such exemption. 7  
7 Cranch, 144.

8 In short, the judgment in the case of *The Exchange* declared, as incontrovertible principles, that the jurisdiction  
9 of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed  
10 by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own  
11 consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial  
12 jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory  
13 with its permission, and of their foreign ministers and public ships of war; and that the implied license, under  
14 which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,  
15 for purposes of business or pleasure, can never be construed to grant to them an exemption from the  
16 jurisdiction of the country in which they are found. See, also, *Carlisle v. U.S.* (1872) 16 Wall. 147, 155; *Radich*  
17 *v. Hutchins* (1877) 95 U.S. 210; *Wildenhus' Case* (1887) 120 U.S. 1, 7 Sup.Ct. 385; *Chae Chan Ping v. U.S.*  
18 (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.  
19 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

20  
21 "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the  
22 United States and of the State wherein they reside."

23 The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to  
24 have been the subject of differences of opinion. It declares that persons may be citizens of the United States  
25 without regard to their citizenship of a particular State, and it overturns the *Dred Scott* decision by making all  
26 persons born within the United States and subject to its jurisdiction citizens of the United States. That its main  
27 purpose was to establish the citizenship of the negro can admit of no doubt. The phrase, "subject to its  
28 jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects  
29 of foreign States born within the United States.  
30 [*Slaughter-House Cases*, 83 U.S. 36 (1873)]

- 31 6. Relates only to the time of birth or naturalization and not to one's CIVIL status at any time AFTER birth or  
32 naturalization.  
33 7. Is a codification of the following similar phrase found in the Civil Rights Act of 1866, 14 Stat. 27-30.

34 Civil Right Act of 1866, 14 Stat. 27

35 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  
36 That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed,  
37 are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard  
38 to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party  
39 shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to  
40 make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and  
41 convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of  
42 person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties,  
43 and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.  
44 [SOURCE: <http://teachingamericanhistory.org/library/document/the-civil-rights-act-of-1866/>]

45 The only way one could be "not subject to any foreign power" as indicated above is to not owe ALLEGIANCE to a  
46 foreign power and to be a CONSTITUTIONAL "citizen of the United States".

- 47 8. Does NOT apply to people in unincorporated territories such as Puerto Rico, Guam, American Samoa, etc.

48 "The Naturalization Clause [of the Fourteenth Amendment] has a geographic limitation: it applies  
49 "throughout the United States." The federal courts have repeatedly construed similar and even identical  
50 language in other clauses to include states and incorporated territories, but not unincorporated territories. In  
51 Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme  
52 Court held that the Revenue Clause's identical explicit geographic limitation, "throughout the United States,"  
53 did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part  
54 of the United States." Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated  
55 territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757-58, 128 S.Ct. 2229, 171  
56 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th  
57 Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born  
58 ... in the United States" did not extend citizenship to those born in the Philippines during the period when it  
59 was an unincorporated territory. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451. Every court to

1 have construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920–21  
2 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998) ; Licudine v. Winter, 603 F.Supp.2d. 129, 134  
3 (D.D.C.2009).

4 Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited  
5 to the “United States.” This limitation “prevents its extension to every place over which the government  
6 exercises its sovereignty.” Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag  
7 to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration  
8 law to the CNMI prior to the CNRA's transition date.  
9 [Eche v. Holder, 694 F.3d. 1026 (2012)]

10 If you would like to learn more about the important differences between POLITICAL jurisdiction and LEGISLATIVE  
11 jurisdiction, please read:

Political Jurisdiction, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>

12 If you would like a complete explanation from eminent legal scholars at the Heritage Foundation of the phrase “subject to  
13 THE jurisdiction” in the context of the Fourteenth Amendment, see:

- 14 1. Tucker Carlson Tonight 20181030 Birthright Citizenship Debate, SEDM Exhibit #01.018  
15 <https://sedm.org/Exhibits/ExhibitIndex.htm>
- 16 2. The Case Against Birthright Citizenship, Heritage Foundation  
17 <https://youtu.be/ujqYBlkdkq0>
- 18 3. Does the Fourteenth Amendment Require Birthright Citizenship?, Heritage Foundation  
19 <https://youtu.be/wZGzbVrvoy4>
- 20 4. The Heritage Guide to the Constitution, Citizenship, Heritage Foundation  
21 <https://www.heritage.org/constitution/#!/amendments/14/essays/167/citizenship>
- 22 5. The Terrible Truth About Birthright Citizenship, Stefan Molyneux, SEDM Exhibit #01.020  
23 <https://sedm.org/Exhibits/ExhibitIndex.htm>
- 24 6. Family Guardian Forum 7.1.1: Meaning of "subject to the jurisdiction" in the Fourteenth Amendment  
25 <https://famguardian.org/forums/topic/meaning-of-subject-to-the-jurisdiction-in-the-fourteenth-amendment/>

26 Lastly, the subject of this section is such an important and pervasive one in the freedom community that we have prepared  
27 an entire presentation on the subject matter which we highly recommend that you view, if any questions at all remain about  
28 the meaning of the phrase “subject to the jurisdiction” in the Fourteenth Amendment:

Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015  
<https://sedm.org/Forms/FormIndex.htm>

## 29 **8.7 Methods for opposing bogus government defenses of the unlawful use of the word “includes”**

30 The following subsections will document some of the more prevalent methods for opposing false and fraudulent government  
31 abuses of the word “includes” to unlawfully expand federal jurisdiction and thereby destroy the separation of powers doctrine  
32 that is the foundation of our liberties. The goal of all of the approaches documented is to remove presumption from the legal  
33 process and require that every source of reasonable belief derives from admissible evidence and not presumption. If you  
34 would like to know more about how presumption is abused to perpetuate misapplication of and violation of the law, see:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

### 35 **8.7.1 Not a “definition”**

36 One effective technique for opposing the abuse of the word “includes” to “stretch” definitions within the Internal Revenue  
37 Code involves the definition of the word “Definition” found in Black’s Law Dictionary:

38 definition. A description of a thing by its properties; an explanation of the meaning of a word or term. The  
39 process of stating the exact meaning of a word by means of other words. Such a description of the thing

1 defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things  
2 and classes."  
3 [Black's Law Dictionary, Sixth Edition, p. 423]

4 All of the terms defined in the Internal Revenue Code are identified as "Definitions". For instance, 26 U.S.C. §7701, the  
5 definitions section of the Internal Revenue Code, begins with the following:

6 TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
7 § 7701. Definitions

8 Therefore, the words described there are "definitions" of each word. A definition must describe EVERYTHING that is  
9 included or it is simply not a definition. This is confirmed by the Rules of Statutory Construction and Interpretation, which  
10 state:

11 "Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one  
12 thing is the exclusion of another. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
13 *170 Okl.* 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or  
14 things are specified in a law, contract, or will, an intention to exclude all others from its operation may be  
15 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
16 of a certain provision, other exceptions or effects are excluded."  
17 [Black's Law Dictionary, Sixth Edition, p. 581]

18 The purpose of providing a definition is to REPLACE, not ENLARGE the ordinary meaning of a term used in everyday  
19 English:

20 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's  
21 ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
22 of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a  
23 rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western*  
24 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
25 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
26 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
27 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
28 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
29 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

30 "The United States Supreme Court cannot supply what Congress has studiously omitted in a statute."  
31 [Federal Trade Com. v. Simplicity Pattern Co., 360 U.S. 55, p. 55, 475042/56451 (1959)]

## 32 **8.7.2 "Terms" are limiting and not expansive**

33 Owners and officers of companies across America issue millions of fraudulent affidavits each year about people that they  
34 have made payments to. You know these affidavits as "W-2s", "1099s" and "K-1s". These affidavits have furnished sworn  
35 testimony to the government that the payments were "wages as defined in 26 U.S.C. §3401(a), and 3121(a)" or  
36 payments made in the course of their "trade or business". It is interesting that those that fill out these affidavits  
37 have never even looked at how 26 U.S.C. §§3401(a) and 3121(a) define "wages", or at the specialized legal meaning  
38 of "trade or business"!

39 Thanks to these lies, the vast majority of workers across America that these affidavits were created for will be  
40 victimized by paying huge amounts of their wealth for taxes that they simply do not owe.

41 However, under our legal system, the responsibility for knowing the legal effect of tax-related instruments rests on  
42 the one signing that instrument. Not on the tax agency, even when that agency has an incentive to mislead.

43 "Whatever the form in which the government functions, anyone entering into an arrangement with the government  
44 takes the risk of having ascertained that he who purports to act for the government stays within the bounds of his  
45 authority."  
46 [Federal Crop Ins. Corp v. Merrill, 332 U.S. 380 (1947)]

47 "Persons dealing with the government are charged with knowing government statutes and regulations, and they  
48 assume the risk that government agents may exceed their authority and provide misinformation."  
49 [Lavin v. Marsh, 644 F.2d. 1378 (1981)]

1 Another contributing factor to the average American losing vast amounts of their wealth is a general lack of knowledge  
2 of the custom legal meanings that are assigned to certain key words known and identified as “TERMS” within our nation's  
3 laws and particularly within taxing statutes and regulations.

4 State legislatures and Congress use the word "TERM" in statutes that conveys meanings that are totally different when the  
5 word "TERM" is not used. "WORD" and "TERM" are entirely two separate and distinct conveyances of ideas. When "TERM"  
6 is used in a definition it signifies a special meaning to the words that follow the word "TERM". For it is the man's idea,  
7 who is the proponent of the idea, as to just what meaning that "TERM" has in his mind. It can be totally different  
8 than what you are used to when using that word. It is really not that hard to grasp the differences. First let's set the  
9 foundation for understandable use in this discussion.

10 The following is from **Black's Law 4<sup>th</sup> Ed.**

11 *"TERM" - A word or phrase; an expression; particularly one which possesses a fixed or known meaning in some*  
12 *science, art, or profession.*  
13 *[Black's Law Dictionary, Fourth Edition, p. 1639]*

14 *"WORDS" - Symbols indicating idea and subject to contraction and expansion to meet the idea sought to be*  
15 *expressed. ...As used in law, this term generally signifies the technical terms and phrases appropriate to*  
16 *particular instruments, or aptly fitted to the expression of a particular intention in legal instruments. See the*  
17 *subtitles following.*  
18 *[Black's Law Dictionary, Fourth Edition, p. 1779]*

19 *"WORDS OF ART" - The vocabulary or terminology of a particular art or science, and especially*  
20 *those expressions which are idiomatic or peculiar to it. See Cargill v. Thompson, 57 Minn. 534, 59 N.W. 638.*  
21 *[Black's Law Dictionary, Fourth Edition, p. 1779]*

22 The following is from Webster's American Dictionary of the English Language, 1828. "TERM" consists of two columns  
23 of definitions so only the pertinent parts are cited here. However, read the entire definition in that book so you will see we  
24 are not picking and choosing to make our point like the government does.

25 **"TERM"**

26 *1. A limit; a bound or boundary; the extremity of anything; that which limits it's extent.*

27 *7. In grammar , a word or expression; that which fixes or determines ideas.*

28 *14. In contracts, terms in the plural, are conditions; propositions stated or promises made, which when assented to*  
29 *or accepted by another, settle the contract and bind the parties.*  
30 *[Webster's American Dictionary of the English Language, 1828]*

31  

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32 **"WORD"**

33 *1. An articulate or vocal sound or a combination of articulate or vocal sounds , uttered by the human voice, and*  
34 *by custom expressing an idea or ideas ; a single component of human speech or language.*  
35 *[Webster's American Dictionary of the English Language, 1828]*

36 Notice that "TERM" is defined in both dictionaries quite similarly. "Term" pinpoints the idea exactly and must be specific  
37 and cannot be expanded or contracted upon. However, "WORD" is quite differently defined in the standard dictionary of  
38 common words we all use.

39 When we converse at home, in the street or in a store we use common words which are not "TERMS". "Term" is limiting  
40 to a specific idea. "Word" definitions can be expanded or contracted upon whereas "TERM" definitions cannot.. Now refer  
41 to Black's Law from above and note that they used "TERM" and not "word" in the definition of "WORD". Most people  
42 would never catch this until shown. This is how closely you have to read in order to fully understand the definitions of what  
43 is being presented.

44 *"I don't know what you mean by 'glory'," Alice said.*  
45 *Humpty Dumpty smiled contemptuously. "Of course you don't, till I tell you.*  
46 *I meant 'there's a nice knock-down argument for you!"*  
47 *"But 'glory' doesn't mean 'a nice knock-down argument'," Alice objected.*

1                   *"When I use a word," Humpty Dumpty said, in rather a scornful tone,*  
2                   *"it means just what I choose it to mean, neither more nor less."*  
3                   *"The question is," said Alice,*  
4                   *"whether you can make words mean so many different things."*  
5                   *"The question is," said Humpty Dumpty,*  
6                   *"which is to be master, that's all."*

7       What is white to you is black to them in the words employed in their "WORDS OF ART." This is never more evident than  
8       in the definitions in the Internal Revenue Code (IRC). Please note that every definition in Code section (7701) starts with  
9       "The TERM ...". Once you understand "TERM" is a clue to "WORDS OF ART." employed after the word "TERM", you  
10      have half the battle won. That means throw out the standard dictionary definition we are all use to using and use what the  
11      writers of the law, mean. They never say "The WORD" when they start the definition in any 7701 (a) part, now do they? Or  
12      for that matter anywhere else in the code definitions. It has to be the word "TERM" in order to make the definitions conform  
13      to constitutional and jurisdictional requirements/limitations as well as allow the words to work to confuse or fool you into  
14      believing they mean something entirely different from what the law writers intended.

15      Let's take a look at 26 U.S.C. §7701(a)(28) OTHER TERMS:

16                   26 U.S.C. §7701(a)(28) OTHER TERMS:

17                   *Any "TERM" used in this subtitle with respect to the application of, or in connection with, the provisions of any*  
18                   *other subtitle of this title shall have the same meaning as in such provisions.*

19      In the case of the "TERM" and the not "WORD", "Resident", is legally defined in United States v. Penelope, 27 Fed. Case  
20      No. 16024, which states:

21                   *"But admitting that the **common acceptance** of the word and its **legal technical** meaning are **different**, we must*  
22                   *presume that Congress meant to adopt **the latter**.", page 487.*

23                   *"But this is a highly penal act, and must have **strict construction**. . . .The question seems to be whether they*  
24                   *inserted 'resident' without the legal meaning generally affixed to it. If they have omitted to express their meaning,*  
25                   *we cannot supply it.", page 489.*  
26                   *[United States v. Penelope, 27 Fed. Case No. 16024]*

27      No one asks what words or their definitions are in the Internal Revenue Code or for that matter any of our codes of law  
28      because they blindly use the commonly accepted use of the words that we all use in everyday speech. This gives the Internal  
29      Revenue Service (IRS) an advantage because the idea written is specifically technical as stated by the court in the case above.  
30      In addition, the IRS moves by presumption, against the man by calling him a "person" that is defined in the code at Section  
31      7343, but the man assumes he is a person in common words and not the "TERMS" of the law writer.

32      The words "including" and "includes" when used within the code, means that the definition is restricted to the specific  
33      definition given to the "TERM" and cannot be expanded upon. The use of the word "TERM" quite clearly states it is not a  
34      word that can be expanded or contracted upon when reading the definition in the above dictionaries. Therefore, "including"  
35      cannot be expanded upon to mean anything more than what is described by the "TERM." In either case the use of "WORD"  
36      can be expanded or contracted while the use of "TERM" cannot.

37      As example, in 26 U.S.C. §7701(a)(10), "State" is a "TERM" and not a "WORD". Therefore, it is defined exactly like the  
38      words employed and no more. "State" is exactly what is written, and that is the **District of Columbia**. It does **NOT** include  
39      any of the **states of the Union** as it cannot be expanded upon as it is not a "WORD", it's a "TERM" that is already defined as  
40      the idea of the law writer. In 26 U.S.C. §7701(a)(9) the "United States" is only the district of Columbia and only the states  
41      that the "United States" owns such as those described in 26 U.S.C. §3121(e)(1) and (2). Notice the word "TERM" in the  
42      beginning of the definition to alert you that it has a technically specific closed meaning to the words employed in that section.  
43      Therefore, in all the entire code, that meaning stands unless altered specifically.

44      To find out where that might be let's look at 26 U.S.C. §6103(b)(5). Note that after the word "TERM" is used it includes the  
45      word "MEANS". Nowhere else but one or two other places in the code will you see the word "MEANS" used. When  
46      "MEANS" is used it is informing you that for that section and that section only the definition is expanded upon to include all  
47      the states in the Union as it names them as such. You do not see this definition in 26 U.S.C. §3121(e)(1) and (2). Because to  
48      do so, as stated in §7701 (a) it would be "manifestly incompatible with the intent thereof."

1 Don't be so fast to look at what the word "MEANS" means. Just like President Clinton argued the word which was a "TERM"  
2 "is." Yes, words are used to harm you by the IRS and the government. The 1828 American Dictionary reveals why they had  
3 to use "MEANS" in Section 6103. The pertinent words of study are in bold.

4 The following is from **Webster's American Dictionary of the English Language, 1828.**

5 *"MEAN" - Pronounced ment . To mean, to intend, also to relate, to recite or tell, also to moan, to lament; The*  
6 *primary sense is to set or thrust forward, to reach, stretch or extend.*  
7 *[Webster's American Dictionary of the English Language, 1828]*

8 The use of the word "MEANS" to describe a different meaning to the United States and State is required to make an expansion  
9 to the "TERM" "United States and State" as found throughout the IRC. Please note the use of the word "include" is not found  
10 in section 6103, whereas in all the other definitions "include" appears.

11 "Includes" is argued back and forth that it can be expansive. Well, this proves "includes" is restrictive when the word "TERM"  
12 is employed, which in itself has a special "technical" restrictive meaning. We all know that "includes" is defined as to shut  
13 up, confine within, and so forth. Now let's read 26 U.S.C. §3121(e)(1) and (2) and we find:

14 *26 U.S.C. §3121(e)(1) and (2)*

15 *The "TERM" "State" "includes" and "The "TERM" "United States" when used in a "Geographical" sense.*  
16 *"Geographical" is yet another "WORD OF ART".*

17 Let's now look at 26 U.S.C. §7701(a)(4) and (5), to see how easy it is to be misled by the use of "TERMS" rather than  
18 "WORDS" to define "domestic" and "foreign". Remember, the entire set of federal laws, Titles 1 through 50 are designed to  
19 apply strictly to the United States as defined within the Constitution and NOT to the States in Union. Federal laws apply to  
20 government employees and persons residing within the "Geographical" boundary of the "United States" as defined and not  
21 to the people in the States of the Union. Federal laws apply to "Domestic corporations" and NOT to the "Foreign  
22 corporations" located in the States of the Union. Can the state of Texas, Ohio, Florida or California statutes apply to any  
23 other State or to the United States? The answer is obviously not. Can the laws of the United States apply to one living in the  
24 foreign states just mentioned? Obviously not when the Case of John Barron was decided and since then all the other cases  
25 where the Supreme Court stated the Bill of Rights was never to extend to the people in the states as it was a Bill for ONLY  
26 the United States. That means none of the laws or Constitution FOR the United States apply to the people of the States.

27 Have fun in reading the use of the words of art following the use of the word "TERM" in any definition in the Internal  
28 Revenue Code or for that matter any other Title of the United States code. You might want to see how your state uses the  
29 word "TERM" in its Codes. This is one reason why most people living in America today could never begin to understand  
30 that the words in law have an entirely different meaning than what they think they mean. Always remember, there is a common  
31 use of a word and there is a "legal technical" use of the word as stated by the Supreme Court case discussed above.

32 Even at the back of the U.S. Supreme Court Rule book at Rule 47 it says:

33 *Supreme Court Rule 47*

34 *"The "TERM" "State Court," when used in these Rules, includes the District of Columbia Court of Appeals and*  
35 *the Supreme Court of the Commonwealth of Puerto Rico. See 28 U.S.C. Sections 1257 and 1258. References in*  
36 *these Rules to the common law and Statutes of a State include the common law and statutes of the District of*  
37 *Columbia and the Commonwealth of Puerto Rico."*

38 This is a prime example of how careful you have to read because "includes" is restrictive to the "TERMS" defined which is  
39 the "State Court". Had this been properly designed to mean in the very beginning the state courts of each of the 50 states it  
40 would say so but it does not. It would have to be written this way if the word "TERM" was not used. A "State Court", when  
41 used in these Rules, means the 50 State courts of the Union and includes the District of Columbia Court of Appeals and the  
42 Supreme Court of the Commonwealth of Puerto Rico. The original wording is stating that besides the U.S. Supreme Court  
43 and the other two are the State Court. It does not say or mean any of the 50 State of The Union courts are included.

44 The IRS carefully mixes "TERMS" with words of common meaning within many of the questions they ask in the forms that  
45 are used to report and collect federal Income taxes. As example, you are incline to state that you are not a "Nonresident Alien"  
46 because they will ask, "don't you live and work in the United States?" To which you will answer "yes," not realizing the IRS

1 agent or form was using the "legal technical" definition of "United States" yet applied it in common everyday language. In  
2 addition, you are tricked into thinking you have a federal Income Tax liability because of your misunderstanding of the "legal  
3 technical" definitions in the IRC for "employer", "employee", "wages" and "trade or Business", just to name a few.

#### 4 **EXAMPLE APPLICATION: FEDERAL REGULATIONS**

5 Let's follow the Code of Federal Regulations trail to see where it leads. Please remember, a Nonresident Alien is an American,  
6 not a United States citizen, not in the state of the forum, per the "TERM" as defined within the Code. The following applies  
7 to self-employment income in 26 CFR, but applies equally to an American working for a corporation not chartered by  
8 Congress.

9 *26 C.F.R. §1.1402(b)-1(a) In general:*

10 *Except for the exclusions in paragraph (b) and (c) of this section and the exception in paragraph (d) of this*  
11 *section, the "TERM" "self employment income" means the net earnings from self employment derived by an*  
12 *individual during a taxable year.*

13 Let's see what paragraph (d) says:

14 *26 C.F.R. §1.1402(b)-3(d) Nonresident Alien:*

15 *A "nonresident alien" individual never has self-employment income. While a "nonresident alien" individual*  
16 *who derives income from a "trade or business" carried on within the United States, Puerto Rico, the Virgin*  
17 *Islands, Guam, or American Samoa .. may be subject to the applicable income tax provisions on such income,*  
18 *such "nonresident alien" individual will not be subject to the tax on self employment income, since any net*  
19 *earnings which he may have from self employment do not constitute self-employment income. For the purposes*  
20 *of the tax on self-employment income, an individual who is not a citizen of the United States but who is a resident*  
21 *of the Commonwealth of Puerto Rico, the Virgin Islands or for taxable years beginning after 1960, of Guam or*  
22 *American Samoa is **not** considered to be a "nonresident alien individual."*

23 **We like "never", don't you?** So just what is this "TERM" "trade or business"? Again look at the context of the statute  
24 because the "TERM" "nonresident" is used in its geographical/citizen form.

25 *26 C.F.R. §1.1402(c)-1 Trade or Business:*

26 *In order for an individual to have net earnings from self employment, **he must carry on a "trade or business",***  
27 *either as an individual or as a member of a partnership. Except for the exclusions discussed in §§ 1.1402 (c) (2)*  
28 *to 1.1402 (c) (7), inclusive, the "TERM" "trade or business", for the purpose for the tax on self-employment*  
29 *income, **shall have the same meaning as when used in section 162.**"*

30 Several have said that, if you are a United States citizen, you can use 26 U.S.C. §911 to avoid the tax because you are in one  
31 of the foreign 50 states, making foreign earned income which then cannot be taxed. That is true, you are in a foreign state,  
32 that part is correct, however, there is still a lack of understanding of the "TERM" "**United States citizen**".

33 The "U.S. citizen" has to be a "**qualified individual**" 26 U.S.C. §911(d)(1), who has a "**tax home**" identified in 26 U.S.C.  
34 §911(d)(3), which is an individual listed in 26 U.S.C. §162(a)(2). That individual has earned income as defined in 26 U.S.C.  
35 §911(d)(2)(A) & (B), and is a **CONGRESSMAN**. It also talks about 'State Legislators' at 26 U.S.C. §162(h)(1) through (4),  
36 which, when the "TERM" "State" is understood, it **means the District of Columbia and the 5 federal States only**. Now go  
37 back and read 26 U.S.C. §864 again.

38 *26 U.S.C. §911(d) DEFINITIONS AND SPECIAL RULES:*

39 *For purposes of this section...*

40 *(3) TAX HOME.-- The "TERM" "tax home" means, with respect to any individual, such individual's home for*  
41 *purposes of section 162 (a) (2) (relating to traveling expenses while away from home). An individual shall not be*  
42 *treated as having a tax home in a foreign country for any period for which his abode is within the United States.*

43 So now they have established that to be a United States resident in the United States, you must have a tax home as relates to  
44 traveling expenses in 26 U.S.C. §162(a)(2). So we go to §162(a)(2) to see if you are the taxpayer for "internal revenue."  
45 Remember what "United States" we are talking about.

1 26 U.S.C. §162. TRADE OR BUSINESS EXPENSES:

2 (a) In general.-- There shall be allowed as a deduction all the ordinary expenses paid or incurred during the  
3 taxable year in carrying on any trade or business, including...

4 (1) a reasonable allowance for salaries or other compensation for personal services actually rendered;

5 (2) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish  
6 or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

7 (3) rentals or other payments required to be made as a condition to the continued use or possession, for purposes  
8 of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has  
9 no equity. [that was one sentence]

10 For purposes of the preceding sentence, the place of residence of a **MEMBER OF CONGRESS** (including any  
11 Delegate and Resident Commissioner) within the State, congressional district, or possession which he represents  
12 in Congress shall be considered his home for amounts expended by such Members within each taxable year for  
13 living expenses will not be deductible for income tax purposes in excess of \$3,000.

14 There you have it folks; are you a Congressman who is effectively connected with a "trade or business", getting money from  
15 the public treasury, which is a privilege to which you are to return a portion of internal revenue? You thought they were  
16 talking about you in the beginning, right? Now read 26 C.F.R. §1.1402(c)2(b) Meaning of Public Office, as this relates to,  
17 26 U.S.C. §7701(a)(26), which defines "Trade or Business" as "the performance of the functions of a "public office."

18 Bear this in mind when you look at 26 U.S.C. §911 infra. When comparing what is stated in the Social Security Handbook  
19 of 1982, Chapter 11 § 1101, pg. 176, it really helps to understand the private capacity of the laws that apply only to the United  
20 States and its agents, to wit:

21 A "TRADE OR BUSINESS" for Social Security purposes means the same as when used in **section 162 of the**  
22 **Internal Revenue Code of 1954**, relating to income taxes.  
23 [Social Security Handbook of 1982, Chapter 11 § 1101, pg. 176]

24 First let's see to whom the exclusions apply at 1.1402 above. It applies to government employees and foreign government  
25 employees. Who are these foreign government employees? Why, they are the foreign sister state governments of the Union  
26 employees while performing in the United States as defined in 26 U.S.C. §3121(e)(2). Have you ever heard of the **Public**  
27 **Salary Tax Act**? There is no mention of Congress in these 1.1402 sections, so we have to go back to section 162 where they  
28 are mentioned. Are you a member of Congress to be taxed?

29 Remember the resident of the islands, in 26 C.F.R. §1.1402(b)(3)(d), (remember he is not), cannot be considered "nonresident  
30 alien" because he resides within the "TERM" "United States". Could you, an American who is not a United States citizen,  
31 and not residing within D.C. or any of the five (5) federal States be a resident of those areas? NO, then you are nonresident  
32 and alien to those areas, while those residing in the islands are residents and are not alien since they live on "United States"  
33 soil. Now the "TERM" "nonresident" takes on a geographical meaning, doesn't it?

34 Why isn't a resident of the islands considered "nonresident" of the U.S.? Here is a case from U.S. tax court that should help  
35 prove to those who are still skeptical because Johnson was a resident of the Island.

36 *Johnson v. Quinn, 87-1 U.S.T.C. 9362*

37 "As stated in Revenue Ruling 73-315, 1973-2 C.B. 225, *The United States and Virgin Islands are separate and*  
38 *distinct taxing jurisdictions although their income tax laws arise from an identical statute applicable to each*".

39 "In construing the Internal Revenue Code of 1954, as in effect in the Virgin Islands, in addition to other  
40 modifications **when necessary and appropriate**, it will be necessary in **some sections** of the law to **substitute** the  
41 words "Virgin Islands" for the words "United States" in order to give the law proper effect in those islands".  
42 *Emphasis theirs.*

43 The court also stated;

44 "Petitioners, having been taxed by **A STATE OF THE UNITED STATES**, contend that they are entitled to a  
45 foreign tax credit for taxes paid to that **STATE**."

1 Now you have a better understanding of why the petitioners did not understand that they were in a "state" belonging to that  
2 entity called the "U.S.", they thought they were in a foreign country.

3 You already have a taste for how colorable the "law" is in using the "TERM" "nonresident". Here is another example how  
4 **colorable** the tax law is from a now repealed statute. The Virgin Islands can be called a "foreign country" when Congress so  
5 declares:

6 *26 U.S.C. §3455. Other definitions and special rules:*

7 *(a) DEFINITIONS.*

8 *For purposes of this subchapter*

9 *(4) FOREIGN GOVERNMENT.*

10 *The term "foreign government" means a foreign government, a political subdivision of a foreign government, and*  
11 *any wholly owned agency or instrumentality of any one or more of the foregoing.*

12 [Only Congress could come up with this utterly stupid definition to deceive the functional illiterate. This is like defining a  
13 quart of milk by saying, a quart of milk is a quart of milk or part of a quart of milk. They haven't defined milk or a quart,  
14 have they?]

15 Continuing:

16 *26 U.S.C. §2014 Possessions of United States Deemed a FOREIGN COUNTRY*

17 *(g) States*

18 *For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be*  
19 *a FOREIGN COUNTRY."*

20 The rest of 26 C.F.R. §1.1402(b) doesn't apply unless you decide to work for a government corporation or are "effectively  
21 connected with" a "trade or business" within the "United States". If you do, then follow 26 C.F.R. §1.6012(b)-1. Read this  
22 very carefully and compare it with;

23 *26 C.F.R. §1.6015(i)-1. Nonresident Alien Individuals.*

24 *(a) Exception from requirement from making a declaration. No declaration of estimated income is required to be*  
25 *made under section 6015 (a) and § 1.6015 (a)-1 by a nonresident alien individual unless (1) Such individual has*  
26 *wages, as defined in section 3401 (a), and the regulations thereunder, upon which tax is required to be withheld*  
27 *under section 3402.*

28 See how nicely the government slides around to the "TERM" "wages?" **Only Congressmen, government employees, and**  
29 **"public officers" earn "wages" as legally defined.**

30 Now let's to go back to **wages in 26 C.F.R. §1.1402(b)(3)**. As a **nonresident alien working for government you do have**  
31 **wages**, just follow 26 C.F.R. § 1.1402 (c) -3 (a) & (d). This is where the 1040NR comes in and possibly the IRS Form 8233  
32 for withholding. Now wait a minute, you say you don't work for government but a corporation chartered by a State of the  
33 Union? OK, then go to:

34 *26 C.F.R. §31.3401(a)(6)-1(b). Remuneration for services performed outside the "United States".*

35 *Remuneration paid to a nonresident alien individual... for services performed outside the "United States" is*  
36 *exempted from "wages" and hence is NOT SUBJECT TO WITHHOLDING.*

37 This is NOT the unless category found in 26 C.F.R. §1.6015(i)-1(1), is it? See how they slide around to "wages" like for self-  
38 employed. Isn't this in agreement with:

39 *26 U.S.C. §3401(a) Wages.*

1 For purposes of this chapter, the "TERM" "wages" means all remuneration... for services performed by an  
2 "employee" for his "employer", including the cash value of all remuneration... paid in any medium other than  
3 cash; **except that such "TERM" SHALL NOT INCLUDE remuneration paid--(6) for such services performed by**  
4 **a "nonresident alien individual", as may be designated by regulations prescribed by the Secretary.**

5 The State chartered company may refer you to 26 C.F.R. §31.3402(f)(6)(1), but this is wrong for you are not the "employee"  
6 described in 26 U.S.C. §3401(c), working for the "employer" defined in 26 U.S.C. §3401(d), which corresponds to 26 C.F.R.  
7 §1.1402(c)3(d) and (c)2(b). This indicates you are not the "person" described in 26 U.S.C. §7343, because you are not to be  
8 treated as a resident working for the foreign (State), governments instrumentality within the "United States". Therefore, the  
9 company is not defined as a government employer.

10 How does the following read in your mind The Federal Register, Tuesday, September 7, 1943 Page 12267 section 404.104  
11 EMPLOYEE:

12 "... x ... The "TERM" "employee" ... SPECIFICALLY INCLUDES officers and employees whether elected or  
13 appointed, of the "United States", a state [ "Federal states" remember] Territory, or any political subdivision  
14 thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing."

15 Note the use of the word "TERM" and it has a specific restricted meaning.

16 You are not in a "Covered group" which requires a Social Security Number. This is stated in 42 U.S.C. Chapter 7, Section  
17 418(b)(5), as you would be performing a "Proprietary function", which is described in C.F.R. Title 26 pages 6001 and 6002  
18 section 29.22 (b)-1, as being exempt from gross income, which is, "under the Constitution, not taxable by the Federal  
19 government."

20 Alas, people are destroyed by words when they presume them to mean what they think they mean only to maybe never find  
21 out they don't mean what they convey in common words.

### 22 **8.7.3 The "Reasonable Notice" approach**

23 One of the chief purposes of all law is to give what is called "reasonable notice" to all the parties affected by it of the specific  
24 conduct that is either required or prohibited of them. This was described by the U.S. Supreme Court and lower courts as  
25 follows:

26 "*Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public*  
27 *uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standards,*  
28 *what is prohibited and what is not in each particular case.*"  
29 [*Giaccio v. State of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966)*]

30 "*The essential purpose of the "void for vagueness doctrine" with respect to interpretation of a criminal statute,*  
31 *is to warn individuals of the criminal consequences of their conduct. ... Criminal statutes which fail to give due*  
32 *notice that an act has been made criminal before it is done are unconstitutional deprivations of due process of*  
33 *law.*"  
34 [*U.S. v. De Cadena, 105 F.Supp. 202, 204 (1952)* ]

35 "*It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its*  
36 *prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that*  
37 *man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary*  
38 *intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws*  
39 *may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to*  
40 *be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates*  
41 *basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the*  
42 *attendant dangers of arbitrary and discriminatory application.*" (Footnotes omitted.)  
43 [*Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)*]

44 When a government employee introduces something to be included within a definition that does not specifically appear as  
45 either a thing or within the class of things *specifically* pointed out *somewhere* the statutes themselves, then all we have to do  
46 is:

- 47 1. Ask them where that thing they wish to include is mentioned in the law. Tell them you are a reasonable person who  
48 reads the law and who has not found any evidence within the law upon which to base a belief that the thing that they  
49 wish to "include" is specifically included within a definition found in the Internal Revenue Code itself. Tell them that

1 you as a Christian are prohibited from making “presumptions” by the Bible in [Numbers 15:30 \(NKJV\)](#) and that your  
2 beliefs can therefore only be based upon what is actually written in the law itself, which is the only legally admissible  
3 evidence of a liability.  
4 2. Tell them that unless they can point to a statute *somewhere* that includes the thing or class of things that they want to  
5 include, then they are depriving you of “reasonable notice” of the conduct that is expected of you and thereby operating  
6 in presumptuously and in “bad faith”.

7 Quote the U.S. Supreme Court, which said that failure to satisfy the requirement for “reasonable notice” deprives the  
8 government of a judicially enforceable remedy for whatever conduct they expect from you:

9 ***“It never has been doubted by this court, or any other, so far as we know, that notice and hearing are***  
10 ***preliminary steps essential to the passing of an enforceable judgment.”***  
11 *[Powell v. Alabama, 287 U.S. 45 (1932)]*

12 *“Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with*  
13 *sufficient awareness [reasonable notice] of the relevant circumstances and likely consequences.”*  
14 *[Brady v. U.S., 397 U.S. 742, at 749, 90 S.Ct. 1463 at 11469 (1970)]*

15 *“It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free*  
16 *government which no member of the Union may disregard, as that **no man shall be condemned in his person or***  
17 ***property without due notice and an opportunity of being heard in his own defense.”***  
18 *[Holden v. Hardy, 169 U.S. 366 (1898)]*

19 If you would like to know more about this interesting subject, you can find an exhaustive analysis in the following free  
20 memorandum of law:

<p><a href="http://sedm.org/Forms/FormIndex.htm">Requirement for Reasonable Notice, Form #05.022</a> <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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#### 21 **8.7.4 The “Academic Approach”**

22 The prior two approaches for fighting the “includes” argument are simple and elegant and point to the fraud, which is the  
23 making of false or unsubstantiated “presumptions” that are not substantiated by any kind of admissible evidence. We  
24 emphasize that any presumption you make that cannot be substantiated by admissible evidence constitutes the equivalent of  
25 “religious faith”, and that the First Amendment prohibits the government from establishing or disestablishing a religion. This  
26 is why all conclusive presumptions which adversely affect constitutional rights are unconstitutional and impermissible in any  
27 legal proceeding:

28 (1) [8:4993] **Conclusive presumptions affecting protected interests:**

29 *A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected*  
30 *liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due*  
31 *process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland*  
32 *Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that*  
33 *unmarried fathers are unfit violates process]*  
34 *[Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34]*

35 The techniques in previous sections are therefore reserved for clerks and employees who don’t read the law because they are  
36 simple and uninformed. However, you may encounter more informed opponents such as IRS or DOJ attorneys who are more  
37 educated about the law. For them, the “Academic Approach” is best. The Academic Approach involves asking them a series  
38 of detailed legal questions, hopefully in the context of legal discovery such as a deposition or interrogatory or request for  
39 admission. We have crafted detailed legal questions you can use that are found starting in section 16 and following of this  
40 document.

#### 41 **8.7.5 Example Rebuttal: Definition of “Trade or business”**

42 *“[J]udicial verbiage is calculated to convert the Constitution into a worthless scrap of paper and to replace our*  
43 *government of laws with a judicial oligarchy.”*  
44 *[Senator Sam Ervin, during Watergate hearing, of Watergate hearing fame]*

1 The most prevalent and notorious abuse of the word “includes” in order to unlawfully expand federal jurisdiction is the  
2 definition of the phrase “trade or business” found in [26 U.S.C. §7701\(a\)\(26\)](#). The remainder of this section will apply all of  
3 the techniques suggested in this chapter in order to provide an example argument in favor a limiting definition of this word  
4 which you can use successfully in court to defend your determination that you are a “nontaxpayer” not subject to the Internal  
5 Revenue Code.

6  
7 The word “trade or business” is defined as follows:

8 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
9 [§ 7701. Definitions](#)

10 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
11 thereof—

12 (26) “trade or business”

13 “The term ‘trade or business’ includes the performance of the functions of a [public office](#).”

14 The word “includes” as used above is then defined as follows:

15 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
16 [§ 7701. Definitions](#)

17 (c) Includes and including

18 The terms “includes” and “including” when used in a definition contained in this title shall not be deemed to  
19 exclude other things otherwise within the meaning of the term defined.

20 Based on the above:

- 21 1. The term “trade or business” means “the functions of a public office” as clearly shown in [26 U.S.C. §7701\(a\)\(26\)](#).  
22 2. The word “includes” is used in the definition of “trade or business”.  
23 3. The word “includes” can have one of two possible meanings: 1. Is limited to the things shown in the definition; or 2.  
24 In addition to (enlargement) something found elsewhere within the I.R.C.

25 “Include. (Lat. *Includere*, to shut in. keep within.) To confine within, hold as an inclosure. Take in, attain, shut  
26 up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an  
27 enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included  
28 within general words theretofore used. “Including” within statute is interpreted as a word of enlargement or of  
29 illustrative application as well as a word of limitation. *Premier Products Co. v. Cameron*, 240 Or. 123, 400 P.2d.  
30 227, 228.”  
31 [*Black’s Law Dictionary, Sixth Edition, p. 763*]

- 32 4. An electronic search of the entire 9,500 pages and 7 Million plus words of the Internal Revenue Code reveals that  
33 nowhere is anything expressly added to the above definition of “trade or business”. Therefore, the above definition is  
34 all inclusive and limiting. The definition below detracts from or limits the definition within a specific subportion of the  
35 I.R.C., but does not expand it:

36 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART 1 > Sec. 864](#)  
37 [Sec. 864. - Definitions and special rules](#)

38 (b) [Trade or business within the United States](#)

39 For purposes of [this part \[part I\], part II, and chapter 3](#), the term “trade or business within the United States”  
40 includes the performance of [personal services](#) within the United States at any time within the taxable year, but  
41 does not include -

42 (1) Performance of personal services for foreign employer

43 The performance of [personal services](#) -

1 (A) for a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or  
2 business within the United States, or

3 (B) for an office or place of business maintained in a foreign country or in a possession of the United States by  
4 an individual who is a citizen or resident of the United States or by a domestic partnership or a domestic  
5 corporation, by a nonresident alien individual temporarily present in the United States for a period or periods  
6 not exceeding a total of 90 days during the taxable year and whose compensation for such services does not  
7 exceed in the aggregate \$3,000.

- 8 5. Because the term “trade or business” is defined within the I.R.C., that definition supersedes rather than enlarges the  
9 ordinary or common definition of the term.

10 **“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.”** *Colautti v.*  
11 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed  
12 in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation**  
13 **as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even**  
14 **read it.”**

15 [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

- 16 6. If the term “includes” means “in addition to”, anything else that might be added to the statutory definition found in 26  
17 U.S.C. §7701(a)(26) must expressly appear somewhere in the I.R.C., although not necessarily within the above statute.

18 **“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s**  
19 **ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition  
20 of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a  
21 rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”); *Western*  
22 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
23 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
24 and n. 10 (5th ed. 1992) (collecting cases). **That is to say, the statute, read “as a whole,” post at 998 [530 U.S.**  
25 **943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney**  
26 **General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”**

27 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

- 28 7. Things or classes of things not specifically mentioned in the I.R.C. as a whole within the definition of “trade or business”  
29 are excluded by implication:

30 **“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one**  
31 **thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
32 170 Okl. 487, 40 P.2d. 1097, 1100. **Mention of one thing implies exclusion of another. When certain persons or**  
33 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
34 **inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects**  
35 **of a certain provision, other exceptions or effects are excluded.”**

36 [*Black’s Law Dictionary*, Sixth Edition, p. 581]

37 **“As a rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”**

38 [*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

- 39 8. If the statutes as a whole do not prescribe EVERYTHING that is “included” within the meaning of the word defined,  
40 then:

41 8.1. The law is “void for vagueness”. . . .and

42 8.2. The terms appearing in 26 U.S.C. §7701 are NOT “definitions” of anything. All “definitions” implicitly exclude  
43 non-essential things.

44 **definition. A description of a thing by its properties; an explanation of the meaning of a word or term. The**  
45 **process of stating the exact meaning of a word by means of other words. Such a description of the thing**  
46 **defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things**  
47 **and classes.”**

48 [*Black’s Law Dictionary*, Sixth Edition, p. 423]

- 49 9. The regulations implementing 26 U.S.C. §7701 cannot lawfully expand the definition to include any thing or class of  
50 things not expressly defined in the Internal Revenue Code. Therefore, it is pointless to examine the regulations for  
51 additional meanings that might be added to the definition of the phrase “trade or business”:

1 *"[i]t is axiomatic that an administrative agency's power to promulgate legislative regulations is limited to*  
2 *the authority delegated by Congress [in United States law/statutes]"*  
3 *[Bowen v. Georgetown Univ. Hosp., 488 U.S. 204, 208 (1988)]*

4 *"To the extent that regulations implement the statute, they have the force and effect of law...The regulation*  
5 *implements the statute and cannot vitiate or change [or expand the meaning of] the statute..."*  
6 *[Spreckles v. C.I.R., 119 F.2d. 667]*

7 *"When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to*  
8 *prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they carry*  
9 *into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. The*  
10 *Secretary, however, does not have the power to make law. Dixon v. United States, supra."*  
11 *[United States v. Levy, 533 F.2d. 969 (1976)]*

- 12 10. Any judge who points to [26 U.S.C. §7701\(c\)](#) and alleges that this statute implies that the definition of "trade or business"  
13 enlarges rather than supersedes the common definition is engaging in an "statutory presumption" that is unconstitutional.

14 *"This court has held more than once that a statute creating a presumption which operates to deny a fair*  
15 *opportunity to rebut it violates the due process clause of the Fourteenth Amendment. For example, Bailey v.*  
16 *Alabama, [219 U.S. 219](#), 238, et seq., 31 S.Ct. 145; Manley v. Georgia, [279 U.S. 1](#), 5-6, 49 S.Ct. 215.*

17 **'It is apparent,' this court said in the Bailey Case ( [219 U.S. 239](#), 31 S.Ct. 145, 151) 'that a constitutional**  
18 **prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it**  
19 **can be violated by direct enactment. The power to create presumptions is not a means of escape from**  
20 **constitutional restrictions.'**

21 *If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove*  
22 *the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule*  
23 *of substantive law.*  
24 *[Heiner v. Donnan, 285 U.S. 312 (1932)]*

- 25 11. Any judge who imputes anything to be included that is not expressly described somewhere within the I.R.C. bears the  
26 burden of proof of providing a statute that specifically includes the meanings he claims are included or else he is:  
27 11.1. Legislating from the bench, which he cannot lawfully do:

28 **"Our power begins after theirs ends. Constitutions and laws precede the judiciary, and we act only under and**  
29 **after them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what**  
30 **is the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise,**  
31 **or control neither. The disputed rights beneath constitutions already made are to be governed by precedents,**  
32 **by sound legal principles, by positive legislation, clear contracts, moral duties, and fixed rules; they are per se**  
33 **questions of law, and are well suited to the education and habits of the bench."**  
34 *[Luther v. Borden, 48 U.S. 1 (1849)]*

- 35 11.2. Turning our "society of law" into a "society of men".

36 **"The government of the United States has been emphatically termed a government of laws, and not of men."**  
37 *[Marbury v. Madison, [5 U.S. 137](#); 1 Cranch 137, 2 L.Ed. 60 (1803)]*

- 38 11.3. Engaging in prejudicial presumption that violates due process of law and renders the court's ruling void.

39 *(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be defeated*  
40 *where its application would impair a party's constitutionally-protected liberty or property interests. In such*  
41 *cases, conclusive presumptions have been held to violate a party's due process and equal protection rights.*  
42 *[Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) [414](#)*  
43 *[U.S. 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates*  
44 *process]*  
45 *[Federal Civil Trials and Evidence (2006). Rutter Group, paragraph 8:4993, p. 8K-34]*

46  
47 *"A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and*  
48 *credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878)."*  
49 *[World-Wide Volkswagen Corp. v. Woodson, [444 U.S. 286](#) (1980)]*

1 If the opposing counsel or the Court disagree with the above determination, they are demanded to address the following  
2 irreconcilable conflicts of law created when meanings not appearing in the I.R.C. are added to the definition of the word  
3 “trade or business” found in 26 U.S.C. §7701(a)(26).

- 4 1. What statute within the I.R.C. expands the definition of “trade or business” found in 26 U.S.C. §7701(a)(26) to “expressly  
5 include” the meanings the judge specifically wishes to include and thereby gives “fair notice” to one of what is expected?

6 “Vague laws may trap those who desire to be law-abiding by not providing fair notice of what is prohibited.  
7 Papachristou v. City of Jacksonville, 405 U.S. 156, 162 (1972); United States v. Harriss, 347 U.S. 612, 617 (  
8 1954). They also provide opportunity for arbitrary and discriminatory enforcement since those [416 U.S. 924 ,  
9 925] who apply the laws have no clear and explicit standards to guide them. Coates v. Cincinnati, 402 U.S. 611,  
10 614 ( 1971); Shuttlesworth v. Birmingham, 382 U.S. 87, 90-91, 15 L.Ed.2d. 176 (1965).  
11 [Karlson v. City of Cincinnati, 416 U.S. 924 (1974)]

- 12 2. How can law satisfy the mandatory requirement to give “reasonable notice” to the public of what it expects if it does not  
13 expressly indicate all things or classes of things that are “included”?

14 *As we said in Grayned v. City of Rockford, 408 U.S. 104, 108 (1972):*

15 *“It is a basic principle of due process that an enactment [435 U.S. 982, 986] is void for vagueness if its*  
16 *prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that*  
17 *man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary*  
18 *intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws*  
19 *may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to*  
20 *be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates*  
21 *basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the*  
22 *attendant dangers of arbitrary and discriminatory application.” (Footnotes omitted.)*

23 *See al Papachristou v. City of Jacksonville, 405 U.S. 156 (1972); Cline v. Frink Dairy Co., 274 U.S. 445, 47 S.*  
24 *Ct. 681 (1927); Connally v. General Construction Co., 269 U.S. 385 (1926).*  
25 *[Sewell v. Georgia, 435 U.S. 982 (1978)]*

- 26 3. How can the judge interpret 26 U.S.C. §7701(c) as giving him a license to include anything he wants to include without:  
27 3.1. Engaging in unconstitutional presumption.

28 *“It is apparent,’ this court said in the Bailey Case ( 219 U.S. 239, 31 S.Ct. 145, 151) ‘that a constitutional*  
29 *prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can*  
30 *be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional*  
31 *restrictions.”*  
32 *[Heiner v. Donnan, 285 U.S. 312 (1932)]*

- 33 3.2. Creating the equivalent of a “statutory presumption”, which the U.S. Supreme Court said was unconstitutional.

34 *This court has held more than once that a statute creating a presumption which operates to deny a fair*  
35 *opportunity to rebut it violates the due process clause of the Fourteenth Amendment. For example, Bailey v.*  
36 *Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.*

37 *‘It is apparent,’ this court said in the Bailey Case ( 219 U.S. 239, 31 S.Ct. 145, 151) ‘that a constitutional*  
38 *prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it*  
39 *can be violated by direct enactment. The power to create presumptions is not a means of escape from*  
40 *constitutional restrictions.’*

41 *If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove*  
42 *the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule*  
43 *of substantive law.*  
44 *[Heiner v. Donnan, 285 U.S. 312 (1932)]*

- 45 3.3. Depriving one of equal protection of the law and the equal right to “presume” that everything but what appears in  
46 the statute is excluded.

- 47 4. How can law be “the definition and limitation of power” if any of the terms used within it are either undefined or are a  
48 product of subjective interpretation?

49 *“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while*  
50 *sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by*

whom and for whom all government exists and acts. *And the law is the definition and limitation of power.*"  
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

5. How can a judge add meanings to a definition that appear nowhere within the I.R.C. without violating the separation of powers doctrine by "legislating from the bench"? See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

6. How can the I.R.C. as a "delegation of authority" to the federal government satisfy the mandatory requirements of the Ninth and Tenth Amendments, which reserves all unenumerated powers to the states and the people if the terms it uses may be expanded to include *any meaning* that either a judge or a prosecuting attorney wishes to include?
7. How can the judge arbitrarily decide that things not expressly appearing in the I.R.C. are included without violating the prohibition of the Constitution against the exercise of "arbitrary power"?

*"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power." The first official action of this nation declared the foundation of government in these words: "We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence. **No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.**"*  
[Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]

8. Isn't it slavery to allow any man or group of men to decide what is included?

*"But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth 'may be a government of laws and not of men.' For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another [including a judge], seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."*  
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

9. If a judge or a prosecutor expands the meaning of a word or phrase in the law for the purpose of gaining jurisdiction which the law does not provide, then pursuant to footnote 16 of U.S. v. Will, 449 U.S. 200 (1980), does the judge or prosecuting attorney commit treason against the constitution?

*"In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat. 264 (1821), could well have been the explanation of the Rule of Necessity; he wrote that a court "must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them." Id., at 404.*  
[U.S. v. Will, 449 U.S. 200 (1980)]

Based on the preceding quote by Justice Marshall, one can only conclude that any judge who practices such deceptions and flagrant misuse of the law in creating presumptions which do in fact exist and in order to manufacture jurisdiction which does not exist has in fact committed "treason against the constitution".

## **8.8 Rebutted Propaganda Relating to abuse of word "includes"**

### **8.8.1 Congressional Research Service Report 97-59A: Frequently Asked Questions Concerning the Federal Income Tax**

The Congressional Research Service Report 97-59A is often cited especially by Congressmen as a means to justify the illegal and presumptuous operations of the IRS. You can find a rebutted version of this report at:

*Rebutted Version of Congressional Research Service Report 97-59A: Frequently Asked Questions Concerning the Federal Income Tax*, Form #08.006  
<http://sedm.org/Forms/FormIndex.htm>

1 Starting on the next page, you can find item 20 of that report entitled “What is Meant by the Term ‘Includes’”.

2

## 20 What is Meant by the Term “Includes”?

The use of the term "includes" in IRC definitions has given rise to at least two questions concerning the application of the tax code. Does the "State" include the fifty states? Does "employee" include anyone who does not work for the Government or is an officer of a corporation?

The IRC defines "State" to include the District of Columbia.<sup>56</sup> There are those who argue that this means that the term "State" only includes the District of Columbia and not the fifty States of the Union. The IRC defines "employee" to include officers, employees or elected officials of the United States, a State, or any political subdivision thereof, or the District of Columbia or an officer of a corporation.<sup>57</sup> There are those who argue that this means that only those in one of these categories are "employees" for purposes of the income tax.

Each of these arguments displays a basic misunderstanding of the meaning of the term "includes." The term "includes" is inclusive not exclusive. The IRC provides that the terms "includes" and "including" when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.<sup>58</sup>

The courts have not given any credence to arguments that "includes" implicitly excludes. They have been consistently found to be without merit and frivolous.<sup>59</sup>

First of all, you will note that ALL of the cases cited are federal circuit court cases, and NOT supreme Court cases. You will probably never see a U.S. supreme Court opinion on this, because it would destroy the income tax system and expose the fraud perpetuated on us all those years since the passage of the 16<sup>th</sup> Amendment in 1913. It would be political suicide for every Chief Justice that ruled unfavorably against the government on it. The supreme Court is primarily a political court and they are much too smart to get tangled up in this scandalous mess. Consequently, it will undoubtedly deny any and every writ of certiorari (appeal) brought before it that deals with this issue. This reinforces our contention that there is a “judicial conspiracy to protect the income tax” and that it exists primarily at the circuit court level. The reason Subtitle A federal (excise) income taxes can be illegally imposed on American nationals is because of the denial of due process maintained both by the IRS and the federal courts.

The word “includes” is used in several places in the Internal Revenue Code, but it is found most often in the definitions of key words that circumscribe the jurisdiction of the Internal Revenue Code as follows:

- Definition of the term “State” found in [26 U.S.C. §7701\(a\)\(10\)](#) and [4 U.S.C. §110](#)
- Definition of the term “United States” found in [26 U.S.C. §7701\(a\)\(9\)](#)
- Definition of the term “employee” found in [26 U.S.C. §3401\(c\)](#) and [26 C.F.R. §31.3401\(c\)-1](#) Employee
- Definition of the term “person” found in [26 C.F.R. §301.6671-1](#) (which governs who is liable for penalties under Internal Revenue Code)

You must first realize that this flagrant abuse of our language and of the meaning of the word “includes” is part of an obfuscation approach designed by Congress and the IRS to illegally expand the jurisdiction of the federal government to assess I.R.C. Subtitle A income taxes beyond their clear constitutional limits and beyond federal property or territories and into the 50 sovereign states. It violates common sense, and every other use of the word “includes” in the English language we ever learned throughout our lifetime. It also violates the government’s own definition of the word “includes” published in the Federal Register, :

***Treasury Decision 3980, Vol. 29, January-December, 1927, pgs. 64 and 65** defines the words includes and including as:*

*“(1) To comprise, comprehend, or embrace...*

<sup>56</sup> IRC §7701(a)(10).

<sup>57</sup> IRC §3401(c).

<sup>58</sup> IRC §7701(c).

<sup>59</sup> See, *U.S. v. Rice*, 659 F.2d. 524,528 (5th Cir, 1981), *U.S. v. Latham*, 754 F.2d. 813, 815 (1st Cir. 1986), *U.S. v. Ward*, 833 F.2d. 1538 (11th Cir. 1987), and *U.S. v. Steiner*, 963 F.2d. 381 (9th Cir. 1992).

*(2) To enclose within; contain; confine...But granting that the word 'including' is a term of enlargement, it is clear that it only performs that office by introducing the specific elements constituting the enlargement. It thus, and thus only, enlarges the otherwise more limited, preceding general language...The word 'including' is obviously used in the sense of its synonyms, comprising; comprehending; embracing."*

The IRS definition of the word includes also violates several court rulings. Below is just one example:

*"**Includes** is a word of limitation. Where a **general term** in Statute is followed by the word, '**including**' the primary import of the specific words following the quoted words is to indicate restriction rather than enlargement. **Powers ex re. Covon v. Charron R.I.**, 135 A.2nd. 829, 832  
[Words and Phrases, pp. 156-156, 'limitations']"*

As you may know, Black's Law Dictionary is the Bible of legal definitions. Let's see what it says about the definition of "includes":

*"**Include.** (Lat. Includere, to shut in. keep within.) To confine within, hold as an inclosure. Take in, attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used. "Including" within statute is interpreted as a word of enlargement or of illustrative application as well as a word of limitation. Premier Products Co. v. Cameron, 240 Or. 123, 400 P.2d. 227, 228."  
[Black's Law Dictionary, Sixth Edition, p. 763]*

In other words, according to Black's, when INCLUDE is used it expands to take in all of the items stipulated or listed, but is then limited to them.

Such an obfuscating approach by the Congress and the IRS is a clear assault on our liberty, as it undermines our very language and our means of comprehending precisely and exclusively not only what the law requires of us, but what it doesn't require. Here is what Confucius said about this kind of conspiracy:

*"When words lose their meaning, people will lose their liberty."  
[Confucius, circa 500 B.C.]*

Such an approach also amounts to a clear violation of due process under the Fourth and Sixth Amendment, in that it causes the law to not specifically define what is or is not required of the citizen:

*"A statute which either forbids or requires the doing of an act in terms so vague that men and women of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law."  
[Connally v. General Construction Co., 269 U.S. 385 (1926)]*

The above finding gives rise to a doctrine known as the "void for vagueness doctrine", that was advocated by the U.S. supreme Court. This doctrine is deeply rooted in our right to due process (under the Fifth Amendment) and our right to know the nature and cause of any criminal accusation (under the Sixth Amendment). The latter right goes far beyond the contents of any criminal indictment. The right to know the nature and cause of any accusation starts with the statute which a defendant is accused of violating. A statute must be sufficiently specific and unambiguous in all its terms, in order to define and give adequate notice of the kind of conduct which it forbids.

*"**The essential purpose** of the "void for vagueness doctrine" with respect to interpretation of a criminal statute, is to warn individuals of the criminal consequences of their conduct. ... Criminal statutes which fail to give due notice that an act has been made criminal before it is done are unconstitutional deprivations of due process of law."  
[U.S. v. De Cadena, 105 F.Supp. 202, 204 (1952), emphasis added]*

If it fails to indicate with reasonable certainty just what conduct the legislature prohibits, a statute is necessarily void for uncertainty, or "void for vagueness" as the doctrine is called. In the *De Cadena* case, the U.S. District Court listed a

number of excellent authorities for the *origin* of this doctrine (see *Lanzetta v. New Jersey*, 306 U.S. 451) and for the *development* of the doctrine (see *Screws v. United States*, 325 U.S. 91, *Williams v. United States*, 341 U.S. 97, and *Jordan v. De George*, 341 U.S. 223). Any prosecution which is based upon a vague statute or a vague (or expansive) definition must fail, together with the statute itself. A vague criminal statute is unconstitutional for violating the 5th and 6th Amendments.

The abuse of the word “includes” or its expansive use also violates the rules of statutory construction, which are founded on the Fourth Amendment right of due process of law:

*"In view of other settled rules of statutory construction, which teach that a law is presumed, in the absence of clear expression to the contrary, to operate prospectively; that, **if doubt exists as to the construction of a taxing statute, the doubt should be resolved in favor of the taxpayer...**"*  
*[Hassett v. Welch., 303 U.S. 303, pp. 314 - 315, 82 L.Ed. 858. (1938) (emphasis added)]*

*This fact only underscores our duty to refrain from reading a phrase into the statute when Congress has left it out. " [W]here Congress includes particular language in one section of a statute but omits it in another ..., it is generally presumed that **Congress acts intentionally and purposely in the disparate inclusion or exclusion.**"* *Russello v. United States*, 464 U.S. 16, 23, 78 L.Ed.2d. 17, 104 S.Ct. 296 (1983) (citation omitted).  
*[Keene Corp. v. United States, 508 U.S. 200, 124 L.Ed.2d. 118, 113 S.Ct. 1993. (emphasis added)]*

*If the act doesn't specifically identify what is forbidden or "included" and we have to rely **not** on the law, but some judge or lawyer or politician or a guess to describe what is "included", then our due process has been violated and our government has thereby instantly been transformed from a government of laws into a government of men.* And in this case, it only took the abuse of one word in the English language to do so!

The concept of “**due process of law**” as it is embodied in **Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious** and that the means selected shall have a reasonable and substantial relation to the object being sought. [Black’s Law Dictionary, Sixth Edition, p. 500, under the definition of “due process of law”]

If the word “includes” can be lawlessly abused to mean other things not specifically identified or at least classified in the statute, then the whole of the Internal Revenue Code essentially defines NOTHING, because it all hinges on jurisdiction, and **26 U.S.C. §7701(a)(9)**, which establishes jurisdiction uses the word “includes”. How can the code define ANYTHING that uses the word “includes”, based on the definition of “definition” found below?:

**definition:** *A description of a thing by its properties; an explanation of the meaning of a word or term. **The process of stating the exact meaning of a word by means of other words.** Such a description of the thing defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things and classes."*  
*[Black’s Law Dictionary, Sixth Edition, p. 423]*

Is the word “United States” defined exactly, if “includes” can mean that you can add **whatever you arbitrarily want** to be “included” in the definition?

26 U.S.C. §7701

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States" when used in a geographical sense **includes** only the States and the District of Columbia.

This clear and flagrant disregard for due process of law strikes at the heart of our liberty and freedom and we ought to boycott the income tax based on this clever ruse by the shysters in Congress and the IRS who invented it. If the word “includes” is used in its expansive sense, we have, in effect, subjected ourselves to the arbitrary whims of however the

currently elected politician or judge wants to describe what is “included”. That leads to massive chaos, injustice, and unconstitutional behavior by our courts and our elected representatives, which is exactly what we have today. To put it bluntly, such deceptive actions are treasonable. The abuse also promotes unnecessary litigation over the meaning of the tax laws, to the benefit of lawyers, lawmakers, and the American Bar Association, which is a clear conflict of interest. Here is what the U.S. Supreme Court says about the confusion created by the expansive use of the word “includes”:

*“In the interpretation of statutes levying taxes, it is THE ESTABLISHED RULE NOT TO EXTEND their provisions, by implication, BEYOND THE CLEAR IMPORT OF THE LANGUAGE USED, OR TO ENLARGE their operations SO AS TO EMBRACE MATTERS NOT SPECIFICALLY POINTED OUT”.  
[Gould v. Gould, 245 U.S. 151]*

If this ridiculous interpretation of the word “includes” is allowed to stand by the courts and this assault on our liberty by Congress is allowed to continue, then below is the essence of what the government has done to us, represented as a satirical press release by the U.S. supreme Court:

#### NEW RULES FOR LAW

*SMUCKWAP NEWSSERVICE, Washington: The Supreme Court ruled today that judges can do whatever the hell they want. In a landmark case, Black-Robed Lawyers vs. Everyone Else, the justices handed down their inestimable judgment that since lawyers in general and judges in particular are such fine examples of humanity, not to mention smart enough to get through law school, judges can do whatever they please.*

*“The Rule of Law has ended,” proclaimed Supreme Court Justice Arrogant B. Astart, “and the Rule of Judges begins!”*

*Turning their shiny black backs on the rest of America, the justices decided to toss out two hundred years of Constitutional law and indeed, to rid themselves completely of having to heed the Constitution.*

*“The law is what we say it is,” said Justice Whiney I. Diot. “It has been this way for some time now, but with Black-Robed Lawyers vs. Everyone Else, we are coming out of our judicial closet. No more arguments will be allowed from anyone, and we don’t want to hear any more of your complaining about your rights. In fact, any mention of so-called rights will guarantee you 100 years, hard labor.”*

*Justice K. Rupt Assin concurred in his opinion that “judicial oligarchy has now fully come into its place in American history and will be fully enforced by an iron rule of law, and remember, law is whatever we say it is.”*

*The Center for People Who Want to Leave This Country Because It Is Beginning to Look Too Much Like Nazi Germany analyzed the justices’ decision.*

*“Judges now legally can put anyone in prison for any reason they want, for as long as they want,” states the analysis. “Judges can also put jurors in prison for ‘obstructing justice’ and for anything else, including not handing the judge whatever money they may have on them at the time. Jurors who don’t behave exactly as the judge desired have been persecuted in the past, but “now they can receive prison terms much longer than their own lifespan added to the lifespan(s) of the defendant(s) in any trial.*

*The report also mentioned the justices’ decision that anyone who says anything disagreeable in their courtroom can be immediately arrested and jailed, their property confiscated, and their spouses and children taken as “wards” of the court under the justices own personal pleasure ... or... supervision.*

*The concept of separation of powers was addressed in the Center’s report on the decision.*

*“There is no separation of powers,” it reads, “when not only all the justices are lawyers, so are all Congressmen and the President, his wife, his cabinet, the entire Department of Justice, most lobbyists and almost everyone else in Washington, D.C.”*

*When questioned about what effect the decision would have on all Americans, the spokesman for the Center said, “I can’t be certain. I suspect that emigration rather than immigration will become a major concern. Those Americans who are lawyers will be fine, for the most part. No one will ever again show up for jury duty. But if we thought we had an overcrowded prison problem before, we’re in for a \*major\* shock!”*

## 1 8.8.2 Definition of the term “United States”

Freedom advocates who have read the Internal Revenue Code for themselves learn that definitions are the most frequently abused means of illegally extending federal jurisdiction. They usually start by examining the definition of “United States” in the Internal Revenue Code, which follows:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > *Sec. 7701. [Internal Revenue Code]*  
[Sec. 7701. - Definitions](#)

(a) *When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—*

(9) *United States*

*The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.*

(10) *State*

*The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.*

Freedom researchers will point to the word “State” above and say that the “State” being referred to is only the District of Columbia. They will then cite 4 U.S.C. §110(d) as backup:

*TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES*  
*CHAPTER 4 - THE STATES*  
[Sec. 110. Same; definitions](#)

(d) *The term "State" includes any [Territory](#) or possession of the United States.*

Based on the above, they will apply the Rules of Statutory Construction summarized in Form #05.014, Section 14.10 and conclude:

*"The term 'United States' within Subtitle A of the Internal Revenue Code means the District of Columbia and the territories and possessions of the United States and excludes states of the Union. States of the Union are excluded because nowhere in Subtitle A are they explicitly INCLUDED in the definition of 'State'".*

The freedom researcher will then use the above inference in his communications and audits with the IRS to establish that the IRS has no jurisdiction to collect a tax against them. When IRS responds to this sort of conclusion, they will respond to correspondence and communication with the following facts foremost in their minds:

1. They cannot reveal the existence of the Trustee position or federal agency/fiduciary duty held by those who participate in the Social Security Program described [Resignation of Compelled Social Security Trustee](#), Form #06.002, because this would:
  - 1.1. Expose the main source of their jurisdiction.
  - 1.2. Encourage people to leave the program en masse.
2. They cannot cite any section in Subtitle A of the Internal Revenue Code which specifically identifies states of the Union as being included in the definition of “State” found in 26 U.S.C. §7701(a)(10) because no such definition is found anywhere in the I.R.C.
3. They want to keep the illegal plunder flowing or they will jeopardize the fiscal integrity of the government, so they must win the argument without disclosing the truth or educating the audience about the illegal nature of their enforcement activities.
4. Those working in the I.R.S. Collection Branch receive commissions based on the amount of “inventory” they recover (STEAL) from the targets for their illegal activities. Therefore, there is a financial DISincentive for them to avoid a lawful and legal implementation of the I.R.C. in their dealings with the public. This creates a conflict of interest in violation of 18 U.S.C. §208. When this conflict of interest is pointed out to the Treasury Inspector General for Tax Administration (T.I.G.T.A.), who is the legal oversight for the I.R.S., the complaint is largely ignored. See: <http://www.ustreas.gov/tigta/>
5. The amount of collection correspondence received by the IRS in connection with enforcement activities which are illegal and unwarranted is massive, and numbers in the millions of pieces every year. The entire staff of the IRS is only about 70,000 people and they are simply not equipped to respond to such correspondence.

1 Therefore, when the IRS responds to an inquiry about the meaning of “United States” in the Internal Revenue Code, they  
2 usually do so in one of the following ways:

- 3 1. They will ignore any written correspondence sent in by victims of its illegal activities and “ASSUME” or “PRESUME”  
4 that the victim agreed with their determination.
- 5 2. They will label the correspondence as “frivolous” and themselves cite irrelevant case law from federal courts that have  
6 no jurisdiction whatsoever over the party who sent the correspondence. The legal ignorance of most Americans usually  
7 will shut them up at this point, because they don’t know enough to respond appropriately to such a misinformed,  
8 malfeasant, and malicious response. If the victim then tries to employ a tax professional to correct the malfeasance and  
9 malice of the IRS in this case, the tax professional will pillage them financially worse than the IRS. This has the effect  
10 of training Americans to “just shut up” about the abuses, because fighting them is more costly and time consuming than  
11 just paying the illegal extortion.
- 12 3. They will abuse the “includes” within the definition of “Untied States” as follows:

13 *The definition of “United States” found in 26 U.S.C. §7701(a)(9) uses the word “includes”. 26 U.S.C. §7701(c)*  
14 *states that any definition using such a word “shall not be deemed to exclude other things otherwise within the*  
15 *meaning of the term defined”. The other things they are talking about are states of the Union.*

16 By the above tactic, the IRS will create a false presumption and they will do so boldly and forcefully, and argue vociferously  
17 with those who challenge such a presumption. Unless you have done your homework by reading this pamphlet and know  
18 how to respond, then you will fall victim to this abuse and organized racketeering. The proper response to such a statement  
19 by the IRS is the following:

- 20 1. The rules of statutory construction say that “includes” is a term of “limitation” and not “enlargement” in  
21 the cases where it is used.
- 22 2. The reason for providing a definition in the Internal Revenue Code is to supersede and replace the  
23 common meaning of the term, no to add to it.
- 24 3. You are attempting to use 26 U.S.C. §7701(c) to create a statutory presumption, which the Supreme  
25 Court has said many times is illegal in the case of those who are protected by the Bill of Rights, which  
26 includes me. [You may wish to quote some of the Supreme Court’s statements about statutory  
27 presumptions found in Form #05.014, Section 10.5.6].
- 28 4. If you believe that I am not protected by the Bill of Rights so that statutory presumptions can be used  
29 against me, please so state and then present me with legal evidence proving that I am not covered by the  
30 Bill of Rights.
- 31 5. If you believe that I am an officer, employee, agent, or contractor of the federal government who  
32 therefore is an officer or employee of a privileged federal corporation who may not assert Constitutional  
33 rights, then please so state now and provide legally admissible evidence of same. If you do not do so  
34 now, you are estopped in the future from controverting this issue.

35 The above will usually shut them up. The only usual comeback you will hear is that you are “frivolous”. We must remember,  
36 however, how the word “frivolous” is defined:

37 *“Frivolous. Of little weight or importance. A pleading is “frivolous” when it is clearly insufficient on its face*  
38 *and does not controvert the material points of the opposite pleading, and is presumably interposed for mere*  
39 *purposes of delay or to embarrass the opponent. A claim or defense is frivolous if a proponent can present no*  
40 *rational argument based upon the evidence or law in support of that claim or defense. Liebowitz v. Aimexco Inc.,*  
41 *Col.App., 701 P.2d. 140, 142. Frivolous pleadings may be amended to proper form or ordered stricken under*  
42 *federal and state rules of civil procedure.”*  
43 *[Black’s Law Dictionary, Sixth Edition, p. 668]*

44 In reality, the IRS is the one acting frivolously as defined above, because they can offer you nothing but presumption, verbal  
45 abuse, and threats in response to a rational inquiry. You therefore might want to tape record your conversation with them  
46 over this issue if on the phone, or if in writing, using certified mail so that their abuse becomes “actionable” fraud for which  
47 you have legal standing to sue.

48 *“Actionable. That for which an action will lie, furnishing legal ground for an action. See Cause of action;*  
49 *Justiciable controversy.”*  
50 *[Black’s Law Dictionary, Sixth Edition, p. 29]*

1 You may also ask them for a copy of their delegation order, which should say that they have judicial authority to interpret  
2 law. We'll give you a hint: No one in the IRS has such authority, including the Chief Counsel.

3 We cover the subject of the meaning of the term "United States" in section 5.2.7 of our Great IRS Hoax book. If you would  
4 like more ammunition to use against misbehaving IRS agents on the above issue, then you may wish to cite the following  
5 U.S. Supreme Court rulings from that section:

6 *"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247 U.S.](#)  
7 [251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal**  
8 **affairs of the states; and emphatically not with regard to legislation.**"*  
9 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

10 *"The difficulties arising out of our dual form of government and the opportunities for differing opinions*  
11 *concerning the relative rights of state and national governments are many; **but for a very long time this court***  
12 ***has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their***  
13 ***political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation*  
14 *upon the power which springs from the bankruptcy clause. *United States v. Butler*, supra."*  
15 [*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513, 56 S.Ct. 892 (1936)]

16 *"Keeping in mind the well-settled rule that **the citizen is exempt from taxation unless the same is imposed by***  
17 ***clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be***  
18 ***resolved in favor of those upon whom the tax is sought to be laid.**"*  
19 [*Spreckels Sugar Refining Co. v. McClain*, 192 U.S. 397 (1904)]

20 You might then want to ask the IRS employee in the context of the Carter v. Carter ruling above whether he thinks the Internal  
21 Revenue Code qualifies as "legislation". There is only one way he can answer the question, and after he answers, you win.  
22 If he says you can't cite the Supreme Court, then read to him the quote below from his own Internal Revenue Manual on the  
23 subject, which says:

24 *Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 (05/14/99): Importance of Court Decisions*

25 *1. "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may*  
26 *be used by either examiners or taxpayers to support a position.*

27 *2. Certain court cases lend more weight to a position than others. **A case decided by the U.S. Supreme Court***  
28 ***becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service***  
29 ***must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the***  
30 ***Code.***

31 *3. **Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the***  
32 ***Service only for the particular taxpayer and the years litigated.** Adverse decisions of lower courts do not require*  
33 *the Service to alter its position for other taxpayers."*

34 No public servant or IRS employee has the power to essentially compel a "false presumption", which essentially amounts to  
35 an act of deception.

36 *"The power to create presumptions is not a means of escape from constitutional restrictions,"*  
37 [*New York Times v. Sullivan*, [376 U.S. 254 \(1964\)](#)]

38 The IRS or the government also are prohibited by the Constitution from persecuting or terrorizing those who expose any false  
39 presumption or government deception:

40 *"In the First Amendment, the Founding Fathers gave the free press the protection it must have to fulfill its*  
41 *essential role in our democracy. The press [and this religious ministry] was to serve the governed, not the*  
42 *governors. The Government's power to censor the press was abolished so that the press would remain forever*  
43 *free to censure the Government. The press was protected so that it could bare the secrets of government and*  
44 *inform the people. Only a free and unrestrained press can effectively expose deception in government. And*  
45 *paramount among the responsibilities of a free press is the duty to prevent any part of the government from*  
46 *deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In*  
47 *my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washington*  
48 *Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so*  
49 *clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely*  
50 *that which the Founders hoped and trusted they would do."*  
51 [*New York Times Co. v. United States*, [403 U.S. 713 \(1970\)](#)]

1 Any government or official that uses legal sophistry to coerce a citizen, to establish jurisdiction it does not have, is a terrorist  
2 government. Any government official who engages in such coercion also is engaging effectively in “false commercial  
3 speech” and his activities should be enjoined by the federal courts. It is the paramount duty of our justice system to prevent  
4 such coercion, in fact.

### 5 **8.8.3 Otto Skinner’s Misinterpretation of the word “includes”**

6 A now deceased famous tax freedom personality is Otto Skinner. He used to sell several freedom books on his now  
7 nonexistent website at <http://ottoskinner.com>. We have bought and read several of his books. Below is a direct quote from  
8 Otto Skinner’s book *The Biggest Tax Loophole of All, Otto Skinner*, on page 198 relating to the definition of the word  
9 “include”:

10 *Flawed argument #10*

11 *The individual claims that the term "includes" as used in definitions in the Code is a word of limitations. From*  
12 *this erroneous conclusion, the individual claims that he does not live in a "State" as that term is defined in the*  
13 *Code, and/or does not live in the "United States" as that term is defined in the Code, and then concludes that the*  
14 *federal government does not have authority to collect taxes from any place other than the federal territories and*  
15 *Washington, DC. He further concludes that he is a nonresident alien. Also from the misinterpretation of the term*  
16 *"includes", the individual will claim that he is not an "employee" as that term is defined in the Code.*

17 *... Probably more individuals have suffered defeat in the courtroom because of this misinterpretation than any*  
18 *other mistake made.*

19 *[The Biggest Tax Loophole of All, Otto Skinner, p. 198]*

20 Otto then takes you to the U.S. Code annotated for the above section and quotes from it a part that refers to *Fidelity Trust*  
21 *Co. v. CIR*, 1944 (3rd circuit), which says:

22 *". . . includes shall not be deemed to exclude other things otherwise within the meaning of the term defined."*

23 The *Biggest Loophole of All* then goes on to say that “includes” was not intended to limit, just eliminate doubt. Otto then  
24 shows you other quotes from law library books that say “includes” is to be considered a word of enlargement. He talks about  
25 26 U.S.C. §7701(c) also. The explanation is very thorough and he takes you up to page 206 in his book (9 pages) to explain  
26 what he believes is a flaw in the conclusions about “includes” in this pamphlet.

27 Some readers have contacted us about the above, told us we are wrong, and even demanded that we rebut Otto’s analysis  
28 above. None of these people have been courageous enough to try to reconcile Otto’s analysis with the very pointed questions  
29 in the next chapter, however. The reason is that they simply can’t without contradicting themselves. The reason they will  
30 contradict themselves is that Otto’s views do not take into account any of the following important concepts explained  
31 elsewhere in this document, such as:

- 32 1. The U.S. Supreme Court’s prohibition against statutory presumptions documented in Form #05.014, Section 16.2.3.5.6.  
33 If 26 U.S.C. §7701(c) were interpreted as Otto recommends, then we would end up having to make a statutory  
34 presumption about what is “included” in the definition, which would represent a violation of due process of law and  
35 make the Internal Revenue Code unconstitutional. Since we must assume that it is constitutional, then we cannot  
36 conclude that it compels presumption.
- 37 2. The rules of statutory construction. Otto never even mentions the “expressio unius est exclusio alterius” rule of statutory  
38 construction, which by the way is consistent with the U.S. Supreme Court’s condemnation of statutory presumptions.
- 39 3. Exactly how the word “includes” may be used as a term of enlargement, as explained in Form #05.014, Section 16.2.3.8.  
40 When it is used as a term of enlargement, Black’s Law Dictionary says it means “in addition to”. The rules of statutory  
41 construction, however, still require that the law as a whole MUST include everything that is included or added to the  
42 definition.
- 43 4. The IRS’s use of the word in their own Internal Revenue Manual, which frequently uses the word “includes but not  
44 limited to”. See Form #05.014, Section 16.2.3.9 et seq. If includes really were a universally used as a term of  
45 enlargement in the I.R.C., then the same would be true in the I.R.M. as well, rendering the need to use “but not limited  
46 to” unnecessary.
- 47 5. The application of the “innocent until proven guilty rule” to the situation of being a “taxpayer”. See Form #05.014,  
48 Section 16.2.3.1.

1 6. The void for vagueness doctrine described in Form #05.014, Section 16.2.3.5. A law which is vague and does not give  
2 due notice to all those affected by it exactly what is required and which does not avoid compelling presumption in the  
3 reader violates the void for vagueness doctrine described by the U.S. Supreme Court.

4 In fact, the analysis in this pamphlet is the only one that is completely consistent with all of the above concepts. Otto's  
5 conclusions are either inconsistent with the above concepts and diverge from them, or do not take them into account at all,  
6 leaving the reader in a state of "cognitive dissonance". To those who question our approach and support Otto's views, we  
7 simply ask them to reconcile his views with the above in a way that is completely consistent with the above. If there is  
8 dissonance, it's usually because the proponent is wrong. Our materials do not have that dissonance.

9 Returning to the *Fidelity* case above, the court was correct in its application of the law to the proper subject, but not in its  
10 conclusions about the meaning of the word "includes". It was incorrect because it did not take into account the effect the  
11 result of participating in Social Security on the jurisdiction of the Federal Government. Yes, the Internal Revenue Code  
12 Subtitle A has jurisdiction against people in the states of the Union, but not because of the meaning of the word includes.  
13 Those who have a Social Security Number are in possession of public property. Public property may only be used by public  
14 employees on official duty. Therefore, those who use such a number are federal employees, agents, and contractors. The  
15 federal government has always had jurisdiction over its employees, agents, and contractors, no matter where they physically  
16 are domiciled. The government has this jurisdiction not because of the meaning of the word "includes", but because it  
17 couldn't do its important job WITHOUT such jurisdiction. This concept is thoroughly analyzed in our pamphlet below:

*Resignation of Compelled Social Security Trustee*, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

18 Otto has to try to enlarge the word "includes" as his way to try to explain the fundamental nature of the Social Security  
19 Program as a form of federal employment. His books clearly reveal that he doesn't understand this important concept, so he  
20 fudges a little with "includes" as a way to account for the rulings of the federal courts on this issue. He also doesn't understand  
21 the precedence of law and what a reasonable belief about tax liability is. Therefore, he treats federal court rulings below the  
22 Supreme Court as authoritative, when in fact they are not. This is explained in the pamphlet below:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

23 Our approach to "includes" is the only one we have found that takes all the above into account and is STILL completely  
24 consistent with it all. If you still disagree with our approach, then why don't you rebut the questions at the end using Otto  
25 Skinner's approach and see if you can do so without contradicting and thereby discrediting yourself. We'll give you a hint:  
26 It can't be done.

#### 27 **8.8.4 U.S. Attorney Argument About "Includes" and "Person"**

28 Another false argument about the abuse of the word "includes" can be found in the case of *United States v. Christopher*  
29 *Hansen*, Case No. 05cv0921, filed in the United States District Court in San Diego, California. In that case, Hansen was  
30 being prosecuted for abusive tax shelters and cited in his defense the definition of "person" found in [26 U.S.C. §6671\(b\)](#).

31 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
32 [§ 6671. Rules for application of assessable penalties](#)

33 (b) *Person defined*

34 *The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or*  
35 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect*  
36 *of which the violation occurs.*

37 You will note that:

- 38 1. The above definition uses the word "includes".
- 39 2. There is no provision within any other part of the Internal Revenue Code that is indicated above which would add  
40 anything to the above definition. Therefore, that definition is all-inclusive for the purposes of tax shelters and every IRS  
41 penalty.

1 3. A natural person not employed with the federal government as a “public officer” is excluded from the above definition.  
2 A private person does not have the fiduciary duty indicated by the phrase “who as such officer, employee, or member is  
3 under a duty to perform the act in respect of which the violation occurs”. Therefore, such a private person is not the  
4 subject of this statute. Below is an example:

5 *Internal Revenue Manual*  
6 *Section 5.14.10.2 (09-30-2004)*  
7 *Payroll Deduction Agreements*

8 **2. Private employers, states, and political subdivisions are not required to enter into payroll deduction**  
9 **agreements.** Taxpayers should determine whether their employers will accept and process executed agreements  
10 before agreements are submitted for approval or finalized.  
11 [<http://www.irs.gov/irm/part5/ch14s10.html>]

12 4. The above definition supersedes rather than enlarges the definition of “person” found in [26 U.S.C. §7701](#)(a)(1). If the  
13 above definition expanded that found in [26 U.S.C. §7701](#)(a)(1), it would have to say so. This is a result of the  
14 Constitutional requirement for “reasonable notice” of the behavior expected from the law. See the following for an  
15 exhaustive analysis of why “reasonable notice” is an essential requirement of due process of law:

[Requirement for Reasonable Notice, Form #05.022](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

16 5. [26 U.S.C. §7701](#)(c ) defines the word “includes” in a way that “appears” to create unconstitutional statutory  
17 presumptions. However, statutory presumptions are ILLEGAL and therefore this result cannot be presumed or inferred  
18 by any federal court in the context of any person protected by the Bill of Rights. See:

[Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: Presumption](http://famguardian.org/TaxFreedom/CitesByTopic/presumption.htm)  
<http://famguardian.org/TaxFreedom/CitesByTopic/presumption.htm>

19 U.S. Attorneys just love to try to “stretch” definitions beyond their clear meaning by:

- 20 1. Violating the rules of statutory construction and interpretation documented in Form #05.014, Section 8.6 and following.
- 21 2. Abusing case law and subterfuge to create statutory presumptions. For instance, they will cite cases relating to  
22 franchisees called “taxpayers” against those who are “nontaxpayers” not subject to the franchise agreement and refuse  
23 to justify why they are relevant. This technique in effect “encrypts” and hides their presumptions in case law that many  
24 opponents omit to read and are thereby injured unlawfully and prejudicially.
- 25 3. Citing [26 U.S.C. §7701](#)(c ) as a way to invoke a “statutory presumption” that allows them to unlawfully expand the  
26 meaning of any word statutorily defined using the word “includes” to arbitrarily add anything they want it to mean. In  
27 so doing, they are usually exploiting the legal ignorance of the average American to their injury.

28 The U.S. Supreme Court has said that the above unscrupulous and devious tactics are a violation of due process of law:

29 *“The power to create presumptions is not a means of escape from constitutional restrictions,”*  
30 *[Bailey v. Alabama, 219 U.S. 219, 239]*  
31

32 *That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are*  
33 *subject to it what conduct on their part will render them liable to its penalties is a well- recognized requirement,*  
34 *consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids*  
35 *or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its*  
36 *meaning and differ as to its application violates the first essential of due process of law. International Harvester*  
37 *Co. v. Kentucky, 234 U.S. 216, 221, 34 S.Ct. 853; Collins v. Kentucky, 234 U.S. 634, 638, 34 S.Ct. 924*

38 [...]

39 *... The dividing line between what is lawful and unlawful cannot be left to conjecture. The citizen cannot be held*  
40 *to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of*  
41 *different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime, and the elements*  
42 *constituting it, must be so clearly expressed that the ordinary person can intelligently choose, in advance, what*  
43 *course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and providing a*  
44 *punishment for their violation, should not admit of such a double meaning that the citizen may act upon the one*  
45 *conception of its requirements and the courts upon another.’*  
46 *[Connally v. General Construction Co., 269 U.S. 385 (1926)]*

1 When Hansen submitted a Petition to Dismiss which invoked the definition of “person” found in [26 U.S.C. §6671\(b\)](#) as a  
2 way to prove that he doesn’t fit the description, below is how the U.S. Attorney in the Hansen case attempted to counter this  
3 argument. Note that he tries to abuse presumption to stretch the definition of the word:

4 *Hansen’s interpretation of §6671 (b) is too narrow. As the Ninth Circuit has stated when ruling on that section’s*  
5 *range, “[the term “person” does include officer and employee, but certainly does not exclude all others. Its scope*  
6 *is illustrated rather than qualified by the specified examples.” United States v. Graham, 309 F.2d. 210,212 (9th*  
7 *Cir. 1962). Code §7701(a)(1) provides a general definition of “person” to be used throughout the Code, and states*  
8 *that “‘person’ shall be construed to mean and include an individual, a trust, estate, partnership, association,*  
9 *company or corporation.” Hansen is an individual. Code §6671(b)’s definition of person expands, rather than*  
10 *restricts, the general definition and thus includes Hansen. See Pacific Nat’l Ins. Co. v. United States, 422 F.2d.*  
11 *26, 30 (9th Cir. 1970); Bailey Vaught Robertson & Co. v. United States, 828 F.Supp. 442,444 (N.D. Tex. 1993)*  
12 *(“Section 6671(b) simply expands the definition of person in §7701(a)(1) to ‘include’ certain other individuals.”);*  
13 *United States v. Vaccarella, 735 F.Supp. 1421, 143 1 (S.D. Ind. 1990) ; see also State of Ohio v. Helvering, 292*  
14 *U.S. 360,370 (1934) (construing broadly a statutory definition using the phrase “means and includes”);*  
15 *Chickasaw Nation v. United States, 208 F.3d. 871 (10th Cir. 2000)*  
16 *[Reply Brief of Defendant Shoemaker, Docket #40, p. 2, Case No. 05cv0921]*

17 The above statement suffers from the following defects:

- 18 1. It cites case law irrelevant to a person who is not a “taxpayer” subject to the I.R.C. The terms of the I.R.C. cannot be  
19 applied against a person not subject to it. The Courts may also not confer the status of “taxpayer” upon a person who  
20 declares their status as otherwise:

21 *“And by statutory definition, ‘taxpayer’ includes any person, trust or estate subject to a tax imposed by the revenue*  
22 *act. ...Since the statutory definition of ‘taxpayer’ is exclusive, the federal courts do not have the power to create*  
23 *nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts...”*  
24 *[C.I.R. v. Trustees of L. Inv. Ass’n, 100 F.2d. 18 (1939)]*

- 25 2. In the cases cited by the U.S. Attorney, the parties were “U.S. persons” and “citizens” and doubt about the jurisdiction  
26 of taxing statutes was at issue. The U.S. Supreme Court indicated that all such doubts must be resolved in favor of the  
27 citizen rather than the government, and yet they were not. The cites he provided violated this requirement of stare decisis  
28 and therefore violated due process and were void judgments.

29 *“Keeping in mind the well-settled rule that **the citizen is exempt from taxation unless the same is imposed by***  
30 ***clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be***  
31 ***resolved in favor of those upon whom the tax is sought to be laid.**”*  
32 *[Spreckels Sugar Refining Co. v. McClain, [192 U.S. 297](#) (1904)]*

- 33 3. The statement violates the IRS’ Internal Revenue Manual, which says that the service is not bound to observe any ruling  
34 below the U.S. Supreme Court. Nearly all of the cases cited by the U.S. Attorney were from courts below the U.S.  
35 Supreme Court. If the IRS isn’t obligated to observe such cases, then neither is the Defendant, because this is a  
36 requirement of “equal protection of the law”:

37 *Internal Revenue Manual*  
38 *Section 4.10.7.2.9.8 (05/14/99)*

39 *1 “Decisions made at various levels of the court system are considered to be interpretations of tax laws and may*  
40 *be used by either examiners or taxpayers to support a position.*

41 *2. Certain court cases lend more weight to a position than others. **A case decided by the U.S. Supreme Court***  
42 ***becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service***  
43 ***must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the***  
44 ***Code.***

45 *3. **Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the***  
46 ***Service only for the particular taxpayer and the years litigated.** Adverse decisions of lower courts do not require*  
47 *the Service to alter its position for other taxpayers.”*

- 48 4. The statute itself, [26 U.S.C. §6671\(b\)](#), did not specifically state that it *expands* rather than *supersedes* the definition of  
49 “person” found in [26 U.S.C. §7701\(a\)\(1\)](#). Therefore:

- 50 4.1. The statute fails to give “reasonable notice” of the conduct expected of the Defendant, and therefore is void for  
51 vagueness. This is covered in the following memorandum of law:

Requirement for Reasonable Notice, Form #05.022

<http://sedm.org/Forms/FormIndex.htm>

4.2. Any assertion that the statute *does* expand [26 U.S.C. §7701\(a\)\(1\)](#) rather than supersede it is a “presumption” and not a fact, because it cannot be sustained from reading the statute itself. Such a statutory “presumption” cannot lawfully be invoked to injure the Constitutional rights of the party against whom it is asserted.

(1) [8:4993] **Conclusive presumptions affecting protected interests:** *A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*  
[*Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34*]

The above tactic is thoroughly rebutted in the following memorandum of law:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

<http://sedm.org/Forms/FormIndex.htm>

5. The U.S. Attorney invoked a “presumption” that prejudices constitutional rights and therefore is impermissible, by alleging that the Defendant was an “Individual”. The Internal Revenue Code nowhere defines the term “individual”. He cannot say that the Defendant is an “individual” without at least a definition. The only definition of “individual”, in fact, is found in [5 U.S.C. §552a\(a\)\(2\)](#), and this is the same provision which protects “taxpayer” records maintained by the IRS:

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES  
5 U.S.C. §552a Records maintained on individuals

(a) Definitions.— For purposes of this section—

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

The reader will note that:

5.1. The above “individual” is a government employee or public officer, and not a private individual and the federal government has no jurisdiction over private individuals;

5.2. The defendant in the above case is neither a “citizen” under [8 U.S.C. §1401](#) nor a “resident” under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#), but instead is a “nonresident alien” who does not satisfy the definition of “individual” above. Therefore, he cannot be an “individual”. All “individuals” under Subtitle A of the Internal Revenue Code are “public officers” who are also “U.S. Persons” with a domicile in the District of Columbia, as required by [26 U.S.C. §7701\(a\)\(30\)](#) and [4 U.S.C. §72](#). This is covered in the article below:

<http://famguardian.org/Subjects/Taxes/Articles/PublicVPrivateEmployment.htm>

For all the foregoing reasons, the U.S. Attorney was concocting an elaborate lie or disinformation to disguise the fact that he had no lawful jurisdiction to pursue an injunction under [26 U.S.C. §6700](#).

## **9. DOMICILE Identity Theft**

The following subsections will not discuss the subject of domicile in detail. They will merely show how domicile is voluntary and how you are tricked into selecting one that is not consistent with your intentions. If you want detailed background on domicile terms and contexts, please refer to the following free memorandum of law on our site:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

<http://sedm.org/Forms/FormIndex.htm>

The following subsections were derived from sections 11 and 13 of the above document.

### **9.1 Domicile and civil jurisdiction**

#### **9.1.1 History of our system of civil statutory law**

#### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 Our system of civil statutory law was inherited from the Roman statutory law, which was called “jus civile”.

2 Chapter II: The Civil and the Common Law

3 29. In the original civil law, jus civile, was exclusively for Roman citizens; it was not applied in controversies  
4 between foreigners. But as the number of foreigners increased in Rome it became necessary to find some law for  
5 deciding disputes among them. For this the Roman courts hit upon a very singular expedient. Observing that all  
6 the surrounding peoples with whom they were acquainted had certain principles of law in common, they took  
7 those common principles as rules of decision for such cases, and to the body of law thus obtained they gave the  
8 name of Jus gentium. The point on which the jus gentium differed most noticeably from the Jus civile was its  
9 simplicity and disregard of forms. All archaic law is full of forms, ceremonies and what to a modern mind seem  
10 useless and absurd technicalities. This was true of the [civil] law of old Rome. In many cases a sale, for instance,  
11 could be made only by the observance of a certain elaborate set of forms known as mancipation; if any one of  
12 these was omitted the transaction was void. And doubtless the laws of the surrounding peoples had each its own  
13 peculiar requirements. But in all of them the consent of the parties to transfer the ownership for a price was  
14 required. The Roman courts therefore in constructing their system of Jus gentium fixed upon this common  
15 characteristic and disregarded the local forms, so that a sale became the simplest affair possible.

16 30. After the conquest of Greece, the Greek philosophy made its way to Rome, and stoicism in particular obtained  
17 a great vogue among the lawyers. With it came the conception of natural law (Jus naturale) or the law of nature  
18 (jus naturae); to live according to nature was the main tenet of the stoic morality. The idea was of some simple  
19 principle or principles from which, if they could be discovered, a complete, systematic and equitable set of rules  
20 of conduct could be deduced, and the unfortunate departure from which by mankind generally was the source of  
21 the confusion and injustice that prevailed in human affairs. To bring their own law into conformity with the law  
22 of nature became the aim of the Roman jurists, and the praetor's edict and the responses were the instruments  
23 which they used to accomplish this. Simplicity and universality they regarded as marks of natural law, and since  
24 these were exactly the qualities which belonged to the jus gentium, it was no more than natural that the two should  
25 be identified. The result was that under the name of natural law principles largely the  
26 same as those which the Roman courts had for a long time been administering between foreigners permeated and  
27 transformed the whole Roman law.

28 *The way in which this was at first done was by recognizing two kinds of rights, rights by the civil law and rights*  
29 *by natural law, and practically subordinating the former to the latter. Thus if Caius was the owner of a thing by*  
30 *the civil law and Titius by natural law, the courts would not indeed deny up and down the right of Caius. They*  
31 *admitted that he was owner ; but they would not permit him to exercise his legal right to the prejudice of Titius,*  
32 *to whom on the other hand they accorded the practical benefits of ownership; and so by taking away the legal*  
33 *owner's remedies they practically nullified his right. Afterwards the two kinds of laws were more completely*  
34 *consolidated, the older civil law giving way to the law of nature when the two conflicted. **This double system of***  
35 ***rights in the Roman law is of importance to the student of the English law, because a very similar dualism***  
36 ***arose and still exists in the latter, whose origin is no doubt traceable in part to the influence of Roman ideas.***  
37 *[An Elementary Treatise on the Common Law for the Use of Students, Henry T. Terry, The Maruzen-Kabushiki-*  
38 *Kaisha, 1906, pp. 18-20]*

39 Roman law recognized only TWO classes of persons: statutory “citizens” and “foreigners”. Only those who consented to  
40 become statutory “citizens” could become the lawful subject of the jus civile, which was the statutory civil law. Those who  
41 were not statutory “citizens” under the Roman Law, which today means those with NO civil domicile within the territory of  
42 the author and grantor of the civil law, were regarded as:

- 43 1. “foreigners”.
- 44 2. Not subject to the jus civile or statutory Roman Law.
- 45 3. Subject only to the common law, which was called jus gentium.

46 Note also that the above treatise characterizes TWO classes of rights: Civil rights and Natural rights. Today, these rights are  
47 called PUBLIC rights and PRIVATE rights by the courts in order to distinguish them. Public rights, in turn, are granted only  
48 to statutory “citizens” who consented to become citizens under the civil statutory law. The civil statutory law, or jus civile,  
49 therefore functions in essence as a franchise contract or compact that creates and grants ONLY public rights. Those who do  
50 not join the social compact by consenting to become statutory “citizens” therefore are relegated to being protected by natural  
51 law and common law, which is much more just and equitable.

52 Note the emphasis in the above upon the concept that everything exchanged must be paid for:

53 “And doubtless the laws of the surrounding peoples had each its own peculiar requirements. But in all of them  
54 the consent of the parties to transfer the ownership for a price was required.”

1 The concept we emphasize in the above cite is that the PUBLIC rights attached to the status of “citizen” under the Roman jus  
2 civile or statutory law constituted property that could not be STOLEN from those who did not consent to become “citizens”  
3 or to accept the “benefits” or “privileges” of statutory citizenship. Such a THEFT by government of otherwise PRIVATE or  
4 NATURAL rights would amount to an unconstitutional eminent domain by the government by converting PRIVATE rights  
5 into PUBLIC rights without the consent of the owner and without compensation.

### 6 **9.1.2 Federal Rule of Civil Procedure 17 establishes that civil law is a voluntary franchise**

7 Federal Rule of Civil Procedure 17 establishes the basis for litigating in all CIVIL courts under ONLY the STATUTORY  
8 law.

9 [IV. PARTIES > Rule 17.](#)  
10 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

11 (b) Capacity to Sue or be Sued.

12 **Capacity to sue or be sued is determined as follows:**

13 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

14 **(2) for a corporation, by the law under which it was organized; and**

15 **(3) for all other parties, by the law of the state where the court is located, except that:**

16 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue  
17 or be sued in its common name to enforce a substantive right existing under the United States Constitution  
18 or laws; and

19 (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue  
20 or be sued in a United States court.

21 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

22 Conspicuously absent from the above federal civil rule are the two MOST important sources of law:

- 23 1. The USA Constitution.
- 24 2. The common law. The common law includes natural rights.

25 Why are these two sources of law NOT explicitly or expressly mentioned in the above civil rule as a source of jurisdiction or  
26 standing to sue in a federal CIVIL statutory court? Because these sources of law come from the constitution and are NOT  
27 “granted” or “created” by the government. Anything not CREATED by the government cannot be limited, regulated, or  
28 taxed. PRIVATE rights and PRIVATE property, for instance, are NOT “created” by government and instead are created and  
29 endowed by God, according to the Declaration of Independence:

30 “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
31 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
32 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
33 -“

34 [Declaration of Independence, 1776]

35 “Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and the pursuit of happiness;'  
36 and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a**  
37 **man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it**  
38 **to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL**  
39 **SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives**  
40 **to the public a right to control that use; and third, that whenever the public needs require, the public may take**  
41 **it upon payment of due compensation.”**

42 [Budd v. People of State of New York, 143 U.S. 517 (1892)]

43 The Constitution or the common law therefore may be cited by ANYONE, including those not domiciled within the civil  
44 statutory jurisdiction of the civil court, so long as they were physically present on land protected by the Constitution within  
45 the district served by the court at the time they received an injury. Recall that the Constitution attaches to LAND, and not to  
46 your status as a statutory “citizen” or “resident”:

47 “It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,  
48 and not the status of the people who live in it.”

49 [Balzac v. Porto Rico, 258 U.S. 298 (1922) ]

1 **9.1.3 Two contexts for legal terms: CONSTITUTIONAL and STATUTORY**

2 *"When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose*  
3 *their freedom."*  
4 *[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]*

5 It is absolutely crucial to understand that there are TWO contexts in which all legal statuses such as "citizen", "resident", and  
6 "alien" can be used:

- 7 1. Constitutional.
  - 8 1.1. Relates to one's POLITICAL status.
  - 9 1.2. Relates to NATIONALITY and NOT DOMICILE.
  - 10 1.3. A CONSTITUTIONAL status is established ONLY by being either born or naturalized within the jurisdiction of
  - 11 the specific NATIONAL government that wrote the statute.
- 12 2. Statutory.
  - 13 2.1. Relates to ones' CIVIL or LEGAL status.
  - 14 2.2. Relates to DOMICILE and NOT NATIONALITY.
  - 15 2.3. A STATUTORY status is established ONLY by voluntarily choosing a domicile within the jurisdiction of the
  - 16 specific government that wrote the statute.

17 It is CRUCIAL in EVERY interaction with any government to establish WHICH of these two contexts that every term they  
18 are using relates to, and ESPECIALLY on government forms. A failure to understand the status can literally mean the  
19 difference between SLAVERY and FREEDOM.

20 One can, for instance, be a "citizen" under CONSTITUTION and yet be an "non-resident non-person" under STATUTORY  
21 law in relation to the federal government. This is the status of those who are born in states of the Union and who are domiciled  
22 within the exclusive jurisdiction of a CONSTITUTIONAL state of the Union.

23 The purpose of providing a statutory definition of a legal "term" is to supersede and not enlarge the ordinary, common law,  
24 constitutional, or common meaning of a term. Geographical words of art include:

- 25 1. "State".
- 26 2. "United States".
- 27 3. "alien".
- 28 4. "citizen".
- 29 5. "resident".
- 30 6. "U.S. person".

31 The terms "State" and "United States" within the Constitution implies the constitutional states of the Union and excludes  
32 federal territory, statutory "States" (federal territories), or the statutory "United States" (the collection of all federal territory).  
33 This is an outcome of the separation of powers doctrine. See:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

34 The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to  
35 manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All  
36 statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign,  
37 sovereign, and statutory "aliens" for the purposes of federal legislative jurisdiction.

38 It is very important to realize the consequences of this constitutional separation of powers between the states and national  
39 government. Some of these consequences include the following:

- 40 1. Statutory "States" as indicated in [4 U.S.C. §110](#)(d) and "States" in nearly all federal statutes are in fact federal
- 41 territories and the definition does NOT include constitutional states of the Union.
- 42 2. The statutory "United States" defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) and 4 U.S.C. §110(d) includes federal
- 43 territory and excludes any land within the exclusive jurisdiction of a constitutional state of the Union.

- 1 3. Terms on government forms assume the statutory context and NOT the constitutional context.  
 2 4. Domicile is the origin of civil legislative jurisdiction over human beings. This jurisdiction is called "in personam  
 3 jurisdiction".  
 4 5. Since the separation of powers doctrine creates two separate jurisdictions that are legislatively "foreign" in relation to  
 5 each other, then there are TWO types of political communities, two types of "citizens", and two types of jurisdictions  
 6 exercised by the national government.

7 *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to*  
 8 *its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District*  
 9 *of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities*  
 10 *was the law in question passed?"*  
 11 *[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]*

- 12 6. A human being domiciled in a Constitutional state and born or naturalized anywhere in the Union. These are:  
 13 6.1. A state national pursuant to 8 U.S.C. §1101(a)(21)  
 14 6.2. A statutory "non-resident non-person" if exclusively PRIVATE and not engaged in a public office.  
 15 6.3. A statutory "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) in relation to the national government if they lawfully  
 16 serve in a public office.  
 17 7. You can be a statutory "nonresident alien" pursuant to 26 U.S.C. §7701(b)(1)(B) and a constitutional or Fourteenth  
 18 Amendment "Citizen" AT THE SAME TIME. Why? Because the Supreme Court ruled in *Hooven and Allison v.*  
 19 *Evatt*, 324 U.S. 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore  
 20 THREE types of "citizens of the United States". Here is an example:

21 *"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
 22 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
 23 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
 24 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
 25 *public journals. It had been said by eminent judges that no man was a citizen of the [\*\*\*] except as he was a*  
 26 *citizen of one of the states composing the Union. Those therefore, who had been born and resided always in*  
 27 *the District of Columbia or in the territories [STATUTORY citizens], though within the United States[\*], were*  
 28 *not [CONSTITUTIONAL] citizens."*  
 29 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

30 The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the United  
 31 States", and the term "United States" in that context includes states of the Union and excludes federal territory. Hence,  
 32 you would NOT be a "citizen of the United States" within any federal statute, because all such statutes define "United  
 33 States" to mean federal territory and EXCLUDE states of the Union. For more details, see:

[Why You are a "national", "state national", and Constitutional but not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

- 34 8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form ( a VERY  
 35 DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional  
 36 context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do  
 37 so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign  
 38 state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in  
 39 relation to the national government of the United States. The following form does that very carefully:

[Affidavit of Citizenship, Domicile, and Tax Status](http://sedm.org/Forms/FormIndex.htm), Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>

- 40 9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this  
 41 in our [Reasonable Belief About Income Tax Liability, Form #05.007](#). Hence, if you are compelled to fill out a  
 42 government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a  
 43 way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit,  
 44 and no injury to your rights or status by filling out the government form. This includes attaching the following forms  
 45 to all tax forms you submit:

- 46 9.1. [Affidavit of Citizenship, Domicile, and Tax Status](#), Form #02.001

<http://sedm.org/Forms/FormIndex.htm>

- 47 9.2. [Tax Form Attachment](#), Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

1 The following cite from U.S. v. Wong Kim Ark helps clarify the distinctions between the STATUTORY and  
2 CONSTITUTIONAL contexts by admitting that there are TWO components that determine one's "citizenship" status:  
3 NATIONALITY and DOMICILE.

4 *In Udny v. Udny (1869) L.R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the*  
5 *question whether the domicile of the father was in England or in Scotland, he being in either alternative a British*  
6 *subject. Lord Chancellor Hatherley said: 'The question of naturalization and of allegiance is distinct from that*  
7 *of domicile.' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by*  
8 *saying: 'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two*  
9 *distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some*  
10 *particular country, binding him by the tie of natural allegiance, and which may be called his political status;*  
11 *another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as*  
12 *such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the*  
13 *civil status or condition of the individual, and may be quite different from his political status.' And then, while*  
14 *maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the*  
15 *criterion established by international law for the purpose of determining civil status, and the basis on which*  
16 *'the personal rights of the party—that is to say, the law which determines his majority or minority, his*  
17 *marriage, succession, testacy, or intestacy— must depend,' he yet distinctly recognized that a man's political*  
18 *status, his country (patria), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in*  
19 *different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather*  
20 *to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British*  
21 *dominion are natural-born subjects.*  
22 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;*  
23 *SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]*

24 So:

- 25 1. The Constitution is a POLITICAL and not a LEGAL document. It therefore determines your POLITICAL status rather  
26 than your LEGAL/STATUTORY status.
- 27 2. Nationality determines your POLITICAL STATUS and whether you are a "subject" of the country.
- 28 3. DOMICILE determines your CIVIL and LEGAL and STATUTORY status. It DOES NOT determine your  
29 POLITICAL status or nationality.
- 30 4. Being a constitutional "citizen" per the Fourteenth Amendment is associated with nationality, not domicile.
- 31 5. Allegiance is associated with nationality, not domicile. Allegiance is what makes one a "subject" of a country.
- 32 6. Your personal and municipal rights, meaning CONSTITUTIONAL rights, associate with your choice of legal  
33 domicile, not your nationality or what country you are a subject of or have allegiance to.
- 34 7. Being a statutory "citizen" is associated with domicile, not nationality, because it is associated with being an inhabitant  
35 RATHER than a "subject".
- 36 8. A statutory "alien" under most acts of Congress is a person with a foreign DOMICILE, not a foreign NATIONALITY.  
37 By "foreign", we mean:  
38 8.1. Nationality context: OUTSIDE of COUNTRY United States.  
39 8.2. Domicile context: OUTSIDE of federal territory and the exclusive federal jurisdiction, and NOT outside the  
40 Constitutional United States (states of the Union).

41 Understanding the distinction between nationality and domicile, in turn is absolutely critical.

- 42 1. Nationality:
  - 43 1.1. Is a political status.
  - 44 1.2. Is defined by the Constitution, which is a political document.
  - 45 1.3. Is synonymous with being a "national" within statutory law.
  - 46 1.4. Is associated with a specific COUNTRY.
- 47 2. Domicile:
  - 48 2.1. Is a civil status.
  - 49 2.2. Is not even addressed in the constitution.
  - 50 2.3. Is defined by civil statutory law RATHER than the constitution.
  - 51 2.4. Is in NO WAY connected with one's nationality.
  - 52 2.5. Is usually connected with the word "person", "citizen", "resident", or "inhabitant" in statutory law.
  - 53 2.6. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
  - 54 2.7. Implies one is a "SUBJECT" of a SPECIFIC MUNICIPAL but not NATIONAL government.

1 Nationality and domicile, TOGETHER determine the POLITICAL AND CIVIL/LEGAL status of a human being  
2 respectively. These important distinctions are recognized in Black's Law Dictionary:

3 *"nationality – That quality or character which arises from the fact of a person's belonging to a nation or state.*  
4 *Nationality determines the political status of the individual, especially with reference to allegiance; while*  
5 *domicile determines his civil [statutory] status. Nationality arises either by birth or by naturalization."*  
6 *[Black's Law Dictionary (6th ed. 1990), p. 1025]*

7 The U.S. Supreme Court also confirmed the above when they held the following. Note the key phrase "political jurisdiction",  
8 which is NOT the same as legislative/statutory jurisdiction. One can have a political status of "citizen" under the constitution  
9 while NOT being a "citizen" under federal statutory law because not domiciled on federal territory. To have the status of  
10 "citizen" under federal statutory law, one must have a domicile on federal territory:

11 *"This section [Fourteenth Amendment, Section 1] contemplates two sources of citizenship, and two sources only,-*  
12 *birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United*  
13 *States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in*  
14 *some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not*  
15 *singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union]*  
16 *direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S.*  
17 *649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United*  
18 *States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by*  
19 *proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is*  
20 *acquired."*  
21 *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]*

22 *"This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm*  
23 *foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not*  
24 *at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized*  
25 *citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks*  
26 *them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same*  
27 *way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects,*  
28 *his and their condition as to the duties and burdens of Government are undistinguishable."*  
29 *[Fong Yue Ting v. United States, 149 U.S. 698 (1893) ]*

30 Notice in the last quote above that they referred to a foreign national born in another country as a "citizen". THIS is the  
31 REAL "citizen" that judges and even tax withholding documents are really talking about, rather than the "national" described  
32 in the constitution. And also notice that they say in relation to DOMICILE/STATUTORY status the following "He owes the  
33 same obedience to the CIVIL laws", thus establishing that CIVIL law does not apply to those WITHOUT a DOMICILE.

34 Domicile and NOT nationality is what imputes a status under the tax code and a liability for tax. Tax liability is a civil  
35 liability that attaches to civil statutory law, which in turn attaches to the person through their choice of domicile. When you  
36 CHOOSE a domicile, you elect or nominate a protector, which in turn gives rise to an obligation to pay for the civil protection  
37 demanded. The method of providing that protection is the civil laws of the municipal (as in COUNTY) jurisdiction that you  
38 chose a domicile within.

39 *"domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and principal*  
40 *establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith, 206*  
41 *Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's home*  
42 *are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which*  
43 *he intends to return even though he may actually reside elsewhere. A person may have more than one residence*  
44 *but only one domicile. The legal domicile of a person is important since it, rather than the actual residence,*  
45 *often controls the jurisdiction of the taxing authorities and determines where a person may exercise the*  
46 *privilege of voting and other legal rights and privileges."*  
47 *[Black's Law Dictionary, Sixth Edition, p. 485]*

48 Later versions of Black's Law Dictionary attempt to cloud this important distinction between nationality and domicile in  
49 order to unlawfully and unconstitutionally expand federal power into the states of the Union and to give federal judges  
50 unnecessary and unwarranted discretion to kidnap people into their jurisdiction using false presumptions. They do this by  
51 trying to make you believe that domicile and nationality are equivalent, when they are EMPHATICALLY NOT. Here is an  
52 example:

53 *"nationality – The relationship between a citizen of a nation and the nation itself, customarily involving*  
54 *allegiance by the citizen and protection by the state; membership in a nation. This term is often used*  
55 *synonymously with citizenship."*

Federal courts regard the term "citizenship" as equivalent to domicile, meaning domicile on federal territory.

"The words 'citizen' and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R. Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557;"  
[Black's Law Dictionary, Fourth Edition, p. 310]

Hence:

1. The term "citizenship" is being stealthily used by government officials as a magic word that allows them to hide their presumptions about your status. Sometimes they use it to mean NATIONALITY, and sometimes they use it to mean DOMICILE.
2. The use of the word "citizenship" should therefore be AVOIDED when dealing with the government because its meaning is unclear and leaves too much discretion to judges and prosecutors.
3. When someone from any government uses the word "citizenship", you should:
  - 3.1. Tell them NOT to use the word, and instead to use "nationality" or "domicile".
  - 3.2. Ask them whether they mean "nationality" or "domicile".
  - 3.3. Ask them WHICH political subdivision they imply a domicile within: federal territory or a constitutional state of the Union.

**WARNING:** A failure to either understand or correctly apply the above concepts can literally mean the difference between being a government pet in a legal cage called a franchise, and being a free and sovereign man or woman.

#### 9.1.4 "Domicile" and "residence" compared

We know from earlier discussion that one can have only ONE domicile but as many residences as they want. The reason is that:

1. DOMICILE is associated with PERSONS and implies physical presence and allegiance, which must be undivided. You can only be in one physical place at a time and have undivided allegiance to only one government at a time.
2. RESIDENCE is associated with CONTRACTS and the statuses they create. Residence is usually a consequence of the exercise of your right to contract with those usually OUTSIDE the place of your domicile. It is a product of the Minimum Contacts Doctrine. Since your right to contract is unlimited, then you can have more than one residence. Each "residence" can, in turn, dictate a different choice of law or government protector.

*"Locus contractus regit actum. The place of the contract governs the act."*  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

Black's Law Dictionary helps define the distinctions between residence and domicile:

**RESIDENCE.** A factual place of abode. Living in a particular locality. *Reese v. Reese*, 179 Misc. 665, 40 N.Y.S.2d. 468, 472; *Zimmerman v. Zimmerman*, 175 Or. 585, 155 P.2d. 293, 295. It requires only bodily presence as an inhabitant of a place. In *re Campbell's Guardianship*, 216 Minn. 113, 11 N.W.2d. 786, 789.

As "domicile" and "residence" are usually in the same place, they are frequently used as if they had the same meaning, but they are not identical terms, for a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed and permanent home. Residence simply requires bodily presence as an inhabitant in a given place, while domicile requires bodily presence in that place and also an intention to make it one's domicile. In *re Riley's Will*, 266 N.Y.S. 209, 148 Misc. 588.

"Residence" demands less intimate local ties than "domicile, but "domicile" allows absence for indefinite period if intent to return remains. Immigration Act 1917. §3, 8 U.S.C.A. .§136 (e, p). *Transatlantica Italiana v. Elting*, C.C.A.N.Y., 74 F.2d. 732, 733. But see, *Ward v. Ward*, 115 W.Va. 429. 176 S.E. 708. 709; *Southwestern Greyhound Lines v. Craig*. 182 Okl. 610, 80 P.2d. 221, 224; holding that residence and domicile are synonymous terms. "Residence" has a meaning dependent on context and purpose of statute. In *re Jones*, 341 Pa. 329, 19 A.2d. 280. 282. Words "residence" and "domicile". may have an identical or variable meaning depending on subject-matter and context of statute. *Kemp v. Kemp*, 16 N.Y.S.2d. 26, 34, 172 Misc. 738.  
[Black's Law Dictionary, Revised Fourth Edition, p. 1473]

1 The above definition deliberately clouds the issue of:

- 2 1. Whether residence has consent as a prerequisite or not. We know based on previous analysis that domicile does.
- 3 2. What citizenship, domicile, and nationality status are associated with “residence” in each statutory context in which it
- 4 is used and how to determine the context.

5 When we look up the definitions for “abode” and “inhabitant” as used in the definition of “residence”, they all connect back  
6 to domicile and therefore also have consent as a prerequisite.

7 1. Definition of “inhabitant”:

8 *“Inhabitant. One who resides actually and permanently in a given place, and has his domicile there. Ex parte*  
9 *Shaw, 145 U.S. 444, 12 S.Ct. 935, 36 L.Ed. 768. The words “inhabitant,” “citizen,” and “resident,” as employed*  
10 *in different constitutions to define the qualifications of electors, means substantially the same thing; and, in*  
11 *general, **one is an inhabitant, resident, or citizen at the place where he has his domicile or home. But the terms***  
12 ***“resident” and “inhabitant” have also been held not synonymous, the latter implying a more fixed and***  
13 ***permanent abode than the former, and importing privileges and duties to which a mere resident would not be***  
14 ***subject.** A corporation can be an inhabitant only in the state of its incorporation. Sperry Products v. Association*  
15 *of American Railroads, C.C.A.N.Y., 132 F.2d. 408, 411. See also Domicile; Residence.”*  
16 *[Black’s Law Dictionary, Sixth Edition, p. 782]*

17 2. Definition of “abode”:

18 *“Abode. One’s home; habitation; place of dwelling; or residence. **Ordinarily means “domicile.”** Living place*  
19 *impermanent in character. Fowler v. Fowler, 156 Fla. 316, 22 So.2d. 817, 818. The place where a person dwells.*  
20 *In re Erickson, 18 N.J.Misc. 5, 10 A.2d. 142, 146. Residence of a legal voter. Pope v. Board of Election Com’rs,*  
21 *370 Ill. 196, 18 N.E.2d. 214, 216. Fixed place of residence for the time being. Augustus Co., for Use of Bourgeois*  
22 *v. Manzella, 19 N.J.Misc. 29, 17 A.2d. 68, 70. For service of process, one’s fixed place of residence for the time*  
23 *being; his “usual place of abode.” Fed.R. Civil P.4. Kurilla v. Roth, 132 N.J.L. 213, 38 A.2d. 862,864.*

24 *See Domicile; Residence. General abode. See Residence.”*  
25 *[Black’s Law Dictionary, Sixth Edition, p. 7]*

26 So to say that a “residence” is “**A factual place of abode**” in the definition of “residence” means one’s CHOSEN place of  
27 domicile. And to say that “**It requires only bodily presence as an inhabitant of a place**” in the definition of “residence”  
28 ALSO implies domicile and therefore requires consent, because an “inhabitant” is someone who is “domiciled” in a place.

29 The following authorities clarify that “residence”, and especially in taxing statutes, is usually associated with  
30 CONSTITUTIONAL but not STATUTORY alienage or “alien” status and excludes those who are nationals of the country.

31 *The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are*  
32 *found' were stated as follows: **When private individuals of one nation [states of the Unions are “nations” under***  
33 ***the law of nations] spread themselves through another as business or caprice may direct, mingling***  
34 ***indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,***  
35 ***it would be obviously inconvenient and dangerous to society, and would subject the laws to continual***  
36 ***infraction, and the government to degradation, if such individuals or merchants did not owe temporary and***  
37 ***local allegiance, and were not amenable to the jurisdiction of the country.** Nor can the foreign sovereign have*  
38 *any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,*  
39 *nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons*  
40 *of this description from the jurisdiction of the country in which they are found, and no one motive for requiring*  
41 *it. **The implied license, therefore, under which they enter, can never be construed to grant such exemption.**' 7*  
42 ***Cranch, 144.***

43 *In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction*  
44 *of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed*  
45 *by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own*  
46 *consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial*  
47 *jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory*  
48 *with its permission, and of their foreign ministers and public ships of war; and that **the implied license, under***  
49 ***which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,***  
50 ***for purposes of business or pleasure, can never be construed to grant to them an exemption from the***  
51 ***jurisdiction of the country in which they are found.** See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155; Radich*  
52 *v. Hutchins (1877) 95 U.S. 210; Wildenhus' Case (1887) 120 U.S. 1, 7 Sup.Ct. 385; Chae Chan Ping v. U.S.*  
53 *(1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.*

54 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

1  
2  
3 “Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the  
4 country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they  
5 remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens.  
6 They have only certain privileges which the law, or custom, gives them. Permanent residents are those who  
7 have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and  
8 are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right  
9 of perpetual residence given them by the State passes to their children.”  
[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]

10 We wish to clarify that those who are domiciled within the exclusive jurisdiction of a CONSTITUTIONAL but not  
11 STATUTORY “State” relative to federal law and who were born somewhere within the country where the “State” is located  
12 are all the following in relation to the national government. This status, by the way, is the status of the AVERAGE American:

- 13 1. “Domiciled” but not “resident” within federal STATUTORY law.  
14 2. Have no “residence” under federal STATUTORY law. Only statutory "aliens" can have a "residence".  
15 3. STATUTORY “nationals” per 8 U.S.C. §1101(a)(21).  
16 4. STATUTORY “non-resident non-persons”.  
17 5. Legislatively but not Constitutional “foreign nationals”.  
18 6. Not STATUTORY:  
19 6.1. “nationals and citizens of the United States\*\* at birth” per 8 U.S.C. §1401  
20 6.2. “citizens of the United States\*\*\*” per 26 C.F.R. §1.1-1(c), and 26 U.S.C. §3121(e) or any other federal law.

21 It therefore appears to us that the only occasion where “domicile” or “residence” are NOT equivalent is in the case of those  
22 who are constitutional but not statutory aliens of the place they are in. Otherwise, they are equivalent. The implication is  
23 that constitutional aliens do not need to consent to the civil laws of the place they are in because they are “privileged”, whereas  
24 nationals born there do. This appears to violate the notion of equal protection, which may explain why the legal dictionary  
25 was so terse in their definition of residence: because they don’t want to admit that courts routinely treat people unequally  
26 and in violation of the requirement for equal protection.

27 Below is the ONLY definition of “residence” found anywhere in the Internal Revenue Code. This definition is entirely  
28 consistent with the above. The definition does not begin with qualifying language such as “for the purposes of this section”  
29 or “for the purposes of this chapter”. Therefore, it is a universal definition that applies throughout the Internal Revenue Code  
30 and Treasury Regulations. Note also that the definition is provided ONLY in the context of an “alien”. Therefore, “citizens”  
31 or “nationals” cannot have a “residence”. This is VERY important and is completely consistent with the fact that the only  
32 kind of “resident” defined anywhere in the Internal Revenue Code (see [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)) is an “alien”:

33 *Title 26: Internal Revenue*  
34 [PART 1—INCOME TAXES](#)  
35 [nonresident alien individuals](#)  
36 [§ 1.871-2 Determining residence of alien individuals.](#)

37 (b) Residence defined.

38 *An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United*  
39 *States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to***  
40 ***the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is*  
41 *not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his*  
42 *stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be***  
43 ***promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be***  
44 ***necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States,***  
45 ***he becomes a resident,** though it may be his intention at all times to return to his domicile abroad when the*  
46 *purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is*  
47 *limited to a definite period by the immigration laws is not a resident of the United States within the meaning of*  
48 *this section, in the absence of exceptional circumstances.*

49 The phrase “definite purpose” is important in the definition of “residence” above. Those who have a definite purpose because  
50 of their eternal covenant with God and their contractual relationship to Him described in the Bible and who know they are  
51 only here temporarily can only be classified as “transients” above. This explains why our rulers in government want to get  
52 God out of the schools and out of public life: so that the sheep will have no purpose in life other than to serve them and waste  
53 themselves away in vain and sinful material pursuits.

1           *"Then I hated all my labor in which I had toiled under the sun, because I must leave it to the man who will come*  
2 *after me. **And who knows whether he will be wise or a fool? Yet he will rule over all my labor in which I toiled***  
3 ***and in which I have shown myself wise under the sun. This also is vanity.** Therefore I turned my heart and*  
4 *despaired of all the labor in which I had toiled under the sun. **For there is a man whose labor is with wisdom,***  
5 ***knowledge, and skill; yet he must leave his heritage to a man who has not labored for it. This also is vanity and***  
6 ***a great evil.** For what has man for all his labor, and for the striving of his heart with which he has toiled under*  
7 *the sun? For all his days are sorrowful, and his work burdensome; even in the night his heart takes no rest. This*  
8 *also is vanity."*  
9           *[Eccl. 2:18-23, Bible, NKJV]*

10       Only you, the Sovereign, can determine your "intention" in the context of "residence". Notice the words "definite purpose",  
11 "transient" and "temporary" in the definition of "residence" above are nowhere defined in the law, which means that you,  
12 and not your public servants, define them. If you do not intend to remain in the "United States", which is defined as federal  
13 territory in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and 4 U.S.C. §110(d) and not expanded elsewhere in Subtitle A to include any  
14 other place, then you can't be counted as a "resident", even if you are in fact an "alien". The government cannot determine  
15 your intention for you. An intention that is not voluntary is not an intention, but simply a reaction to unjust external authority.  
16 This is the basis for why the U.S. Supreme Court said:

17           *"**The citizen cannot complain [about the laws or the tax system], because he has voluntarily submitted himself***  
18 ***to such a form of government.** He owes allegiance to the two departments, so to speak, and within their respective*  
19 *spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection*  
20 *from each within its own jurisdiction."*  
21           *[United States v. Cruikshank, [92 U.S. 542](#) (1875) (emphasis added)]*

22       The California Election Code, Section 349 further clarifies the distinctions between "domicile" and "residence" as follows:

23           [California Election Code, section 349:](#)

24           349. (a) "**Residence**" for voting purposes means a person's domicile.

25           (b) The **domicile** of a person is that place in which his or her habitation is fixed, wherein the person has the  
26 intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At  
27 a given time, a person may have only one domicile.

28           (c) The **residence** of a person is that place in which the person's habitation is fixed for some period of time, but  
29 wherein he or she does not have the intention of remaining. At a given time, a person may have more than one  
30 residence.

31       The above definition is consistent with the analysis earlier in this section, but don't make the false assumption that the above  
32 definitions apply within income tax codes, because they DON'T. Only statutory "citizens" who have a domicile within the  
33 forum can be the subject of the above statute relating to voting and elections, while the Internal Revenue Code, Subtitle A  
34 applies exclusively to privileged aliens who have a domicile or tax home on federal territory: two COMPLETELY different  
35 audiences of people, for which the terms are NOT interchangeable. A "residence" in the I.R.C. is the temporary abode of a  
36 privileged alien, while a "residence" in the election code is the temporary abode of a non-privileged Sovereign American  
37 National. The worst mistake that you can make as a person born in your country is to believe or think that laws written only  
38 for "aliens" or "resident aliens" apply to you. The only types of persons the federal government can write laws for in a state  
39 of the Union, in fact, are Constitutional but not STATUTORY aliens and not those born there.

40           *In accord with ancient principles of the international law of nation-states, the Court in *The Chinese Exclusion**  
41 *Case, [130 U.S. 581, 609](#) (1889), and in *Fong Yue Ting v. United States*, [149 U.S. 698](#) (1893), held broadly, as*  
42 *the Government describes it, Brief for Appellants 20, that the power to exclude aliens is "inherent in sovereignty,*  
43 *necessary for maintaining normal international relations and defending the country against foreign*  
44 *encroachments and dangers - a power to be exercised exclusively by the political branches of government . . .*  
45 *." Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion. [6](#)*  
46 ***The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens***  
47 ***and to exclude those who possess those characteristics which Congress has forbidden."** *Boutillier v.**  
48 ***Immigration and Naturalization Service, [387 U.S. 118, 123](#) (1967). "[O]ver no conceivable subject is the***  
49 ***legislative power of Congress more complete than it is over" the admission of aliens. *Oceanic Navigation Co.****  
50 ***v. Stranahan, [214 U.S. 320, 339](#) (1909).***  
51           *[[Kleindienst v. Mandel, 408 U.S. 753](#) (1972)]*

52       If you are born in a state of the Union and have a domicile there and not on federal territory, federal laws CANNOT and DO  
53 NOT apply to you. The only exception is if you contract away your rights and sovereignty by pursuing a federal government

benefit, such as Social Security, Medicare, federal employment, etc. Otherwise, We the People are Sovereign over their public servants:

*"The ultimate authority ... resides in the people alone."*  
*[The Federalist, No. 46, James Madison]*

*"Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government, through the domain of jurisdiction merely Federal, to recognize to be property."*

*"And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. **They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory.**"*  
*[Dred Scott v. Sandford, 60 U.S. 393 (1856)]*

*"While sovereign powers are delegated to ... the government, sovereignty itself remains with the people.."*  
*[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

*"There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*  
*[Juilliard v. Greenman, 110 U.S. 421 (1884)]*

*"In the United States\*\*\*, sovereignty resides in the people who act through the organs established by the Constitution. [cites omitted] The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. **The Congress cannot invoke the sovereign power of the people to override their will as thus declared.**"*  
*[Perry v. United States, 294 U.S. 330, 353 (1935)]*

## **9.1.5 The TWO types of "residents": FOREIGN NATIONAL under the common law or GOVERNMENT CONTRACTOR/PUBLIC OFFICER under a franchise**

### **9.1.5.1 Introduction**

As we pointed out earlier in section 9.1.3:

1. CONTEXT is extremely important in the legal field.
2. There are TWO main contexts in which legal terms can be used:
  - 2.1. CONSTITUTIONAL or common law: This law protects exclusively PRIVATE rights.
  - 2.2. STATUTORY: This law protects primarily PUBLIC rights and franchises.

CONTEXT therefore has a HUGE impact upon the meaning of the legal term "resident". Because there are two main contexts in which "resident" can be used, then there are TWO possible meanings for the term.

1. CONSTITUTIONAL or COMMON LAW meaning: A foreign national domiciled within the jurisdiction of the municipal government to which the term "resident" relates. One can be a "resident" under constitutional state law and a "nonresident" in relation to the national government because their civil domicile is FOREIGN in relation to that government. This is a product of the separation of powers doctrine.
2. STATUTORY meaning: Means a man or woman who consented to a voluntary government civil franchise and by virtue of volunteering, REPRESENTS a public office exercised within and on behalf of the franchise. While on official duty on behalf of the government grantor of the franchise, they assume the effective domicile of the public office they are representing, which is the domicile of the government grantor, pursuant to Federal Rule of Civil Procedure 17(b). For instance, the effective domicile of a state franchisee is within the granting state and the domicile of a federal franchisee is within federal territory.

Most of the civil law passed by state and federal governments are civil franchises, such as Medicare, Social Security, driver licensing, marriage licensing, professional licensing, etc. All such franchises are actually administered as FEDERAL franchises, even by the state governments. Men and women domiciled within a constitutional state have a legislatively foreign

1 domicile outside of federal territory and they are therefore treated as statutory “non-resident non-persons” in relation to the  
2 national government. Once they volunteer for a franchise, they consent to represent a public office within that civil franchise  
3 and their civil statutory status changes from being a “non-resident non-person” to being a statutory “domiciled citizen” in  
4 relation to federal territory and the national government under the specific franchise they signed up for. The operation of  
5 Federal Rule of Civil Procedure 17(b) is what makes them a “domiciled citizen” because the office they occupy or represent  
6 is domiciled on federal territory in the District of Columbia per 4 U.S.C. §72.

7 The legal definition of “resident” within Black’s Law Dictionary tries to hint at the above complexities with the following  
8 deliberately confusing language:

9 ***Resident.*** “Any person who occupies a dwelling within the State, has a present intent to remain within the State  
10 for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence  
11 within the State together with indicia that his presence within the State is something other than merely transitory  
12 in nature. The word “resident” when used as a noun means a dweller, habitant or occupant; one who resides or  
13 dwells in a place for a period of more, or less, duration; it signifies one having a residence, or one who resides  
14 or abides. *Hanson v. P.A. Peterson Home Ass’n*, 35 Ill.App.2d. 134, 182 N.E.2d. 237, 240.

15 Word “resident” has many meanings in law, largely determined by statutory context in which it is used. [*Kelm v.*  
16 *Carlson*, C.A.Ohio, 473 F.2d. 1267, 1271]  
17 [*Black’s Law Dictionary*, Sixth Edition, p. 1309]

18 Note the following critical statement in the above, admitting that sleight of hand is involved:

19 ***“Word “resident” has many meanings in law, largely determined by statutory context in which it is used.***  
20 [*Kelm v. Carlson*, C.A.Ohio, 473 F.2d. 1267, 1271]”

21 Within the above definition, the term “the State” can mean one of TWO things:

- 22 1. A PHYSICAL or GEOGRAPHICAL place. This is the meaning that ignorant people with no legal training would  
23 naturally PRESUME that it means.
- 24 2. A LEGAL place, meaning a LEGAL PRESENCE as a “person” within a legal fiction called a corporation. For  
25 instance, an OFFICER of a federal corporation becomes a “RESIDENT” within the corporation at the moment he or  
26 she volunteers for the position and thereby REPRESENTS the corporation. Once they volunteer, Federal Rule of Civil  
27 Procedure 17(b) says they become “residents” of the government grantor of the corporation, but only while  
28 REPRESENTING said corporation:

29 [IV. PARTIES > Rule 17.](#)  
30 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

31 (b) *Capacity to Sue or be Sued.*

32 **Capacity to sue or be sued is determined as follows:**

33 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

34 **(2) for a corporation, by the law under which it was organized; and**

35 **(3) for all other parties, by the law of the state where the court is located, except that:**

36 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue  
37 or be sued in its common name to enforce a substantive right existing under the United States Constitution  
38 or laws; and

39 (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue  
40 or be sued in a United States court.

41 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

42 All federal corporations are “created” and “organized” under federal law and therefore are considered “residents” and  
43 “domestic” in relation to the national government.

44 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)  
45 [Sec. 7701. - Definitions](#)

46 (a) *When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
47 *thereof—*

1 (4) Domestic

2 The term “domestic” when applied to a corporation or partnership **means created or organized in the United**  
3 **States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary**  
4 **provides otherwise by regulations.**

5 It is also important to emphasize that ALL governments are corporations as held by the U.S. Supreme Court:

6 *“Corporations are also of all grades, and made for varied objects; **all governments are corporations, created by***  
7 **usage and common consent, or grants and charters which create a body politic for prescribed purposes; but**  
8 **whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of**  
9 **power, they are all governed by the same rules of law, as to the construction and the obligation of the**  
10 **instrument by which the incorporation is made. One universal rule of law protects persons and property. It is**  
11 **a fundamental principle of the common law of England, that the term freemen of the kingdom, includes ‘all**  
12 **persons,’ ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst.**  
13 **4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing**  
14 **of protection as other persons, and their corporate property secured by the same laws which protect that of**  
15 **individuals. 2 Inst. 46-7. ‘No man shall be taken,’ ‘no man shall be disseised,’ without due process of law, is a**  
16 **principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal**  
17 **government, by the amendments to the constitution.”**  
18 *[Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]*

19 Consequently, when one volunteers to become a public officer within a government corporation, then they acquire a “LEGAL  
20 PRESENCE” in the LEGAL AND NOT PHYSICAL PLACE called “United States” as an officer of the corporation. In  
21 effect, they are “assimilated” into the corporation as a legal “person” as its representative.

22 Earlier versions of the Treasury Regulations reveal the operation of the SECOND method for creating “residents”, which is  
23 that of converting statutory aliens into statutory residents using government franchises:

24 [26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

25 *A domestic corporation is one organized or created in the United States, including only the States (and during*  
26 *the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the*  
27 *law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A*  
28 *domestic corporation is a resident corporation even though it does no business and owns no property in the*  
29 *United States. **A foreign corporation engaged in trade or business within the United States is referred to in the***  
30 **regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade**  
31 **or business within the United States, as a nonresident foreign corporation.** *A partnership engaged in trade or*  
32 *business within the United States is referred to in the regulations in this chapter as a resident partnership, and a*  
33 *partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a***  
34 **partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its**  
35 **members or by the place in which it was created or organized.**  
36 *[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]*  
37 *[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]*

38 The key statement in the above is that the status of “resident” does NOT derive from either nationality or domicile, but rather  
39 from whether one is “purposefully and consensually” engaged in the FRANCHISE ACTIVITY called a “trade or business”.  
40 This is consistent with the Minimum Contacts Doctrine of the U.S. Supreme Court, which requires “purposeful availment”  
41 in order to waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV, Chapter 97:

42 **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in**  
43 **this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business**  
44 **within the United States, as a nonresident foreign corporation.** *A partnership engaged in trade or business*  
45 *within the United States is referred to in the regulations in this chapter as a resident partnership, and a*  
46 *partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a***  
47 **partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its**  
48 **members or by the place in which it was created or organized.**

49 Incidentally, we were the first people we know of who discovered the above mechanisms and as soon as we exposed them  
50 on this website, the above regulation was quickly replaced with a temporary regulation to hide the truth. Scum bags!

51 The deliberately confusing and evasive definition of “resident” earlier in Black’s Law Dictionary is trying to obfuscate or  
52 cover up the above process by inventing new terms called “the State”, which they then refuse to define because if they did,

1 they would probably start the second American revolution and destroy the profitability of the government franchise scam that  
2 subsidizes the authors within the legal profession! They are like Judas: Selling the truth for 20 pieces of silver.

3 What we want to emphasize in this section is that:

- 4 1. The word “resident” within most government civil law and ALL franchises actually means a government contractor,  
5 and has nothing to do with the domicile or nationality of the parties.
- 6 2. The “residence” of the franchisee is that of the OFFICE he or she occupies as a statutory but not constitutional alien,  
7 and not his or her personal or physical location.

8 Finally, if you would like to know more about how VOLUNTARY participation in government franchises makes one a  
9 “resident”, see:

*Government Instituted Slavery Using Franchises*, Form #05.030, Sections 6.3, 10, and 13.5.2  
<http://sedm.org/Forms/FormIndex.htm>

### 10 **9.1.5.2 Why was the statutory “resident” under civil franchises created instead of using a classical constitutional** 11 **“citizen” or “resident” as its basis?**

12 After looking at the “resident” government contractor franchise scam, we wondered why they had to do this instead of simply  
13 using a classical constitutional “citizen” or “resident” with a domicile within the territory protected by a specific government  
14 as the basis for franchises. After careful thought and research, we found that there are many reasons they had to do this:

- 15 1. The Constitution forbids what is called “class legislation” relating to constitutional “citizens” or “residents”. The  
16 reason is that it violates the requirement for equal protection and equal treatment that is at the heart of the Constitution.  
17 Governments are NOT allowed to treat any subset of constitutional citizens or residents differently, or confer or grant  
18 “benefits”, and by implication “franchises”, to any SUBSET of them. If participation is in fact voluntary, there is no  
19 way they could even offer franchises to constitutional citizens without favoring one group over another and thereby  
20 creating an unconstitutional “title of nobility”. Below is how the U.S. Supreme Court described this violation after the  
21 first income tax was enacted and declared UNCONSTITUTIONAL by the U.S. Supreme Court:

22 *“The present assault upon capital is but the beginning. It will be but the stepping stone to others larger and  
23 more sweeping, until our political contest will become war of the poor against the rich; a war of growing intensity  
24 and bitterness. ‘If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate  
25 of the constitution,’ as said by one who has been all his life a student of our institutions, ‘it will mark the hour  
26 when the sure decadence of our present government will commence.’*

27 [...]

28 *The legislation, in the discrimination it makes, is class legislation. Whenever a distinction is made in the burdens  
29 a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class  
30 legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society.”*  
31 [*Pollock v. Farmers Loan and Trust, 157 U.S. 429 (1895)*]

- 32 2. It has always been unconstitutional to abuse the government’s taxing power to pay private individuals. Classical  
33 constitutional citizens and residents are inherently PRIVATE individuals.

34 *“His [the individual’s] rights are such as existed by the law of the land long antecedent to the organization of the*  
35 *State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among*  
36 *his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure*  
37 *except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their*  
38 *rights.”*  
39 [*Hale v. Henkel, 201 U.S. 43 (1906)*]

40 Hence, the government cannot lawfully create any franchise “benefit” offered to PRIVATE constitutional citizens or  
41 residents that could be used to redistribute wealth between different groups of otherwise private individuals. For  
42 instance, they cannot tax the rich to give to the poor, as the U.S. Supreme Court indicated above and hence, cannot  
43 offer franchises to constitutional citizens or residents, or tie eligibility for the franchise to the status of constitutional  
44 citizen or resident.

1 "A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the  
2 support of the government. The word has never thought to connote the expropriation of money from one group  
3 for the benefit of another."  
4 [U.S. v. Butler, [297 U.S. 1](#) (1936)]

5 "**To lay with one hand the power of government on the property of the citizen, and with the other to bestow it**  
6 **on favored individuals.. is none the less robbery because it is done under the forms of law and is called taxation.**  
7 **This is not legislation. It is a decree under legislative forms.**"  
8 [Loan Association v. Topeka, 20 Wall. 655 (1874)]

9 "The king establishes the land by justice, But he who receives bribes [[socialist handouts](#), government "benefits",  
10 or [PLUNDER stolen from nontaxpayers](#)] overthrows it. "  
11 [[Prov. 29:4](#), Bible, NKJV]

- 12 3. It has been repeatedly held as unconstitutional for governments to establish a "poll tax". Poll taxes are fees required to  
13 be paid before one may vote in any election. Voting, in turn, is described as a "franchise". Eligibility to vote is  
14 established by the coincidence of both nationality and domicile. If domicile instead of "residence" under a franchise  
15 were used as the criteria for income tax obligation, then indirectly the income tax would act for all intents and purposes  
16 as a "poll tax" and thereby quickly be declared as unconstitutional.

17 **We conclude that a State violates the Equal Protection Clause of the Fourteenth Amendment whenever it**  
18 **makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no**  
19 **relation to wealth nor to paying or not paying this or any other tax.**<sup>60</sup> Our cases demonstrate that the Equal  
20 Protection Clause of the Fourteenth Amendment restrains the States from fixing voter qualifications which  
21 invidiously discriminate. Thus without questioning the power of a State to impose reasonable residence  
22 restrictions on the availability of the ballot (see [Pope v. Williams](#), 193 U.S. 621, 24 S.Ct. 573, 48 L.Ed. 817), we  
23 held in [Carrington v. Rash](#), 380 U.S. 89, 85 S.Ct. 775, 13 L.Ed.2d. 675, that a State may not deny the opportunity  
24 to vote to a bona fide resident merely because he is a member of the armed services. 'By forbidding a soldier ever  
25 to controvert the presumption of non-residence, the Texas Constitution imposes an invidious discrimination in  
26 violation of the Fourteenth Amendment.' *Id.*, at 96, 85 S.Ct. at 780. And see [Louisiana v. United States](#), 380 U.S.  
27 [145](#), 85 S.Ct. 817. Previously we had said that neither homesite nor occupation 'affords a permissible basis for  
28 distinguishing between qualified voters within the State.' [Gray v. Sanders](#), 372 U.S. 368, 380, 83 S.Ct. 801, 808,  
29 [9 L.Ed.2d. 821](#). We think the same must be true of requirements of wealth or affluence or payment of a fee.

30 Long ago in [Yick Wo v. Hopkins](#), 118 U.S. 356, 370, 6 S.Ct. 1064, 1071, 30 L.Ed. 220 the Court referred to 'the  
31 political franchise of voting' as a 'fundamental political right, because preservative of all rights.' [Recently in](#)  
32 [Reynolds v. Sims](#), 377 U.S. 533, 561—562, 84 S.Ct. 1362, 1381, 12 L.Ed.2d. 506, we said, 'Undoubtedly, the right  
33 of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the  
34 franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged  
35 infringement of the right of citizens to vote must be carefully and meticulously scrutinized.' There we were  
36 considering charges that voters in one part of the State had greater representation per person in the State  
37 Legislature than voters in another part of the State. We concluded:

38 **A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the**  
39 **clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the**  
40 **concept of a government of laws and not men. This is at the heart of Lincoln's vision of 'government of**  
41 **the people, by the people, (and) for the people.' The Equal Protection Clause demands no less than substantially**  
42 **equal state legislative representation for all citizens, of all places as well as of all races.' *Id.*, at 568, 84 S.Ct. at**  
43 **1385.**

44 We say the same whether the citizen, otherwise qualified to vote, has \$1.50 in his pocket or nothing at all, pays  
45 the fee or fails to pay it. **The principle that denies the State the right to dilute a citizen's vote on account of his**  
46 **economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to**  
47 **vote or who fail to pay.**  
48 [[Harper v. Virginia State Board of Elections](#) [Butts v. Harrison](#), 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed.2d. 169,  
49 1965 W.L. 130114 (1966) ]

- 50 4. Corrupt politicians through abuse of legal "words of art" had to make franchise participation at least "LOOK" like it  
51 was somehow connected to citizenship, even though technically it is not, in order to fool people into thinking that  
52 participation was mandatory by virtue of their nationality or domicile, even though in fact it is NOT. Therefore they

<sup>60</sup> Only a handful of States today condition the franchise on the payment of a poll tax. Alabama (Ala. Const., §§ 178, 194, and Amendments 96 and 207; Ala. Code Tit. 17, § 12) and Texas (Tex. Const., Art. 6, § 2; Vernon's Ann. Stat., Election Code, Arts. 5.02, 5.09) each impose a poll tax of \$1.50. Mississippi (Miss. Const., §§ 241, 243; Miss. Code §§ 3130, 3160, 3235) has a poll tax of \$2. Vermont has recently eliminated the requirement that poll taxes be paid in order to vote. Act of Feb. 23, 1966, amending Vt. Stat. Ann. Tit. 24, § 701.

1 confused the word “resident” and “residence” with a statutory status of a constitutional or classical “alien”, even  
2 though they are NOT the same.

- 3 5. Since you can only have a domicile in one place at a time, then if income taxes were based on domicile alone, you  
4 could only pay the tax to ONE municipal government at a time. Hence, you could NOT simultaneously owe both  
5 STATE and FEDERAL income tax at the same time. The only way to reconcile the conflict under such circumstances  
6 is to pay it to the state government only. On the other hand, if taxes are based on “residence” you could owe it to more  
7 than one government at a time if you had multiple “residences”. Therefore, they HAD to base the tax upon “residence”  
8 and not “domicile” and to make “residence” a product of your consent to contract with a specific government for  
9 services or protection under a specific franchise.

### 10 **9.1.5.3 How the TWO types of “RESIDENTS” are deliberately confused**

11 As we pointed out in the previous section, there is a vested financial interest in covetous governments deliberately confusing  
12 FOREIGN NATIONALS under the common law with CONTRACTORS under government franchises. Great pains have  
13 been taken over time to confuse these two because of these strong motivations to recruit more government franchisee  
14 contractors and thus increase revenues. We will discuss these mechanisms in this section.

15 The first technique was already pointed out earlier in section 9.1.4, where we showed that “residence” is deliberately confused  
16 with “domicile”, even though they are NOT equivalent and mutually exclusive under franchise statutes. “Residence” under  
17 the Internal Revenue Code “trade or business” franchise, for instance, means the abode of a statutory “alien” and DOES NOT  
18 include either “citizens” or even “nonresident aliens”.

19 The second technique is to confuse the word “reside” with “residence” or “domicile”. Reside simply means where one sleeps  
20 at night and has NOTHING to do with either their domicile OR their residence:

21 *“RESIDE. Live, dwell, abide, sojourn, stay, remain, lodge. Western-Knapp Engine.”*  
22 *[Black’s Law Dictionary, Fourth Edition, p. 1473]*

23 You can RESIDE somewhere WITHOUT having EITHER a domicile or a residence there. Here is an example:

24 *There are no cases in California deciding whether a foreign corporation can “reside” in a county within the*  
25 *meaning of the recordation sections of the Code. There are cases, however, on the question whether a foreign*  
26 *corporation doing business in California can acquire a county residence within the state for the purpose of venue.*  
27 *The early cases held that such residence could not be acquired.<sup>1</sup> These cases were explained in [Bohn v. Better](#)  
28 [Biscuits, Inc.](#), 26 Cal.App.2d. 61, 78 P.2d. 1177,2 wherein it was finally established that a foreign corporation*  
29 *doing business in California, having designated its principal office pursuant to Section 405 of the California Civil*  
30 *Code provision (passed in 1929), could acquire a county residence in the state for the purpose of venue. The court*  
31 *in that case construed the venue provision of Section 395 of the Code of Civil Procedure which reads as follows:*  
32 ***“In all other cases, \*\*\* the county in which the defendants, or some of them, reside at the commencement of***  
33 ***the action, is the proper county for the trial of the action. \*\*\* If none of the defendants resides in the State,***  
34 ***\*\*\* the action may be tried in any county which the plaintiff may designate in his complaint.”***

35 *In relation to this section, the court held: “The plaintiff stresses the word ‘reside.’ It then contends that as the*  
36 *defendant is a foreign corporation having its principal place of business at Grand Rapids, Mich., that place is its*  
37 *residence and it may not be heard to claim that it resides at any other place. If by the use of the word ‘reside’ one*  
38 *means ‘domicil’ that contention would be sound. \*\*\* **It is not claimed that there is anything in the context***  
39 ***showing the word ‘reside’ was intended to mean ‘domicil.’ By approved usage of the language ‘reside’ means:***  
40 ***‘Live, dwell, abide, sojourn, stay, remain, lodge.’ \*\*\* By a long line of decisions it has been held that a***  
41 ***domestic corporation resides at the place where its principal place of business is located. Walker v. Wells Fargo***  
42 ***Bank, etc., Co., 8 Cal.2d. 447, 65 P.2d. 1299. The designation of the principal place of business of a domestic***  
43 ***corporation is contained in its articles. Civ.Code, § 290 \*\*\*.** The designation of the principal place of business*  
44 *of a foreign corporation in this state is contained in the statement which it is required to file in the office of the*  
45 *secretary of state before it may legally transact business in this state. Civ.Code, § 405 \*\*\*. Prior to the enactment*  
46 *of sections 405-406a \*\*\* a foreign corporation had no locus in this state. No statute required it to designate, by*  
47 *a written statement duly filed in the office of the secretary of state, the location of its principal place of business*  
48 *in the state. After the enactment of said sections, the principal place of business of foreign corporations as well*  
49 *as domestic corporations was fixed by law. When the reason is the same, the rule should be the same. Civ.Code,*  
50 *§ 3511. It follows \*\*\* by reason of the enactment of section 405 et seq. of the Civil Code \*\*\* said section 395*  
51 *of the Code of Civil Procedure \*\*\* applies to persons both natural and artificial and whether the corporation*  
52 *is a domestic or a foreign corporation.” [Bohn v. Better Biscuits, Inc.](#), 26 Cal.App.2d. 61, 64, 65, 78 P.2d. 1177,*  
53 *[1179, 80 P.2d. 484.](#)*

54 *[Western-Knapp Engineering Co. v. Gilbank, 129 F.2d. 135 (9th Cir., 1942)]*

1 Keep in mind the following important facts about the above case:

- 2 1. “Reside” is where the corporation *physically does business*, not the place of its civil domicile.
- 3 2. One can “do business” in a geographic region without having a civil domicile there.
- 4 3. The corporation is a creation of and therefore component LEGALLY WITHIN the government that granted it,  
5 regardless of where it is physically located or where it does business. This is reflected in Federal Rule of Civil  
6 Procedure 17(b).
- 7 4. Those “doing business” in a specific geographical region are “deemed to be LEGALLY present” within the forum or  
8 civil laws they are doing business in, regardless of whether they have offices in that region under:  
9 4.1. The Minimum Contacts Doctrine in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).  
10 4.2. The Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV, Chapter 97.
- 11 5. The fact that one “does business” within a specific region does not necessarily mean that you are “purposefully  
12 availing themselves” under the laws of that region, and especially if the parties doing business have a contract between  
13 them REMOVING the government and its protections from their CIVIL relationship. How might this be done? They  
14 could have a “binding arbitration” agreement or contract that relegates all disputes to a private third party, for instance.
- 15 6. The civil statutory laws of a place are a social compact, and it would constitute eminent domain without compensation  
16 over those who have neither a “domicile” nor a “residence” in the region to impose or enforce these laws against them.  
17 That is the foundation of the Minimum Contacts Doctrine itself, in fact.
- 18 7. One can be legally present UNDER THE COMMON LAW while being NOT PRESENT under civil statutory law.  
19 That would be the condition of a nonresident foreign corporation such as the one in the case above.
- 20 8. “Residing” somewhere implies an effective legal “residence” under the Minimum Contacts Doctrine ONLY if one is  
21 ALSO “doing business”, and ONLY for that specific transaction and for NO other purpose.

#### 22 **9.1.5.4 PRACTICAL EXAMPLE 1: Opening a bank account**

23 Let us give you a practical business example of this phenomenon in action whereby a person becomes a “resident” from a  
24 legal perspective by exercising their right to contract. You want to open a checking account at a bank. You go to the bank  
25 to open the account. The clerk presents you with an agreement that you must sign before you open the account. If you won’t  
26 sign the agreement, then the clerk will tell you that they can’t open an account for you. Before you sign the account agreement,  
27 the bank doesn’t know anything about you and you don’t have an account there, so you are the equivalent of an “alien”. An  
28 “alien” is someone the bank will not recognize or interact with or help. They can only lawfully help “customers”, not “aliens”.  
29 After you exercise your right to contract by signing the bank account agreement, then you now become a “resident” of the  
30 bank. You are a “resident” because:

- 31 1. You are a “thing” that they can now “identify” in their computer system and their records because you have an “account”  
32 there. A “res” is legally defined as a “thing”. They now know your name and “account number” and will recognize you  
33 when you walk in the door to ask for help. Hence “res-ident”.
- 34 2. You are the “person” described in their account agreement. Before you signed it, you were a “foreigner” not subject to  
35 it.
- 36 3. They issued you an ATM card and a PIN so you can control and manage your “account”. These things that they issued  
37 you are the “privileges” associated with being party to the account agreement. No one who is not party to such an  
38 agreement can avail themselves of such “privileges”.
- 39 4. The account agreement gives you the “privilege” to demand “services” from the bank of one kind or another. The legal  
40 requirement for the bank to perform these “services” creates the legal equivalent of “agency” on their part in doing what  
41 you want them to do. In effect, you have “hired” them to perform a “service” that you want and need.
- 42 5. The account agreement gives the bank the legal right to demand certain behaviors out of you of one kind or another. For  
43 instance, you must pay all account fees and not overdraw your account and maintain a certain minimum balance. The  
44 legal requirement to perform these behaviors creates the legal equivalent of “agency” on your part in respect to the bank.
- 45 6. The legal obligations created by the account agreement give the two parties to it legal jurisdiction over each other defined  
46 by the agreement or contract itself. The contract fixes the legal relations between the parties. If either party violates the  
47 agreement, then the other party has legal recourse to sue for exceeding the bounds of the “contractual agency” created  
48 by the agreement. Any litigation that results must be undertaken consistent with what the agreement authorizes and in a  
49 mode or “forum” (e.g. court) that the agreement specifies.

#### 50 **9.1.5.5 PRACTICAL EXAMPLE 2: Creation of the “resident” under a government civil franchise**

1 When two parties execute a franchise agreement or contract between them, they are engaging in “commerce”. The practical  
2 consequences of the franchise agreement are the following:

- 3 1. The main source of jurisdiction for the government is over commerce.
- 4 2. The mutual consideration passing between the parties provides the nexus for government jurisdiction over the  
5 transaction.
- 6 3. If the exchange involves a government franchise offered by the national government:
  - 7 3.1. An “alienation” of private rights has occurred. This alienation:
    - 8 3.1.1. Turns formerly private rights into public rights.
    - 9 3.1.2. Accomplishes the equivalent of a “donation” of private property to a public use, public purpose, and public  
10 office in order to procure the “benefits” of the franchise by the former owner of the property.
  - 11 3.2. Parties to the franchise agreement cannot engage in a franchise without implicitly surrendering governance over  
12 disputes to the government granting the franchise. In that sense, their effective domicile shifts to the location of  
13 the seat of the government granting the franchise.
  - 14 3.3. The parties to the franchise agreement mutually and implicitly surrender their sovereign immunity under the  
15 Foreign Sovereign Immunities Act, [28 U.S.C. §1605\(a\)\(2\)](#), which says that commerce within the legislative  
16 jurisdiction of the “United States” constitutes constructive consent to be sued in the courts of the United States.  
17 This is discussed in more detail in the previous section.

18 Another surprising result of engaging in franchises and public “benefits” that most people overlook is that the commerce it  
19 represents, in fact, can have the practical effect of making an “alien” or “nonresident” party into a “resident” for the purposes  
20 of statutory jurisdiction. Here is the proof:

21 *In International Shoe Co. v. Washington*, 326 U.S. 310 (1945), the Supreme Court held that a court may exercise  
22 personal jurisdiction over a defendant consistent with due process only if he or she has “certain minimum  
23 contacts” with the relevant forum “such that the maintenance of the suit does not offend ‘traditional notions of  
24 fair play and substantial justice.’ ” *Id.* at 316 (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)). Unless a  
25 defendant’s contacts with a forum are so substantial, continuous, and systematic that the defendant can be  
26 deemed to be “present” in that forum for all purposes, a forum may exercise only “specific” jurisdiction - that  
27 is, jurisdiction based on the relationship between the defendant’s forum contacts and the plaintiff’s claim. The  
28 parties agree that only specific jurisdiction is at issue in this case.

29 In this circuit, we analyze specific jurisdiction according to a three-prong test:

- 30 (1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the  
31 forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of  
32 conducting activities in the forum, thereby invoking the benefits and protections of its laws;
- 33 (2) the claim must be one which arises out of or relates to the defendant’s forum-related activities; and
- 34 (3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

35 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d. 797, 802 (9th Cir. 2004) (quoting *Lake v. Lake*, 817 F.2d.  
36 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in  
37 shorthand fashion, as the “purposeful availment” prong. *Schwarzenegger*, 374 F.3d. at 802. Despite its label, this  
38 prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment  
39 of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some  
40 combination thereof.

41 We have typically treated “purposeful availment” somewhat differently in tort and contract cases. In tort cases,  
42 we typically inquire whether a defendant “purposefully direct[s] his activities” at the forum state, applying an  
43 “effects” test that focuses on the forum in which the defendant’s actions were felt, whether or not the actions  
44 themselves occurred within the forum. See *Schwarzenegger*, 374 F.3d. at 803 (citing *Calder v. Jones*, 465 U.S.  
45 783, 789-90 (1984)). By contrast, in contract cases, we typically inquire whether a defendant “purposefully avails  
46 itself of the privilege of conducting activities” or “consummate[s] [a] transaction” in the forum, focusing on  
47 activities such as delivering goods or executing a contract. See *Schwarzenegger*, 374 F.3d. at 802. However, this  
48 case is neither a tort nor a contract case. Rather, it is a case in which *Yahoo!* argues, based on the *First*  
49 *Amendment*, that the French court’s interim orders are unenforceable by an American court.  
50 [\[\*Yahoo! Inc. v. La Ligue Contre Le Racisme Et L’Antisemitisme\*, 433 F.3d. 1199 \(9th Cir. 01/12/2006\) \]](#)

51 Legal treatises on domicile also confirm that those who are “wards” or “dependents” of the state or the government assume  
52 the same domicile or “residence” as their caregiver. The practical effect of this is that by participating in government  
53 franchises, we become “wards” of the government in receipt of welfare payments such as Social Security, Medicare, etc. As  
54 “wards” under “guardianship” of the government, we assume the same domicile as the government that is paying us the

1 “benefits”, which means the District of Columbia. Our domicile is whatever the government, meaning the “court” wants it  
2 to be for their convenience:

3 PARTICULAR PERSONS  
4 § 24. Wards

5 **While it appears that an infant ward's domicile or residence ordinarily follows that of the guardian it does not**  
6 **necessarily do so,<sup>61</sup> as so a guardian has been held to have no power to control an infant's domicile as against**  
7 **her mother.<sup>62</sup> Where a guardian is permitted to remove the child to a new location, the child will not be held to**  
8 **have acquired a new domicile if the guardian's authority does not extend to fixing the child's domicile. Domicile**  
9 **of a child who is a ward of the court is the location of the court.<sup>63</sup>**

10 **Since a ward is not sui juris, he cannot change his domicile by removal,<sup>64</sup> nor or does the removal of the ward**  
11 **to another state or county by relatives or friends, affect his domicile.<sup>65</sup> Absent an express indication by the court,**  
12 **the authority of one having temporary control of a child to fix the child's domicile is ascertained by interpreting**  
13 **the court's orders.<sup>66</sup>**

14 [Corpus Juris Secundum (C.J.S.), Domicile, §24 (2003);

15 SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>

16 This change in domicile of those who participate in government franchises and thereby become “wards” of the government  
17 is also consistent with the U.S. Supreme Court’s view of the government’s relationship to those who participate in government  
18 franchises. It calls the government a “parens patriae” in relation to them!:

19 **“The proposition is that the United States, as the grantor of the franchises of the company [a corporation, in**  
20 **this case], the author of its charter, and the donor of lands, rights, and privileges of immense value, and as**  
21 **parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted**  
22 **for the benefit of the public.”**

23 [U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]  
24

25 PARENS PATRIAE. Father of his country; parent of the country. In England, **the king**. In the United States, the  
26 state, as a sovereign-**referring to the sovereign power of guardianship over persons under disability**; In re  
27 Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent  
28 persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.  
29 [Black’s Law Dictionary, Sixth Edition, p. 1269]

30 One Congressman during the debates over the proposal of the Social Security Act in 1933 criticized the very adverse effects  
31 of the franchise upon people’s rights, including that upon the domicile of those who participate, when he said:

32 Mr. Logan: “...Natural laws cannot be created, repealed, or modified by legislation. Congress should know there  
33 are many things which it cannot do...”

34 **“It is now proposed to make the Federal Government the guardian of its citizens. If that should be done, the**  
35 **Nation soon must perish. There can only be a free nation when the people themselves are free and administer the**  
36 **government which they have set up to protect their rights. Where the general government must provide work, and**  
37 **incidentally food and clothing for its citizens, freedom and individuality will be destroyed and eventually the**  
38 **citizens will become serfs to the general government...”**

39 [Congressional Record-Senate, Volume 77- Part 4, June 10, 1933, Page 12522;

40 SOURCE: [http://famguardian.org/TaxFreedom/CitesByTopic/Sovereignty-CongRecord-Senate-](http://famguardian.org/TaxFreedom/CitesByTopic/Sovereignty-CongRecord-Senate-JUNE101932.pdf)  
41 [JUNE101932.pdf](http://famguardian.org/TaxFreedom/CitesByTopic/Sovereignty-CongRecord-Senate-JUNE101932.pdf)

42 The Internal Revenue Code franchise agreement itself contains provisions which recognize this change in effective domicile  
43 to the District of Columbia within 26 U.S.C. §7408(d) and 26 U.S.C. §7701(a)(39).

<sup>61</sup> Ky.--City of Louisville v. Sherley's Guardian, 80 Ky. 71.

<sup>62</sup> Ky.--Garth v. City Sav. Bank. 86 S.W. 520, 120 Ky. 280, 27 Ky.L. 675.

<sup>63</sup> Wash.-Matter of Adoption of Buehl, 555 P.2d. 1334, 87 Wash.2d. 649.

<sup>64</sup> Cd.-In re Henning's Estate, 60 P. 762, 128 C. 214.

<sup>65</sup> Md.Sudler v. Sudler, 88 A. 26, 121 Md. 46.

<sup>66</sup> Wash.-Matter of Adoption of Buehl, 555 P.2d. 1334, 87 Wash.2d.  
649.

1 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
2 [§ 7701. Definitions](#)

3 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
4 thereof—

5 (39) Persons residing outside United States

6 **If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial**  
7 **district, such citizen or resident shall be treated as residing ]“domiciled”] in the District of Columbia for**  
8 **purposes of any provision of this title relating to—**

9 (A) jurisdiction of courts, or  
10 (B) enforcement of summons.  
11

12 [TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408](#)  
13 [§7408. Action to enjoin promoters of abusive tax shelters, etc.](#)

14 (d) Citizens and residents outside the United States If any citizen or resident of the United States does not reside  
15 in, and does not have his principal place of business in, any United States judicial district, such citizen or resident  
16 shall be treated for purposes of this section as residing in the District of Columbia.

17 Since your Constitutional right to contract is unlimited, then you can have as many temporary and transient “residences” as  
18 you like, but you can have only one legal “domicile”, because your allegiance must be undivided or you will have a conflict  
19 of interest and allegiance.

20 “No one can serve **two masters**; for either he will hate the one and love the other, or else he will be loyal to the  
21 one and despise the other. You cannot serve God and mammon.”  
22 [Matt. 6:23-25, Bible, NKJV]

23 Now do you understand the reasoning behind the following maxim of law? You become a “subject” and a “resident” under  
24 the jurisdiction of a government’s civil law by demanding its protection! If you want to “fire” the government as your  
25 “protector”, you MUST quit demanding anything from it by filling out government forms or participating in its franchises:

26 *Protectio trahit subjectionem, subjectio projectionem.*  
27 Protection draws to it subjection, subjection, protection. Co. Litt. 65.  
28 [Bouvier’s Maxims of Law, 1856;  
29 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

30 Remember, “resident” is a combination of two word roots: “res”, which is legally defined as a “thing”, and “ident”, which  
31 stands for “identified”.

32 **Res.** Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this  
33 word has a very wide and extensive signification, including not only things which are objects of property, but also  
34 such as are not capable of individual ownership. And in old English law it is said to have a general import,  
35 comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according  
36 to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which  
37 is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while  
38 in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental  
39 division of the Institutes that all law relates either to persons, to things, or to actions.

40 **Res is everything that may form an object of rights and includes an object, subject-matter or status.** In re  
41 Riggle’s Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. **The term is particularly applied to an object, subject-**  
42 **matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings**  
43 **are taken.** Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to  
44 be in rem. (See In personam; In Rem.) “Res” may also denote the action or proceeding, as when a cause, which  
45 is not between adversary parties, is entitled “In re \_\_\_\_\_”.  
46 [Black’s Law Dictionary, Sixth Edition, pp. 1304-1306]

47 The “object, subject matter, or status” they are talking about above is the ALL CAPS incarnation of your legal birth name  
48 and the government-issued number, usually an SSN, that is associated with it. Those two things constitute the “straw man”  
49 or “trust” or “res” which you implicitly agree to represent at the time you sign up for any franchise, benefit, or “public right”.  
50 When the government attacks someone for a tax liability or a debt, they don’t attack you as a private person, but rather the  
51 collection of rights that attach to the ALL CAPS trust name and associated Social Security Number trust. They start by

1 placing a lien on the number, which actually is THEIR number and not YOURS. That number associates PRIVATE property  
2 with PUBLIC TRUST property. Merriam-Webster's Dictionary definition 5(b) for "Trust" is "office":

3 *"Trust: 5a(1): a charge or duty imposed in faith or confidence or as a condition of some relationship (2):*  
4 *something committed or entrusted to one to be used or cared for in the interest of another b: responsible charge*  
5 *or office c: CARE, CUSTODY <the child committed to her trust>."*  
6 *[Merriam-Webster's 11<sup>th</sup> Collegiate Dictionary]*

7 20 C.F.R. §422.103(d) says the number is THEIR property. They can lien their property, which is public property in your  
8 temporary use and custody as a "trustee" of the "public trust". Everything that number is connected to acts as private property  
9 donated temporarily to a public use to procure the "benefits" of the franchise. It is otherwise illegal to mix public property,  
10 such as the Social Security Number, with private property, because that would constitute illegal and criminal embezzlement  
11 in violation of [18 U.S.C. §912](#).

12 *"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;'*  
13 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property for income] which a***  
14 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
15 ***to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, **that*****  
16 ***if he devotes it to a public use, he gives to the public a right to control that***  
17 ***USE; and third, that whenever the public needs require, the public may take it upon payment of due***  
18 ***compensation.***  
19 *[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]*

20 Below is how the U.S. Supreme Court describes the practical effect of creating the trust and placing its "residence" or  
21 "domicile" within the jurisdiction of the specific government or "state" granting the franchise:

22 *"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit*  
23 *or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth*  
24 *Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally***  
25 ***reciprocal duties [e.g. CONTRACTUAL DUTIES!!] of protection by the state and of allegiance and support***  
26 ***by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a***  
27 ***political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of*  
28 *the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*  
29 *[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]*

30 The implication is that you cannot be sovereign if either you or the entities you voluntarily represent have a "domicile" or  
31 "residence" in any man-made government or in any place other than Heaven or the Kingdom of Heaven on Earth. If you  
32 choose a "domicile" or "residence" any place on earth, then you become a "subject" in relation to that place and voluntarily  
33 forfeit your sovereignty. This is NOT the status you want to have! A "resident" by definition MUST therefore be within the  
34 legislative jurisdiction of the government, because the government cannot lawfully write laws that will allow them to  
35 recognize or act upon anything that is NOT within their legislative jurisdiction.

36 All law is prima facie territorial in nature, and can act only upon the territory under the exclusive control of the government  
37 or upon its franchises, contracts, and real and chattel property, which are "property" under its management and control  
38 pursuant to Article 4, Section 3, Clause 2 of the United States Constitution. The only lawful way that government laws can  
39 reach beyond the territory of the sovereign who controls them is through explicit, informed, mutual consent of the individual  
40 parties involved, and this field of law is called "private law".

41 *"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the*  
42 *law of comity must necessarily rest, the following maxims: First 'that **every nation possesses an exclusive***  
43 ***sovereignty and jurisdiction within its own territory**'; secondly, **'that no state or nation can by its laws directly***  
44 ***affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural***  
45 ***born subjects or others.**' The learned judge then adds: 'From these two maxims or propositions there follows a*  
46 *third, and that is that whatever force and obligation the laws of one country have in another depend solely upon*  
47 *the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and*  
48 *upon its own express or tacit consent.'" Story on Conflict of Laws §23."*  
49 *[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

## 50 **9.1.6 Legal presumptions about domicile**

1 It is important also to recognize that state and federal law often establishes certain rebuttable “presumptions” about one’s  
2 “residence” as an “alien”/ “resident”. Below is an example from the Arizona Revised Statutes:

3 *Arizona Revised Statutes*  
4 *Title 43: Taxation of Income*  
5 *Section 43-104 Definitions*

6 19. “Resident” includes:

7 (a) Every individual who is in this state for other than a temporary or transitory purpose.

8 (b) Every individual who is domiciled in this state and who is outside the state for a temporary or transitory  
9 purpose. Any individual who is a resident of this state continues to be a resident even though temporarily absent  
10 from the state.

11 (c) Every individual who spends in the aggregate more than nine months of the taxable year within this state shall  
12 be presumed to be a resident. **The presumption may be overcome by competent evidence that the individual is**  
13 **in the state for a temporary or transitory purpose.**

14 The above presumption is rebuttable, and the way to rebut it is to make our intentions known:

15 **“This right of domicile, he continues, is not established unless the person makes sufficiently known his**  
16 **intention of fixing there, either tacitly or by an express declaration.** *Vatt. Law Nat. pp. 92, 93.”*  
17 [*Fong Yue Ting v. United States, 149 U.S. 698 (1893)*]

18 How do we make our “intentions” known to the protector we are nominating?:

19 1. By sending the following form according to the instructions:

[Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001  
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

- 20 2. By sending the state a written notification of domicile, or a Department of Motor Vehicles change of address form. Most  
21 change of address forms have a block for indicating one’s “residence”. Line out the word “residence” and replace it with  
22 “domicile” or else you will establish yourself as a privileged alien.
- 23 3. Whenever we write a physical address on any especially government or financial institution form, next to the address we  
24 should write “This is NOT my domicile.” This is a VERY important habit to get into that will avoid all false presumptions  
25 about your legal domicile.
- 26 4. By revoking our voter registration.

27 We can also encourage other false presumptions by the government relating to our legal domicile based on the words we use  
28 to describe ourself. For instance, if we describe ourself as either a “citizen” or a “resident” or “inhabitant” on any government  
29 form, then we are declaring ourself to be a “domiciliary” in respect to the government who is accepting the form. Otherwise,  
30 we would be a “transient foreigner” outside of the jurisdiction of that government. This is further explained in the following  
31 two articles:

- 32 1. *You’re not a STATUTORY “citizen” under the Internal Revenue Code*, Family Guardian Fellowship:  
33 <http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
- 34 2. *You’re not a STATUTORY “resident” under the Internal Revenue Code*, Family Guardian Fellowship:  
35 <http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm>

36 Within federal law, persons who are “citizens”, “residents”, or “inhabitants” are described as:

37 1. “Individuals”. See 5 U.S.C. §552a(a)(2) and 26 C.F.R. §1.1441-1(c)(3).

38 [5 U.S.C. §552a\(2\) Records maintained on individuals](#)

39 (2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent  
40 residence [“resident”];

41 2. “U.S. persons”. See 26 U.S.C. §7701(a)(30).

1 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)  
2 [Sec. 7701. - Definitions](#)

3 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
4 thereof—

5  
6 (30) [United States person](#)

7 The term "United States person" means -

8 (A) a [citizen](#) or [resident](#) of the United States,

9 (B) a domestic partnership,

10 (C) a domestic [corporation](#),

11 (D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and

12 (E) any trust if -

13 (i) a court within the United States is able to exercise primary supervision over the administration of the  
14 trust, and

15 (ii) one or more United States persons have the authority to control all substantial decisions of the trust.  
16

17 3. **“domestic”**. Both “domicile” and “domestic” have the root “dom” as their source. Both imply the same thing. Within  
18 the Internal Revenue Code, “domestic” is defined as follows:

19 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)  
20 [Sec. 7701. - Definitions](#)

21 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
22 thereof—

23 (4) [Domestic](#)

24 The term “domestic” when applied to a corporation or partnership **means created or organized in the United**  
25 **States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary**  
26 **provides otherwise by regulations.**

27 Therefore, “domestic” means “subject to the laws of the United States”. Under Federal Rule of Civil Procedure 17(b),  
28 you cannot be “subject” to the laws without having a domicile in the territory where those laws apply.

29 Those who are “nonresident aliens”, “nontaxpayers” and “transient foreigners” therefore cannot declare themselves as being  
30 either “citizens”, “residents”, “inhabitants”, “U.S. persons”, “individuals”, or “domestic” on any federal government form,  
31 or they forfeit their status and become “taxpayers”, “domiciliaries”, and “subjects” and tenants living on the king’s land. For  
32 an important example of how the above concept applies, examine the IRS Form W-8BEN:

33 <http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormW8ben.pdf>

34 Block 3 is used by the applicant to declare both the entity type AND their legal domicile as well. The declaration of  
35 “domicile” is “hidden” in the word “individual”. Notice there is no block on the form for either “human being” or “transient  
36 foreigner”. The only block a human being can fill out is “individual”. [5 U.S.C. §552](#)(a)(2) identifies an “individual” as either  
37 a “citizen” or a “resident”, and a person who is a “nonresident alien” cannot be either. Therefore, the form essentially coerces  
38 the applicant into committing perjury by not providing an option to accurately describe themselves, such as a box for  
39 “transient foreigner” or “human being”. This defect is remedied in the amended version of the form available below, which  
40 adds to Block 3 an option called “transient foreigner”:

41 <http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormW8BENAmendeds.pdf>

42 The regulations relating to “[aliens](#)” also establish the following presumptions:

43 1. All “aliens” are presumed to be “nonresident aliens” but this may be overcome upon presentation of proof:

44 Title 26: Internal Revenue  
45 [PART 1—INCOME TAXES](#)  
46 [nonresident alien individuals](#)  
47 [§ 1.871-4 Proof of residence of aliens.](#)

1 (a) Rules of evidence. The following rules of evidence shall govern in determining whether or not an alien within  
2 the United States has acquired residence therein for purposes of the income tax.

3 (b) Nonresidence presumed. An alien by reason of his alienage, is presumed to be a nonresident alien.

4 (c) Presumption rebutted—

5 (1) Departing alien.

6 In the case of an alien who presents himself for determination of tax liability before departure from the United  
7 States, the presumption as to the alien's nonresidence may be overcome by proof--

- 8 2. An “alien” who has acquired permanent residence retains that residence until he physically departs from the “United  
9 States”, which is defined as federal territory in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and 4 U.S.C. §110(d) and is not  
10 expressly expanded anywhere else in the I.R.C. to include any other place. The purpose for this presumption is to  
11 perpetuate the jurisdiction to tax aliens:

12 Title 26: Internal Revenue  
13 [PART 1—INCOME TAXES](#)  
14 [nonresident alien individuals](#)  
15 [§1.871-5 Loss of residence by an alien.](#)

16 *An alien who has acquired residence in the United States retains his status as a resident until he abandons the*  
17 *same and actually departs from the United States. An intention to change his residence does not change his status*  
18 *as a resident alien to that of a nonresident alien. Thus, an alien who has acquired a residence in the United States*  
19 *is taxable as a [resident](#) for the remainder of his stay in the United States.*

20 If you are state domiciled state national and a “non-resident non-person”, don’t let the above concern you, because you are  
21 not an “alien” as defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#), but rather an “nonresident alien” as defined in [26 U.S.C.](#)  
22 [§7701\(b\)\(1\)\(B\)](#).

## 23 **9.2 Effect of domicile on citizenship and synonyms for domicile**

24 Now let’s summarize what we have just learned so far to show graphically the effect that one’s choice of domicile has on  
25 their citizenship status. Below are some authorities upon which we will base our summary and analysis.

26 “Domicile and citizen are synonymous in federal courts, *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp.  
27 981, 982; inhabitant, resident and citizen are synonymous, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d. 678,  
28 683.”  
29 [*Black’s Law Dictionary, Fourth Edition, p. 311*]

31 “The term ‘citizen’, as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is  
32 substantially synonymous with the term ‘domicile’: *Delaware, L. & W.R. Co. v. Petrowsky*, 2 Cir., 250 F. 554,  
33 557.”  
34 [*Earley v. Hershey Transit Co.*, 55 F.Supp. 981, D.C.PA. (1944)]

36 The terms “citizen” and “citizenship” are distinguishable from “resident” or “inhabitant.” *Jeffcott v. Donovan*,  
37 C.C.A.Ariz., 135 F.2d. 213, 214; and from “domicile,” *Wheeler v. Burgess*, 263 Ky. 693, 93 S.W.2d. 351, 354;  
38 *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co.*, D.C.S.C., 59 F.2d. 350,  
39 351. The words “citizen” and citizenship,” however, usually include the idea of domicile, *Delaware, L. & W.R.*  
40 *Co. v. Petrowsky*, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, *Jonesboro Trust*  
41 *Co. v. Nutt*, 118 Ark. 368, 176 S.W. 322, 324; *Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co.*,  
42 D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. *Messick v. Southern Pa. Bus*  
43 *Co.*, D.C.Pa., 59 F.Supp. 799, 800.  
44 [*Black’s Law Dictionary, Fourth Edition, p. 310*]

45 We will now present a table based on the above consistent with the entire content of the document which you can use for all  
46 future reference. The term “Domestic National” in the table below refers to a person born in any state of the Union, or in a  
47 territory or possession of the United States:

1 **Table 7: Effect of domicile on citizenship status**

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	Without the “United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	<u>IRS Form 1040NR</u> : “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-resident NON-person”
Status if DOMESTIC “national of the United States**” under 8 U.S.C. §1101(a)(22)	“national and citizen of the United States** at birth” per <a href="#">8 U.S.C. §1401</a> and “citizen of the United States**” per 8 U.S.C. §1101(a)(22)(A) if born in on federal territory. (Not required to file if physically present in the “United States” because no statute requires it)	Citizen abroad <a href="#">26 U.S.C. §911</a> (Meets presence test)	“non-resident” if born in a state of the Union <a href="#">8 U.S.C. §1408</a> , <a href="#">8 U.S.C. §1452</a> , and <a href="#">8 U.S.C. §1101(a)(22)(B)</a> if born in a possession.
Status if FOREIGN “national” pursuant to 8 U.S.C. §1101(a)(21)	“Resident alien” <a href="#">26 U.S.C. §7701(b)(1)(A)</a>	“Resident alien abroad” <a href="#">26 U.S.C. §911</a> (Meets presence test)	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government

2 **NOTES:**

- 3 1. “United States” is defined as federal territory within 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d), and  
4 4 U.S.C. §110(d). It does not include any portion of a Constitutional state of the Union.
- 5 2. The “District of Columbia” is defined as a federal corporation but not a physical place, a “body politic”, or a de jure  
6 “government” within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See: *Corporatization and*  
7 *Privatization of the Government*, Form #05.024; <http://sedm.org/Forms/FormIndex.htm>.
- 8 3. “nationals” of the United States of America who are domiciled outside of federal jurisdiction, either in a state of the  
9 Union or a foreign country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident aliens”  
10 under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) if and only if they are engaged in a public office. See sections 4.11.2 of the *Great IRS*  
11 *Hoax*, Form #11.302 for details.
- 12 4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented in  
13 IRS publications.

- 1 5. District of Columbia, Puerto Rico, and the territories and insular possessions of the United States in the above table.  
2 6. The term “individual” as used on the IRS Form 1040 means an “alien” engaged in a “trade or business”. All “taxpayers”  
3 are “aliens” engaged in a “trade or business”. This is confirmed by 26 C.F.R. §1.1441-1(c)(3), 26 C.F.R. §1.1-1(a)(2)(ii),  
4 and 5 U.S.C. §552a(a)(2). Statutory “U.S. citizens” as defined in 8 U.S.C. §1401 are not “individuals” unless temporarily  
5 abroad pursuant to 26 U.S.C. §911 and subject to an income tax treaty with a foreign country. In that capacity, statutory  
6 “U.S. citizens” interface to the I.R.C. as “aliens” rather than “U.S. citizens” through the tax treaty.

7 Based on the above table, we can see that when a person within any government identifies you as a “citizen”, they presuppose  
8 that you maintain a “domicile” within their jurisdiction. The same thing goes for the term “inhabitant”, which also describes  
9 a person with a domicile within the jurisdiction of the local government where he lives. Note the use of the phrase “reside  
10 actually and permanently in a given place and has a domicile there” in the definition of inhabitant:

11 ***“Inhabitant.** One who reside actually and permanently in a given place, and has his domicile there. Ex parte*  
12 *Shaw, 145 U.S. 444, 12 S.Ct. 935, 36 L.Ed. 768.*

13 *The words “inhabitant,” “citizen,” and “resident,” as employed in different constitutions to define the*  
14 *qualifications of electors, means substantially the same thing; and, in general, one is an inhabitant, resident, or*  
15 *citizen at the place where he has his domicile or home. But the terms “resident” and “inhabitant” have also*  
16 *been held not synonymous, the latter implying a more fixed and permanent abode than the former, and importing*  
17 *privileges and duties to which a mere resident would not be subject. A corporation can be an inhabitant only in*  
18 *the state of its incorporation. Sperry Products v. Association of American Railroads, C.C.A.N.Y., 132 F.2d. 408,*  
19 *411. See also Domicile; Residence.”*  
20 *[Black’s Law Dictionary, Sixth Edition, p. 782]*

21 The legal dictionary is careful to disguise the requirement for “domicile” in their definition of “resident”. To admit that  
22 domicile was a prerequisite for being a “resident”, they would open the door for a mass exodus of the tax system by most  
23 people, so they beat around the bush. For instance, here is the definition of “resident” from Black’s Law Dictionary:

24 ***Resident.** “Any person who occupies a dwelling within the State, has a present intent to remain within the State*  
25 *for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence*  
26 *within the State together with indicia that his presence within the State is something other than merely transitory*  
27 *in nature. The word “resident” when used as a noun means a dweller, habitant or occupant; one who resides or*  
28 *dwells in a place for a period of more, or less, duration; it signifies one having a residence, or one who resides or*  
29 *abides. Hanson v. P.A. Peterson Home Ass’n, 35 Ill.App.2d. 134, 182 N.E.2d. 237, 240.*

30 *Word “resident” has many meanings in law, largely determined by statutory context in which it is used. [Kelm v.*  
31 *Carlson, C.A. Ohio, 473 F.2d. 1267, 1271]*  
32 *[Black’s Law Dictionary, Sixth Edition, p. 1309]*

33 The Law of Nations, which is mentioned in Article 1, Section 8 of our Constitution and was used by the Founding Fathers to  
34 write the Constitution, is much more clear in its definition of “resident”, and does essentially admit a requirement for  
35 “domicile” in order for an “alien” to be classified as a “resident”:

36 *“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the*  
37 *country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so*  
38 *long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights*  
39 *of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are*  
40 *those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged*  
41 *character, and are subject to the society without enjoying all its advantages. Their children succeed to their*  
42 *status; for the right of perpetual residence given them by the State passes to their children.”*  
43 *[The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis*  
44 *added.]*

45 You can read the above yourself at:

46 <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-LawOfNations.pdf>

47 Since the only definition of “resident” found anywhere in the Internal Revenue Code or the Treasury Regulations is that of a  
48 “resident alien”, found in 26 U.S.C. §7701(b)(1)(A), then we:

- 49 1. Are not “residents” because we are not “aliens” and do not have a “domicile” in the “United States” (federal territory).  
50 Therefore, we do not have a “residence”.

- 1 2. Do not have a “residence”, because only “aliens” can have a “residence” under [26 C.F.R. §1.871-2\(a\)](#).
- 2 3. Are “[nonresident aliens](#)” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#)
- 3 4. Are “[nationals](#)” but not “[citizens](#)” under [8 U.S.C. §1101\(a\)\(21\)](#) and/or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#).
- 4 5. Are “transient foreigners”:

5 *“Transient foreigner. One who visits the country, without the intention of remaining.”*  
 6 *[Black’s Law Dictionary, Sixth Edition, p. 1498]*

7 If you want to read more about this “resident” scam, consult section 4.10 of the free [Great IRS Hoax](#), Form #11.302 book.

### 8 **9.3 Effect of domicile on CIVIL STATUTORY “status”**

9 The law of domicile is almost exclusively the means of determining one’s “civil status” under the civil statutory laws of a  
 10 given territory:

11 § 29. Status

12 *It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political*  
 13 *status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions*  
 14 *are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the ubiquity of status,*  
 15 *conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny, thus states the doctrine*  
 16 *broadly: “The civil status is governed by one single principle, namely, that of domicil, which is the criterion*  
 17 *established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the*  
 18 *party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or*  
 19 *intestacy-must depend.” Gray, C. J., in the late Massachusetts case of Ross v. Ross, speaking with special*  
 20 *reference to capacity to inherit, says: “It is a general principle that the status or condition of a person, the relation*  
 21 *in which he stands to another person, and by which he is qualified or made capable to take certain rights in that*  
 22 *other’s property, is fixed by the law of the domicil; and that this status and capacity are to be recognized and*  
 23 *upheld in every other State, so far as they are not inconsistent with its own laws and policy.”*  
 24 *[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and*  
 25 *Company, 1887, p. 89]*

26 We have already established that civil law attaches to one’s VOLUNTARY choice of civil domicile. Civil law, in turn,  
 27 enforces and thereby delivers certain “privileges” against those who are subject to it. In that sense, the civil law acts as a  
 28 voluntary franchise or “protection franchise” that is only enforceable against those who voluntarily consent to avail  
 29 themselves of its “benefits” or “protections”. Those who voluntarily and consensually avail themselves of such “benefits”  
 30 and who are therefore SUBJECT to the “protection franchise” called domicile, in turn, are treated as public officers within  
 31 the government under federal law, as is exhaustively established in the following memorandum:

[Why Statutory Civil Law is Law for Government and Not Private Persons](#), Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

32 The key thing to understand about all franchises is that the Congressionally created privileges or “public rights” they enforce  
 33 attach to specific STATUSES under them. An example of such statuses include:

- 34 1. “Person” or “individual”.
- 35 2. “Alien”
- 36 3. “Nonresident alien”
- 37 4. “Driver” under the vehicle code of your state.
- 38 5. “Spouse” under the family code of your state.
- 39 6. “Taxpayer” under the Internal Revenue Code at 26 U.S.C. §7701(a)(14).
- 40 7. “Citizen”, “resident”, or “inhabitant” under the civil laws of your state.

41 The above civil statutory statuses:

- 42 1 Are contingent for their existence on a DOMICILE in the geographical place or territory that the law applies to.  
 43 Hence, a “nonresident alien” or even “alien” civil status within the Internal Revenue Code, for instance, only applies if  
 44 one is PHYSICALLY PRESENT on federal territory or consensually domiciled there. If you are not physically on  
 45 federal territory and not domiciled there, you CANNOT be ANYTHING under the Internal Revenue Code.
- 46 2 Are TEMPORARY, because your domicile can change.

- 1 3 Extinguish when you terminate your domicile and/or your presence in that place.  
2 4 Are the very SAME “statuses” you find on ALL government forms and applications, such as voter registrations,  
3 drivers’ license applications, marriage license applications, etc. The purpose of filling out all such applications is to  
4 CONTRACT to PROCURE the status indicated on the form and have it RECOGNIZED by the government grantor  
5 who created the privileges you are pursuing under the civil law franchises that implement the form or application.

6 The ONLY way to AVOID contracting into the civil franchise if you are FORCED to fill out government forms is to:

- 7 1. Define all terms on the form in a MANDATORY attachment so as to EXCLUDE those found in any government law.  
8 Write above your signature the following:

9 *“Not valid, false, fraudulent, and perjurious unless accompanied by the SIGNED attachment entitled*  
10 *\_\_\_\_\_, consisting of \_\_\_ pages.”*

- 11 2. Indicate "All rights reserved, U.C.C. §1-308" near the signature line on the application.  
12 3. Indicate "Non assumpsit" on the application, or scribble it as your signature.  
13 4. Indicate "duress" on the form.  
14 5. Resubmit the form after the fact either in person or by mail fixing the application to indicate duress and withdraw your  
15 consent.  
16 6. Ask the government accepting the application to indicate that you are not qualified because you do not consent and  
17 consent is mandatory. Then show that denial to the person who is trying to FORCE you to apply.  
18 7. Submit a criminal complaint against the party instituting the duress to get you to apply.  
19 8. Notify the person instituting the unlawful duress that they are violating your rights and demand that they retract their  
20 demand for you to apply for something.

21 Below is an authority proving this phenomenon as explained by the U.S. Supreme Court:

22 *In Udny v. Udny (1869) L.R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the*  
23 *question whether the domicile of the father was in England or in Scotland, he being in either alternative a British*  
24 *subject. Lord Chancellor Hatherley said: ‘The question of naturalization and of allegiance is distinct from that*  
25 *of domicile.’ Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by*  
26 *saying: ‘The law of England, and of almost all civilized countries, ascribes to each individual at his birth two*  
27 *distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some*  
28 *particular country, binding him by the tie of natural allegiance, and which may be called his political status;*  
29 *another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as*  
30 *such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the*  
31 *civil status or condition of the individual, and may be quite different from his political status.’ And then, while*  
32 *maintaining that the civil status is universally governed by the single principle*  
33 *of domicile (domicilium), the criterion established by international law*  
34 *for the purpose of determining civil status, and the basis on which ‘the*  
35 *personal rights of the party—that is to say, the law which determines his*  
36 *majority or minority, his marriage, succession, testacy, or intestacy—*  
37 *must depend,’ he yet distinctly recognized that a man’s political status, his*  
38 *country (patria), and his ‘nationality,—that is, natural allegiance,—‘may*  
39 *depend on different laws in different countries.’ Pages 457, 460. He evidently*  
40 *used the word ‘citizen,’ not as equivalent to ‘subject,’ but rather to ‘inhabitant’; and had no thought of impeaching*  
41 *the established rule that all persons born under British dominion are natural-born subjects.*  
42 *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;*  
43 *SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]*

44 The protections of the Constitution and the common law, on the other hand, attach NOT to your STATUTORY status, but to  
45 the LAND you stand on at the time you receive an injury from either the GOVERNMENT or a PRIVATE human being,  
46 respectively:

47 *“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure,*  
48 *and not the status of the people who live in it.”*  
49 *[Balzac v. Porto Rico, 258 U.S. 298 (1922) ]*

50 The thing that we wish to emphasize about this important subject are the following VERY IMPORTANT facts:

1. Your STATUS under the civil STATUTORY law is exclusively determined by the exercise of your PRIVATE, UNALIENABLE right to both contract and associate, which are protected by the First Amendment to the United States Constitution.
2. The highest exercise of your right to sovereignty is the right to determine and enforce the STATUS you have CONSENSUALLY and VOLUNTARILY acquired under the civil laws of the community you are in.
3. Anyone who tries to associate a CIVIL statutory status with you absent your DEMONSTRATED, EXPRESS, WRITTEN consent is:
  - 3.1. Violating due process of law.
  - 3.2. STEALING property or rights to property from you. The “rights” or “public rights” that attach to the status are the measure of WHAT is being “stolen”.
  - 3.3. Exercising eminent domain without compensation against otherwise PRIVATE property in violation of the state constitution. The property subject to the eminent domain are all the rights that attach to the status they are FORCING upon you. YOU and ONLY YOU have the right to determine the compensation you are willing to accept in exchange for your private rights and private property.
  - 3.4. Compelling you to contract with the government that created the franchise status, because all franchises are contracts.
  - 3.5. Kidnapping your legal identity and moving it to a foreign state, if the STATUS they impute to you arises under the laws of a foreign state. This, in turn is an act of INTERNATIONAL TERRORISM in criminal violation of 18 U.S.C. §2331(1)(B)(iii).
4. All de jure government civil law is TERRITORIAL in nature and attaches ONLY to the territory upon which they have EXCLUSIVE or GENERAL jurisdiction. It does NOT attach and CANNOT attach to places where they have only SUBJECT matter jurisdiction, such as in states of the Union.

*“It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears.”*  
[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

*“The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.”*  
[Caha v. U.S., 152 U.S. 211 (1894)]

*“There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States.”*  
[U.S. v. Spelar, 338 U.S. 217 at 222.]

5. The prerequisite to having ANY statutory STATUS under the civil law of any de jure government is a DOMICILE within the EXCLUSIVE jurisdiction of the that specific government that enacted the statute.
6. You CANNOT lawfully acquire a statutory STATUS under the CIVIL laws of a foreign jurisdiction if you have either:
  - 6.1. Never physically been present within the exclusive jurisdiction of the foreign jurisdiction.
  - 6.2. Never EXPRESSLY consented to be treated as a “citizen”, “resident”, or “inhabitant” within that jurisdiction, even IF physically present there.
  - 6.3. NOT been physically present in the foreign jurisdiction LONG ENOUGH to satisfy the residency requirements of that jurisdiction.
7. Any government that tries to REMOVE the domicile prerequisite from any of the franchises it offers by any of the following means is acting in a purely private, commercial capacity using PRIVATE and not PUBLIC LAW and the statutes then devolve essentially into an act of PRIVATE contracting. Methods of acting in such a capacity include, but are not limited to the following devious methods by dishonest and criminal and treasonous public servants:
  - 7.1. Treating EVERYONE as “persons” or “individuals” under the franchise statutes, INCLUDING those outside of their territory.
  - 7.2. Saying that EVERYONE is eligible for the franchise, no matter where they PHYSICALLY are, including in places OUTSIDE of their exclusive or general jurisdiction.
  - 7.3. Waiving the domicile prerequisite as a matter of policy, even though the statutes describing it require that those who participate must be “citizens”, “residents”, or “inhabitants” in order to participate. The Social Security does this by unconstitutional FIAT, in order to illegally recruit more “taxpayers”.
8. When any so-called “government” waives the domicile prerequisite by the means described in the previous step, the following consequences are inevitable and MANDATORY:
  - 8.1. The statutes they seek to enforce are “PRIVATE LAW”.
  - 8.2. It is FRAUD to call the statutes “PUBLIC LAW” that applies equally to EVERYONE.

1 "Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme  
2 power in a state, commanding what is right and prohibiting what is wrong."

3 [ . . . ]

4 **It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding**  
5 **from us, law is a command directed to us. The language of a compact is, "I will, or will not, do this"; that of a**  
6 **law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal**  
7 **in point of conscience to that of a law; but then the original of the obligation is different. In compacts we**  
8 **ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to**  
9 **act without ourselves determining or promising anything at all. Upon these accounts law is defined to be "a**  
10 **rule."**

11 [Readings on the History and System of the Common Law, Roscoe Pound, Second Edition, 1925, p. 4]

- 12 8.3. They agree to be treated on an equal footing with every other PRIVATE business.  
13 8.4. Their franchises are on an EQUAL footing to every other type of private franchise such as McDonalds franchise  
14 agreements.  
15 8.5. They implicitly waive sovereign immunity and agree to be sued in the courts within the extraterritorial  
16 jurisdiction they are illegally operating under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV,  
17 Chapter 97. Sovereign immunity is ONLY available as a defense against DE JURE government activity in the  
18 PUBLIC interest that applies EQUALLY to any and every citizen.  
19 8.6. They may not enforce federal civil law against the party in the foreign jurisdiction that they are illegally offering  
20 the franchise in.  
21 8.7. If the foreign jurisdiction they are illegally enforcing the franchise within is subject to the constraint that the  
22 members of said community MUST be treated equally under the requirements of their constitution, then the  
23 franchise cannot make them UNEQUAL in ANY respect. This would be discrimination and violate the  
24 fundamental law.

25 Consistent with the above, below is how the U.S. Supreme Court describes attempts to enforce income taxes against  
26 NONRESIDENT parties domiciled in a legislatively foreign state, such as either a state of the Union or a foreign country:

27 **"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the**  
28 **assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding**  
29 **to the value of such property, or in the creation and maintenance of public conveniences in which he shares --**  
30 **such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the**  
31 **taxing power be in no position to render these services, or otherwise to benefit the person or property taxed,**  
32 **and such property be wholly within the taxing power of another state, to which it may be said to owe an**  
33 **allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner**  
34 **partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be**  
35 **beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v.**  
36 **Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank,**  
37 **19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago,**  
38 **166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without**  
39 **compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New**  
40 **Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v.**  
41 **Boston, 158 Mass. 509, 519."**

42 [Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]

43 An example of how the government cannot assign the statutory status of "taxpayer" upon you per 26 U.S.C. §7701(a)(14) is  
44 found in 28 U.S.C. §2201(a), which reads:

45 United States Code  
46 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
47 PART VI - PARTICULAR PROCEEDINGS  
48 CHAPTER 151 - DECLARATORY JUDGMENTS  
49 Sec. 2201. Creation of remedy

50 (a) **In a case of actual controversy within its jurisdiction, EXCEPT with respect to Federal taxes other than**  
51 **actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or**  
52 **1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a**  
53 **class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of**  
54 **1930), as determined by the administering authority, any court of the United States, upon the filing of an**  
55 **appropriate pleading, may declare the rights and other legal relations of any interested party seeking such**

1 declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and  
2 effect of a final judgment or decree and shall be reviewable as such.

3 Consistent with the federal Declaratory Judgments Act, 28 U.S.C. §2201, federal courts who have been petitioned to declare  
4 a litigant to be a “taxpayer” have declined to do so and have cited the above act as authority:

5 *Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether  
6 or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This  
7 Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions  
8 brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the  
9 instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)**  
10 (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).  
11 Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.  
12 [*Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)*]*

13 The implications of the above are that:

- 14 1. The federal courts have no lawful delegated authority to determine or declare whether you are a “taxpayer”.
- 15 2. If federal courts cannot directly declare you a “taxpayer”, then they also cannot do it indirectly by, for instance:
  - 16 2.1. Presuming that you are a “taxpayer”. This is a violation of due process of law that renders a void judgment.  
17 Presumptions are not evidence and may not serve as a SUBSTITUTE for evidence.
  - 18 2.2. Calling you a “taxpayer” before you have called yourself one.
  - 19 2.3. Arguing with or penalizing you if you rebut others from calling you a “taxpayer”.
  - 20 2.4. Quoting case law as authority relating to "taxpayers" against a "nontaxpayer". That’s FRAUD and it also violates  
21 Federal Rule of Civil Procedure 17(b).
  - 22 2.5. Quoting case law from a franchise court in the Executive rather than Judicial branch such as the U.S. Tax Court  
23 against those who are not franchisees called "taxpayers".
  - 24 2.6. Treating you as a “taxpayer” if you provide evidence to the contrary by enforcing any provision of the I.R.C.  
25 Subtitle A “taxpayer” franchise agreement against you as a “nontaxpayer”.

26 *“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national  
27 Government] and not to non-taxpayers [non-resident non-persons domiciled within the exclusive jurisdiction of  
28 a state of the Union and not subject to the exclusive jurisdiction of the national Government]. The latter are  
29 without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of  
30 their Rights or Remedies in due course of law.”  
31 [*Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)*]*

32 Authorities supporting the above include the following:

33 “It is almost unnecessary to say, that what the legislature cannot do directly, it cannot do indirectly. The stream  
34 can mount no higher than its source. The legislature cannot create corporations with illegal powers, nor grant  
35 unconstitutional powers to those already granted.”  
36 [*Gelpcke v. City of Dubuque, 68 U.S. 175, 1863 W.L. 6638 (1863)*]

37  
38 “Congress cannot do indirectly what the Constitution prohibits directly.”  
39 [*Dred Scott v. Sandford, 60 U.S. 393, 1856 W.L. 8721 (1856)*]

40  
41  
42 “In essence, the district court used attorney's fees in this case as an alternative to, or substitute for, punitive  
43 damages (which were not available). **The district court cannot do indirectly what it is prohibited from doing  
44 directly.**”  
45 [*Simpson v. Sheahan, 104 F.3d. 998, C.A.7 (Ill.) (1997)*]

46  
47  
48 “It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do  
49 directly.”  
50 [*Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)*]

51  
52  
53 “Almost half a century ago, this Court made clear that the government “may not enact a regulation providing  
54 that no Republican ... shall be appointed to federal office.” Public Workers v. Mitchell, 330 U.S. 75, 100, 67 S.Ct.  
55 556, 569, 91 L.Ed. 754 (1947). What the \*78 **First Amendment precludes the government\*\*2739 from  
56 commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at**

1 597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460  
2 (1958); see supra, at 2735."

3 [*Rutan v. Republican Party of Illinois*, 497 U.S. 62, 110 S.Ct. 2729, U.S. Ill. (1990)]

4  
5 "Similarly, numerous cases have held that governmental entities cannot do indirectly that which they cannot  
6 do directly. See \*841 *Board of County Comm'rs v. Umbehr*, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d.  
7 843 (1996) (holding that the First Amendment protects an independent contractor from termination or  
8 prevention of the automatic renewal of his at-will government contract in retaliation for exercising his freedom  
9 of speech); *El Dia, Inc. v. Rossello*, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government could not  
10 withdraw advertising from a newspaper which published articles critical of that administration because it  
11 violated clearly established First Amendment law prohibiting retaliation for the exercising of freedom of  
12 speech); *North Mississippi Communications v. Jones*, 792 F.2d. 1330, 1337 (5th Cir.1986) (same). The  
13 defendants violated clearly established Due Process and First Amendment law by boycotting the plaintiffs'  
14 business in an effort to get them removed from the college."  
15 [*Kinney v. Weaver*, 111 F.Supp.2d. 831, E.D.Tex. (2000)]

16 If you would like further evidence proving that it is a violation of your constitutional rights for the government to associate  
17 any civil status against you without your consent, see:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

#### 18 **9.4 How the corrupt government kidnaps your identity and your domicile and moves it to the federal zone or** 19 **interferes with your choice of domicile**

20 Based on the foregoing discussion, it ought to be obvious that the government doesn't want you to know any of the following  
21 facts:

- 22 1. That all civil jurisdiction originates from your choice of domicile.
- 23 2. That all income taxation is a civil liability that originates from your choice of domicile.
- 24 3. That domicile requires your consent and is the equivalent of your consent to be civilly governed as required by the  
25 Declaration of Independence.
- 26 4. That because they need your consent to choose a domicile, they can't tax or even govern you civilly without your consent.
- 27 5. That domicile is based on the coincidence of physical presence and intent/consent to permanently remain in a place.
- 28 6. That unless you choose a domicile within the jurisdiction of the government that has general jurisdiction where you live,  
29 they have no authority to institute income taxation upon you.
- 30 7. That no one can determine your domicile except you.
- 31 8. That if you don't want the protection of government, you can fire them and handle your own protection, by changing  
32 your domicile to a different place or group or government or choosing no domicile at all. This then relieves you of an  
33 obligation to pay income taxes to support the protection that you no longer want or need.

34 Therefore, governments have a vested interest in hiding the relationship of "domicile" to income taxation by removing it or  
35 at least obfuscating it in their "codes". We call this "The hide the presumption and hide the consent game."

#### 36 **9.4.1 Compelled domicile generally**

37 A number of irreconcilable conflicts of law are created by COMPELLING EVERYONE to have either a specific domicile  
38 or an earthly domicile. For instance:

- 39 1. If the First Amendment gives us a right to freely associate and also implies a right to DISASSOCIATE, how can we be  
40 compelled to associate with a "state" or the people in the locality where we live without violating the First Amendment?  
41 It may not be presumed that we moved to a place because we wanted to associate with the people there.
- 42 2. Domicile creates a duty of allegiance, according to the cite above. All allegiance MUST be voluntary. How can the  
43 state compel allegiance by compelling a person to have or to choose an earthly domicile? What gives them the right to  
44 insist that the only legitimate type of domicile is associated with a government? Why can't it be a church, a religious  
45 group, or simply an association of people who want to have their own police force or protection service separated from  
46 the state? Since the only product that government delivers is "protection", why can't people have the right to fire the  
47 government and provide their own protection with the tax money they would have paid the government?

- 1 3. When one chooses a domicile, they create a legal or contractual obligation to support a specific government, based on  
2 the above. By compelling everyone to choose an earthly domicile whose object is a specific government or state, isn't  
3 the state interfering with our right to contract by compelling us to contract with a specific government for our protection?  
4 The Constitution, Article 1, Section 10 says no state shall make any law impairing the obligation of contracts. Implicit  
5 in this right to contract is the right NOT to contract. Every right implies the opposite right. Therefore, how can everyone  
6 be compelled to have a domicile without violating their right to contract?  
7 4. The U.S. Supreme Court also held that income taxation based on domicile is "quasi-contractual" in nature.

8 *"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and*  
9 *we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce*  
10 *it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct.*

11 *1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay***  
12 ***taxes is not penal. It is a statutory liability, quasi contractual in***  
13 ***nature, enforceable, if there is no exclusive statutory remedy,***  
14 ***in the civil courts by the common-law action of debt or***  
15 ***indebitatus assumpsit.** *United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v.*  
16 *United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see*  
17 *Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule*  
18 *established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's*  
19 *Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton,*  
20 *Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. \_\_\_, 2 Ans.Rep. 558; see Comyn's Digest*  
21 *(Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. "*  
22 *[Milwaukee v. White, 296 U.S. 268 (1935)]**

23 The "quasi-contract" they are referring to above is your voluntary choice of "domicile", no doubt. How can they compel  
24 such a contract if the person who is the object of the compulsion refuses to "do business" with the state and also refuses  
25 to avail themselves of any of the benefits of membership in said state? Wouldn't that amount to slavery, involuntary  
26 servitude, and violate the Thirteenth Amendment prohibition against involuntary servitude?

27 Do you see how subtle this domicile thing is? It's a very sneaky way to draw you into the world system and force you to  
28 adopt and comply with earthly laws and a government that are hostile towards and foreign to God's laws. All of the above  
29 deceptions and ruses are designed to keep you enslaved and entrapped to support a government that does nothing for you and  
30 which you may even want to abandon or disassociate with.

31 We allege that whenever anyone from a state or federal government, or acting as an agent of same such as a "withholding  
32 agent", compels you to either have a specific domicile in a specific place or PRESUMES you have a domicile without  
33 producing evidence of consent on the record to that specific domicile then they are:

- 34 1. "purposefully availing themselves" of commerce within OUR jurisdiction.  
35 2. STEALING, where the thing being STOLEN are the public rights associated with the statutory civil "status" they are  
36 presuming we have but never expressly consented to have. You ought to specify in advance the PRICE or COST of  
37 the things stolen as being TWICE what they want to collect from you. This is Biblical. See Exodus 22:7.  
38 3. Engaging in criminal identity theft, because the civil status is associated with a domicile in a place we are not  
39 physically in and do not consent to a civil domicile in.  
40 4. Waiving official, judicial, and sovereign immunity.  
41 5. Acting in a private and personal capacity beyond the statutory jurisdiction of their government employer.  
42 6. Compelling us to contract with the state under the civil statutory "social compact".  
43 7. Interfering with our First Amendment right to freely and civilly DISASSOCIATE with the state.  
44 8. Engaged in a constitutional tort.

45 You should insist on the above terms on any form you fill out and submit to the government that has a block for "residence",  
46 "permanent address", or "domicile".

#### 47 **9.4.2 Domicile on government forms**

48 You should view every opportunity to complete a government form or any form that indicates a "domicile", "residence", or  
49 "permanent address" as:

1. A waiver of sovereign immunity under 28 U.S.C. §1603(b)(3) and 28 U.S.C. §1605(b)(2).
2. A change in status from "foreign" to "domestic" in relation to the government that created the form.
3. An agreement to become a "customer" of government protection called a "citizen", "resident", and/or "inhabitant" within a specific jurisdiction.
4. The conveyance of "consent to be governed" as the Declaration of Independence indicates.
5. An attempt to nominate a protector and delegate to them the authority to supervise and even penalize your activities under the authority of the civil law.
6. An agreement to pay for the protection of the specific government you have nominated to protect you.
7. A voluntary attempt on your part to surrender rights recognized in the Constitution in exchange for privileges and "benefits" under a franchise agreement and to change your status from a "transient foreigner" to a "person" subject to federal statutes. The most privileged status you can be in is to be a resident alien participating in federal franchises. The Declaration of Independence says that rights protected by the Constitution are "unalienable", meaning that they CAN'T be sold, transferred, or bargained away in relation to any government by any commercial process, including a government franchise or application. Therefore, you are recognizing that the grantor of the benefit is not a government, but a private corporation.
8. An attempt to destroy equal protection mandated by the Constitution and make a specific government your "parents patriae", or government parent.

In short, anyone who asks you to fill out a government form or indicate a "domicile", "residence", or "permanent address" on their own private form is asking you the following question:

*"Who's your daddy and where does he live? We want to notify him that you have selected him as your protector and agreed to become liable to subsidize his protection racket and his supervision of your otherwise private affairs. We don't trust you so we want you to agree to sign this protection contract, nominate a protector, and agree to become his privileged employee or officer so he will ensure you won't become a burden, bother, or injury to us."*

There are several ways that you are often deceived into inadvertently declaring a domicile on federal territory on government forms.

1. By declaring that you maintain a domicile or live in the "United States", which is defined as federal territory and excludes states of the Union pursuant to [26 U.S.C. §7701\(a\)\(9\)](#) and [\(a\)\(10\)](#). This is done by filling out anything in the block labeled "permanent address" or "residence" and indicating anything in that block other than the de jure republic you were born within or the Kingdom of Heaven on Earth.

[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. \[Internal Revenue Code\]](#)  
[Sec. 7701. - Definitions](#)

*(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—*

*(9) United States*

*The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.*

*(10) State*

*The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.*

2. By filling out a government form and indicating that you are a statutory "U.S. citizen" pursuant to [8 U.S.C. §1401](#) or "resident" or "permanent resident" pursuant to [26 U.S.C. §7701\(b\)\(4\)\(B\)](#). All such persons have a legal domicile on federal territory. Collectively, these people are called "U.S. persons" pursuant to [26 U.S.C. §7701\(a\)\(30\)](#).
3. By filling out a form that presumes you are a "U.S. person", such as IRS Form 1040. That form is ONLY for use by "U.S. persons" pursuant to [26 U.S.C. §7701\(a\)\(30\)](#) who have a legal domicile on federal territory. If you are not domiciled on federal territory, the only correct form to use is the IRS Form 1040NR. Even the 1040NR is a statutory

1 “taxpayer” form and therefore needs either modification or an attachment to clarify that it is being submitted by a  
2 NONTAXPAYER.

3 **1040A 11327A Each**  
4 **U.S. Individual Income Tax Return**

5 Annual income **tax return filed by citizens and residents of the United States**. There are separate instructions  
6 available for this item. The catalog number for the instructions is 12088U.

7 W:CAR:MP:FP:F:I Tax Form or Instructions  
8 /IRS Published Products Catalog (2003), Document 7130, p. F-15;  
9 SOURCE: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSDoc7130.pdf/>

- 10 4. **By requesting or using a Social Security Number on any government form**. Social Security Numbers can only lawfully  
11 be issued to persons with a legal domicile on federal territory. 20 C.F.R. §422.104 says the number can only be issued  
12 to statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#) or statutory “permanent residents”, both of whom have in common  
13 a domicile on federal territory.

14 [26 C.F.R. § 301.6109-1\(g\)](#)

15 (g) *Special rules for taxpayer identifying numbers issued to foreign persons—*

16 (1) *General rule—*

17 (i) *Social security number. **A social security number is generally identified in the records and database of the***  
18 ***Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual.*** A person may  
19 establish a different status for the number by providing proof of foreign status with the Internal Revenue Service  
20 under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal  
21 Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal  
22 Revenue Service will assign this status to the individual's social security number.

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24 TITLE 20--EMPLOYEES' BENEFITS  
25 CHAPTER III--SOCIAL SECURITY ADMINISTRATION  
26 PART 422 ORGANIZATION AND PROCEDURES--Table of Contents  
27 Subpart B General Procedures  
28 Sec. 422.104 Who can be assigned a social security number.

29 (a) **Persons eligible for SSN assignment.**

30 We can assign you a social security number if you meet the evidence requirements in Sec. 422.107 and you are:

31 (1) **A United States citizen;** or

32 (2) **An alien lawfully admitted to the United States for permanent residence** or under other authority of law  
33 permitting you to work in the United States (Sec. 422.105 describes how we determine if a nonimmigrant alien is  
34 permitted to work in the United States); or  
35  
36

- 37 5. **By requesting or using a Taxpayer Identification Number on any government form, you create a presumption that you**  
38 **are engaged in the “trade or business” franchise and are a “resident” of federal territory**. The only people who need them  
39 are “taxpayers” who are engaged in a “trade or business”/“public office” in the District of Columbia and therefore  
40 partaking of federal franchises. All such persons have an effective domicile in the District of Columbia because they are  
41 representing a federal corporation, the “United States” pursuant to 28 U.S.C. §3002(15)(A) and are officers of that  
42 corporation. 26 U.S.C. §7701(a)(39), 26 U.S.C. §7408(d), and Federal Rule of Civil Procedure 17(b) all place their  
43 effective domicile in the District of Columbia and not within the place they physically occupy by virtue of the fact that  
44 they are acting in a representative capacity as a “public officer”.

45 [26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

46 A domestic corporation is one organized or created in the United States, including only the States (and during  
47 the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the  
48 law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A  
49 domestic corporation is a resident corporation even though it does no business and owns no property in the  
50 United States. **A foreign corporation engaged in trade or business within the United States is referred to in the**  
51 **regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade**  
52 **or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or  
53 business within the United States is referred to in the regulations in this chapter as a resident partnership, and a  
54 partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a**

partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

We will now spend the rest of the section talking about how to avoid the problem described in item 1 above. There are many occasions on government forms, and especially tax forms, where we will be asked if we are “residents” and what our “residence” is and we must be very careful what we put on these forms. If a “residence” must be established on a government form for any reason, the safest way to handle this situation as a Christian is as follows:

1. Line out the word “residence” and replace it with “domicile”.
2. In the block declaring “residence” or “permanent address”, put one of the following:
  - 2.1. “Kingdom of Heaven on Earth (not within any man-made government)”.
  - 2.2. A geographical place that has no owner and no government, such as the middle of the ocean.
3. At the end of the address line put in parenthesis: “Not a domicile or residence.”
4. If they ask you if you are a “resident”, simply say “NO”.
5. Put a note at the bottom saying:

“See and rebut the following web address for details, if you disagree:

<http://famguardian.org/TaxFreedom/Forms/Emancipation/ChangeOfAddressAttachment.htm> “

A person who does all the above is what we call “civilly dead”. The status of being “civilly dead” is the only proper status for a devout Christian, and it is thoroughly described in:

Delegation of Authority Order from God to Christians, Form #13.007, Section 3.7

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/SelfFamilyChurchGovnce/DeOfAuthority.pdf>

Any location of “residence” other than “Kingdom of Heaven on Earth” or a place not within the jurisdiction of any man-made government, however, will prejudice your rights, violate the Bible, and result in idolatry towards man/government. In fact, we believe the word “residence” and “resident” were invented by the legal profession as a way to separate intent from the word “domicile” so that people would no longer have a choice of their legal home. Christians should be very wary of this devious legal trap and avoid it as indicated above.

“And have no fellowship with the unfruitful works of darkness, but rather expose [rebuke] them.”

[Eph. 5:11, Bible]

There are also BIG advantages to declaring our domicile as being outside of federal jurisdiction in either the Kingdom of Heaven on Earth or a state of the Union, which is legislatively but not Constitutionally foreign in relation to the federal government. For instance, one's domicile determines the rules of decision of every court in which a person is sued. Below is an excerpt from the Federal Rule of Civil Procedure 17(b) which proves this:

IV. PARTIES > Rule 17.

Rule 17. Parties Plaintiff and Defendant; Capacity

(b) *Capacity to Sue or be Sued.*

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

(2) for a corporation, by the law under which it was organized; and

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

The above may not seem like a big deal, until you consider that if a person declares “heaven” as their domicile, then the court has to use God's laws in the Holy Bible as the only rules of decision! They cannot quote ANY federal statute or even court

1 ruling as authority for what they are doing. The only thing they can apply is God's law and the rulings of ecclesiastical courts  
2 on the subject. We would LOVE to see this in a tax trial. The government would get CREAMED! This tactic is what we  
3 affectionately call "courtroom evangelism". In the case of Christians, the Common Law is the nearest equivalent of God's  
4 law and that is the ONLY thing we can allow ourselves to be protected by as a devout Christian. Statutory law, on the other  
5 hand, is only law for GOVERNMENT actors and not private persons:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

6 Below is an example of how to fill out a Change of Address for the state of California to remove any presumptions about  
7 "residence". If you don't do this, the state will essentially legally "presume" that you are an "alien", a "resident", and a  
8 "taxpayer", and this will grossly prejudice your Constitutional rights:

<http://famguardian.org/TaxFreedom/Forms/Emancipation/ChangeOfAddressAttachment.htm>

10 A number of legal factors are used in determining one's domicile. The following facts and circumstances, although not  
11 necessarily conclusive, have probative value to support a claim of domicile within a particular state:

- 12 1. Continuous presence in the state.
- 13 2. Payment of ad valorem (property) taxes.
- 14 3. Payment of personal income taxes.
- 15 4. Reliance upon state sources for financial support.
- 16 5. Domicile in the state of family, or other relatives, or persons legally responsible for the person.
- 17 6. Former domicile in the state and maintenance of significant connections therein while absent.
- 18 7. Ownership of a home or real property.
- 19 8. Admission to a licensed practicing profession in the state.
- 20 9. Long term military commitments in the state.
- 21 10. Commitments to further education in the state indicating an intent to stay here permanently.
- 22 11. Acceptance of an offer of permanent employment in the state.
- 23 12. Location of spouse's employment, if any.
- 24 13. Address of student listed on selective service (draft or reserves) registration.

25 Other factors indicating an intent to make a state one's domicile may be considered. Normally, the following circumstances  
26 do not constitute evidence of domicile sufficient to effect classification as a domiciliary:

- 27 1. Voting or registration for voting.
- 28 2. The lease of living quarters.
- 29 3. A statement of intention to acquire a domicile in state.
- 30 4. Automobile registration; address on driver's license; payment of automobile taxes.
- 31 5. Location of bank or saving accounts.

32 To conclude this section, you may wish to look at a few of the government's forms that effectively ask you what your  
33 "domicile" is, so you can see what we are talking about in this section. Before we do, we must emphasize that in some cases,  
34 the version of a form we choose to file, even if it says nothing on the form about domicile, may determine our "residence"!  
35 This is VERY important. For instance, if we file a 1040NR form, we are claiming that we are not a "resident alien" and that  
36 we do not maintain a domicile in the "United States" (federal territory). Whereas, if we file a 1040 form, we are claiming  
37 that we are either a "resident" with a domicile in the "United States" (federal territory), or are a "U.S. citizen" who is described  
38 as a "alien" coming under a tax treaty with the United States if we attach a form 2555 to the 1040 form. Also keep in mind  
39 that only a "resident" can have a "residence", and that all "residents" are aliens under the tax code, as far as we understand  
40 it. This is confirmed by our quote of [26 C.F.R. §1.871-2](#) earlier in this section, which you may want to go back and read.  
41 With these important considerations, below are a few of the forms that determine our "domicile":

42

**Table 8: Example forms that determine domicile**

#	Issuing agency	Form number	Form name	"Domicile"	Blocks that determine domicile	Amplification
1	IRS	<a href="#">1040</a> , 1040EZ, 1040A	U.S. Individual Income Tax Return	"United States" (federal territory)	None. Just filing the form does this.	
2	IRS	<a href="#">1040NR</a>	U.S. Nonresident Alien Income Tax Return	State of the Union or foreign country	None. Just filing the form does this.	
3	IRS	<a href="#">2555</a>	Foreign Earned Income Exclusion	Abroad (foreign country)	None. Just filing the form does this.	
4	IRS	<a href="#">W-8BEN</a>		Place indicated in Block 4	Block 4: "Permanent address"	Make sure you put "Heaven" here!
5	Dept. of State	<a href="#">DS-11</a>	Application for U.S. Passport or Registration	Place indicated in Block 13.	Block 13: "Permanent address"	Make sure you put "Heaven" here!
6	States	Change of address	<u>Example:</u> <a href="#">California DMV Form DMV-14</a>	Place indicated in "New Correct Residence Address"	"New Correct residence address"	Make sure you put "Heaven" here!
7	States	Voter registration	Voter registration	State where filed		
8	States	Driver's license application	Driver's license application	State where filed (some states, not all)		In Oregon, you declare yourself to be a "resident" just by getting a state Driver's License. However, not all states do this.

Items 4 and 5 above are noteworthy, because they mention the phrase "Permanent address". Why do they use the phrase "permanent"? Because they want to DECEIVE you into thinking that you can't revoke or withdraw your request to be protected and are therefore FORCED to keep subsidizing them to protect you without your continuing consent. That way, they are the only ones who can unilaterally terminate the CONTRACTUAL protection arrangement. SCAM!

When you fill out government forms to reflect a domicile that is in the Kingdom of Heaven on Earth, some ignorant or wicked or atheist clerks may decide to argue with you. Below are the three most popular arguments you will hear, which are each accompanied by tactics that are useful in opposing them:

1. If you submit the government form to a private company or organization, they may say that they have an unofficial "policy" of not accepting such forms. In response to such tactics, find another company that will accept it. If all companies won't accept it, then sue the companies for discrimination and violation of First Amendment rights.
2. They may say that "domicile" is based on a physical place and that Heaven is not a physical place. In response to this, we must remember that the [First Amendment](#) prevents the government from "establishing a religion". Because of this prohibition, the government can't even "define" what a religion is:

*A problem common to both religion clauses of the First Amendment is the dilemma of defining religion. To define religion is in a sense to establish it--those beliefs that are included enjoy a preferred constitutional status. For those left out of the definition, the definition may prove coercive. Indeed, it is in this latter context, which roughly approximates the area covered by the free exercise clause, where the cases and discussion of the meaning of religion have primarily centered. Professor Kent Greeawalt challenges the effort, and all efforts, to define religion: "No specification of essential conditions will capture all and only the benefits, practices, and organizations that are regarded as religious in modern culture and should be treated as such under the Constitution."*

[[First Amendment Law](#), Barron-Dienes, West Publishing, ISBN 0-314-22677-X, p. 432]

To even define what "Heaven" is or to say that it doesn't physically exist is effectively to establish a religion. In order to determine that "Heaven" is not a physical place, they would be violating the separation of church and state and infringing upon your [First Amendment](#) right to practice your religion.

3. They may say that no place can qualify as a domicile that you didn't occupy at one point or another. When they do this, the proper response is to say that they are interfering with your [First Amendment](#) religious rights and then to quote them the following scriptures, which suggest that we had an existence in Heaven before we ever came to earth and before time began:

1 "But God, who is rich in mercy, because of His great love with which He loved us, even when we were dead in  
2 trespasses, made us alive together with Christ (by grace you have been saved), and raised us up together, and  
3 made us sit together in the heavenly places in Christ Jesus, "  
4 [[Eph. 2:4-6](#), Bible, NKJV]  
5

6 "Before I formed you in the womb I knew you;  
7 Before you were born I sanctified you;  
8 I ordained you a prophet to the nations."  
9 [[Jeremiah 1:5](#), Bible, NKJV]  
10

11 "Therefore do not be ashamed of the testimony of our Lord, nor of me His prisoner, but share with me in the  
12 sufferings for the gospel according to the power of God, who has saved us and called us with a holy calling, not  
13 according to our works, but according to His own purpose and grace which was given to us in Christ Jesus before  
14 [earthly] time began, "  
15 [[2 Tim. 1:8-9](#), Bible, NKJV]  
16

17 "For we are His workmanship, created in Christ Jesus for good works, which God prepared beforehand that  
18 we should walk in them."  
19 [[Eph. 2:10](#), Bible, NKJV]  
20

21 I will praise You, for I am fearfully and wonderfully made;  
22 Marvelous are Your works,  
23 And that my soul knows very well.  
24 My frame was not hidden from You,  
25 When I was made in secret,  
26 And skillfully wrought in the lowest parts of the earth.  
27 Your eyes saw my substance, being yet unformed.  
28 And in Your book they all were written,  
29 The [earthly] days fashioned for me,  
30 When as yet there were none of them.  
31 How precious also are Your thoughts to me, O God!  
32 How great is the sum of them!  
33 [[Psalm 139:14-17](#), Bible, NKJV]

34 Another approach that is useful against this tactic is to point out that the federal courts have ruled that:

35 "Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and beyond  
36 his control, he may be relieved of the consequences attendant on domicile at that place. In *Roboz* (USDC D.C.  
37 1963) [*Roboz v. Kennedy*, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved which precluded  
38 the return of an alien's property if he was found to be domiciled in Hungary prior to a certain date. It was found  
39 that Hungary was Nazi-controlled at the time in question and that the persons involved would have left Hungary  
40 (and lost domicile there) had they been able to. Since they had been precluded from leaving because of the  
41 political privations imposed by the very government they wanted to escape (the father was in prison there), the  
42 court would not hold them to have lost their property based on a domicile that circumstances beyond their control  
43 forced them to retain."  
44 [*Conflicts in a Nutshell*, Third Edition, David D. Siegel and Patrick J. Borchers, West Publishing, 2005, p. 24]

45 We should always remember that we never chose to come here to earth, and our presence is involuntary. Therefore,  
46 everything we do while here is a matter of compulsion rather than true choice. This subject is covered more thoroughly  
47 in sections 4.12.6 through 4.12.6.4 of the Great IRS Hoax, Form #11.302 if you wish to investigate. Therefore, we can  
48 be relieved of the consequences attendant to domicile if we do not wish to have one here.

49 If all the above arguments are ineffective or when the government refuses to recognize your choice of Heaven as a domicile,  
50 remember also that the First Amendment STILL prevents them from compelling you to associate with any group, including  
51 a state, and that they can't compel you to belong to or consent to any earthly government or law, to accept or pay for protection  
52 you don't want and don't need, and which you can even prove is harmful to you. In effect, they cannot violate the very reason  
53 for their establishment, which is protecting you the way YOU, not THEM want to be protected.

#### 54 9.4.3 How the tax code compels choice of domicile

1 The government has compelled domicile or interfered with receiving the benefits of your choice by any of the following  
2 means:

- 3 1. Nowhere in Internal Revenue Code is the word “domicile” admitted to be the source of the government’s jurisdiction to  
4 impose an income tax, even though the U.S. Supreme Court admitted this in *Miller Brothers Co. v. Maryland*, [347 U.S.](#)  
5 [340](#) (1954). The word “domicile”, in fact, is only used in two sections of the entire 9,500 page Internal Revenue Code,  
6 Title 26. This is no accident, but a very devious way for the government to avoid getting into arguments with persons  
7 who it is accusing of being “taxpayers”. It avoids these arguments by avoiding showing Americans the easiest way to  
8 challenge federal jurisdiction, which is demanding proof from the government required by 5 U.S.C. §556(d), who is the  
9 moving party, that you maintain a domicile in the “United States” (federal territory). The two sections below are the  
10 only places where domicile is mentioned:
  - 11 1.1. 26 U.S.C. §7448(j)(1)(B)(vi): Annuities to surviving spouses and dependent children of judges.
  - 12 1.2. 26 U.S.C. §6091: Defines where returns shall be submitted in the case of deceased “taxpayers”, which is the  
13 “domicile” of the decedent when he died.
- 14 2. They renamed the word “domicile” on government tax forms. They did this so that income taxation “appears” to be  
15 based entirely on physical presence, when in fact it also requires voluntary consent as well. If you knew that the  
16 government needed your consent to become a “taxpayer”, then probably everyone would “un-volunteer” and the  
17 government would be left scraping for pennies. Below are some examples of other names they gave to “domicile”:
  - 18 2.1. “permanent address”
  - 19 2.2. “permanent residence”
  - 20 2.3. “residence”: defined above, and only applying to “nonresident aliens”. There is no definition of “residence”  
21 anywhere in the I.R.C. in the case of a “citizen”. Below is how *Volume 28 of the Corpus Juris Secundum (C.J.S.)*  
22 Legal Encyclopedia, Domicile, describes the distinction between “residence” and “domicile”:  
23

24 *Corpus Juris Secundum*  
25 §4 Domicile and Residence Distinguished

26 *b. Use of Terms in Statutes*

27 *The terms “domicile” and “residence,” as used in statutes, are commonly, although not necessarily, construed*  
28 *as synonymous. Whether the term “residence,” as used in a statute, will be construed as having the meaning of*  
29 *“domicile,” or the term “domicile” construed as “residence,” depends on the purpose of the statute and the*  
30 *nature of the subject matter, as well as the context in which the term is used. 32 It has been declared that the*  
31 *terms “residence” and “domicile” are almost universally used interchangeably in statute, and that since domicile*  
32 *and legal residence are synonymous, the statutory rules for determining the place of residence are the rules for*  
33 *determining domicile.34 However, it has been held that “residence,” when used in statutes, is generally*  
34 *interpreted by the courts as meaning “domicile,” but with important exception.*

35 *Accordingly, whenever the terms “residence” and “domicile” are used in connection with subjects of domestic*  
36 *policy, the terms are equivalent, as they also are, generally, where a statute prescribes residence as a*  
37 *qualification for the enjoyment of a privilege or the exercise of a franchise. “Residence” as used in various*  
38 *particular statutes has been considered synonymous with “domicile.” 39 However, the terms are not necessarily*  
39 *synonymous.40*  
40 [\[28 Corpus Juris Secundum \(C.J.S.\), Domicile, §4 Domicile and Resident Distinguished \(2003\)\]](#)

- 41
- 42 3. By telling you that you MUST have a “domicile”. For instance, the *Volume 28 of the Corpus Juris Secundum (C.J.S.)*  
43 section on “Domicile” says the following on this subject:  
44

45 *Corpus Juris Secundum*  
46 §5 Necessity and Number

47 *“It is a settled principle that every person must have a domicile somewhere.3 The law permits no individual to*  
48 *be without a domicile,42 and an individual is never without a domicile somewhere.13 Domicile is a continuing*  
49 *thing, and from the moment a person is born he must, at all times, have a domicile .”*  
50 [\[28 Corpus Juris Secundum \(C.J.S.\), Domicile, §5 Necessity and Number \(2003\)\]](#)  
51

52

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53 *Corpus Juris Secundum*  
54 §9 Domicile by Operation of Law

55 *“Whenever a person does not fix a domicile for himself, the law will fix one for him in accordance with the facts*  
56 *and circumstances of the case; 12 and an infant's domicile will be fixed by operation of law where it cannot be*  
57 *determined from that of the parents.73”*  
58 [\[28 Corpus Juris Secundum \(C.J.S.\), Domicile, §9 Domicile by Operation of Law \(2003\)\]](#)  
59  
60  
61

1 The above requirement can and does apply ONLY to civil statutory “persons” and the choice to become such a “person”  
2 is voluntary or else it would violate the First Amendment right of freedom from compelled association. Also note that  
3 such “persons” are all public officers. Indirectly, what they are also suggesting in the above by FORCING you to have  
4 a domicile is that:

5 3.1. You cannot choose God as your sole CIVIL Protector, but MUST have an earthly protector who cannot be yourself.

6 3.2. Although the First Amendment gives you the right to freely associate, it does not give you the right to CIVILLY  
7 disassociate with ALL governments. This is an absurdity.

8 3.3. Government has a monopoly on CIVIL protection and that individuals are not allowed to fire the government and  
9 provide their own protection, either individually or collectively.

10 4. By inventing new words that allow them to avoid mentioning “domicile” in their vague “codes” while giving you the  
11 impression that an obligation exists that actually is consensual. For instance, in [26 U.S.C. §911](#) is the section of the  
12 I.R.C. entitled “Citizens or residents of the United States living abroad”. This section identifies the income tax liabilities  
13 of persons domiciled in the “United States” (federal zone) who are living temporarily abroad. We showed earlier that if  
14 they have a domicile abroad, then they cannot be either “citizens” or “residents” under the I.R.C., because domicile is a  
15 prerequisite for being either. In that section, they very deceptively:

16 4.1. Use the word “abode” in [26 U.S.C. §911](#)(d)(3) to describe one’s domicile so as to remove the requirement for  
17 “intent” and “consent” from consideration of the subject, even though they have no authority to ignore this  
18 requirement for consent in the case of anything but an “alien”.

19 4.2. Don’t even use the word “domicile” at all, and refuse to acknowledge that what “citizens” or “residents” both have  
20 in common is a “domicile” within the United States. They did this to preserve the illusion that even after one  
21 changes their domicile to a foreign country while abroad, the federal tax liability continues, when in fact, it legally  
22 is not required to. After domicile is changed, those Americans who changed it while abroad then are no longer  
23 called “citizens” under federal law, but rather “nationals” and “non-resident non-persons”. If they are engaged in  
24 a public office, they also become statutory “nonresident aliens”.

25 4.3. They invented a new word called a “tax home”, as if it were a substitute for “domicile”, when in fact it is not. A  
26 “tax home” is defined in [26 U.S.C. §911](#) as a place where a person who has a temporary presence abroad treats  
27 himself or herself as a privileged “resident” in the foreign country but still also maintains a privileged “resident”  
28 and “domicile” status in the “United States”.

29 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART III > Subpart B > § 911](#)  
30 [§ 911. Citizens or residents of the United States living abroad](#)

31 (d) Definitions and special rules For purposes of this section—

32 (3) Tax home

33 The term “**tax home**” means, with respect to any individual, such individual’s home for purposes of section 162  
34 (a)(2) (relating to traveling expenses while away from home). **An individual shall not be treated as having a tax**  
35 **home in a foreign country for any period for which his abode [domicile] is within the United States [federal**  
36 **zone].**

37  
38 The only way the government can maintain your status as a “taxpayer” is to perpetuate you in a “privileged” state,  
39 so they simply don’t offer any options to leave the privileged state by refusing to admit to you that the terms “citizen”  
40 and “resident” presume you made a voluntary choice of domicile within their exclusive jurisdiction on federal  
41 territory. I.R.C. section 162 mentioned above is the section for privileged deductions, and the only persons who can  
42 take deductions are those engaged in the privileged “trade or business” excise taxable franchise. Therefore, the only  
43 person who would derive any benefit from deductions is a person with a domicile in the “United States” (federal  
44 territory) and who has earnings from that place which are connected with a “trade or business”, which means U.S.  
45 government (corporation) source income as a “public officer”.

#### 46 **9.4.4 How the Legal Encyclopedia compels choice of domicile**

47 Even the legal encyclopedia tries to hide the nature of domicile. For instance, Volume 28 of the Corpus Juris Secundum  
48 (C.J.S.) at:

49 <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>

1 which we quoted in the previous section does not even mention the requirement for “allegiance” as part of domicile or the  
2 fact that allegiance must be voluntary and not compelled, even though the U.S. Supreme Court said this was an essential part  
3 of it:

4 *“Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence*  
5 *creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The*  
6 *later obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.”*  
7 *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

8 The legal encyclopedia in the above deliberately and maliciously omits mention of any of the following key concepts, even  
9 though the U.S. Supreme Court has acknowledged elements of them as we have shown:

- 10 1. That allegiance that is the foundation of domicile must be voluntary and cannot be coerced.
- 11 2. That external factors such as the withdrawal of one’s right to conduct commerce for failure to give allegiance causes  
12 domicile choice to no longer be voluntary.
- 13 3. That a choice of domicile constitutes an exercise of your First Amendment right of freedom of association and that a  
14 failure to associate with a specific government is an exercise of your right of freedom from compelled association.
- 15 4. That you retain all your constitutional rights even WITHOUT choosing a domicile within a specific government because  
16 rights attach to the land you are standing on and not the civil status you choose by exercising your right to associate and  
17 becoming a member of a “state” or municipality.

18 The result of maliciously refusing to acknowledge the above concepts is a failure to acknowledge the foundation of all just  
19 authority of every government on earth, which is the consent of the governed mentioned in our Declaration of Independence.

20 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
21 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
22 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the*  
23 *governed. --That whenever any Form of Government becomes destructive of these ends, it is the Right of the*  
24 *People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and*  
25 *organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”*  
26 *[Declaration of Independence]*

27 A failure to acknowledge that requirement results in a complete destruction of the sovereignty of the people, because the  
28 basis of all your sovereignty is that no one can do anything to you without your consent, unless you injured the equal rights  
29 of others. This concept is exhaustively described in the following document:

[Requirement for Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

#### 30 **9.4.5 How governments compel choice of domicile: Government ID**

31 In order to do business within any jurisdiction, and especially with the government and financial institutions, one usually  
32 needs identification documents. Such documents include:

- 33 1. State driver’s license. Issued by the Dept. of Motor Vehicles in your state.
- 34 2. State ID card. Issued by the Dept. of Motor Vehicles in your state.
- 35 3. Permanent resident green card.
- 36 4. National passport. Issued by the U.S. Dept. of State.
- 37 5. U.S. Citizen Card. Issued by the Dept. of State. These are typically used at border crossings.

38 All ID issued by the state governments, and especially the driver’s license, requires that the applicant be a “resident” of the  
39 “State of \_\_\_\_”. If you look up the definition of “resident” and “State of” or “State” or “in this State” within the state tax  
40 code, these terms are defined to mean a privileged alien with a domicile on federal territory not protected by the Constitution.

41 USA passports also require that you provide a domicile. The Department of State Form DS-11 in Block 17 requires you to  
42 specify a “Permanent Address”, which means domicile. See:

<http://famguardian.org/Subjects/Taxes/Citizenship/DOS-DS11-20080320.pdf>

1 Domicile within the country is not necessary in order to be issued a national passport. All you need is proof of birth within  
2 that country. If you would like tips on how to obtain a national passport without a domicile within a state and without  
3 government issued identifying numbers that connect you to franchises, see:

[How to Apply for a Passport as a "state national", Form #09.007](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

4 State ID, however, always requires domicile within the state in order to be issued either a state driver's license or a state ID.  
5 Consequently, there is no way to avoid becoming privileged if you want state ID. This situation would seem at first to be a  
6 liability until you also consider that they can't lawfully issue a driver's license to non-residents. Imagine going down to the  
7 DMV and telling them that you are physically on state land but do not choose a domicile here and that you can't be compelled  
8 to and that you would like for them to certify that you came in to request a license and that you were refused and don't qualify.  
9 Then you can show that piece of paper called a "Letter of Disqualification" to the next police officer who stops you and asks  
10 you for a license. Imagine having the following dialog with the police officer when you get stopped:

11 *Officer: May I see your license and registration please?*

12 *You: I'm sorry, officer, but I went down to the DMV to request a license and they told me that I don't qualify*  
13 *because I am a non-resident of this state. I have a Letter of Disqualification they gave me while I was there*  
14 *stating that I made application and that they could not lawfully issue me a license. Here it is, officer.*

15 *Officer: Well, then do you have a license from another state?*

16 *You: My domicile is in a place that has no government. Therefore, there is no one who can issue licenses there.*  
17 *Can you show me a DMV office in the middle of the ocean, which is where my domicile is and where my will says*  
18 *my ashes will be PERMANENTLY taken to when I die. My understanding is that domicile or residence requires*  
19 *an intention to permanently remain at a place and I am not here permanently and don't intend to remain here. I*  
20 *am a perpetual traveler, a transient foreigner, and a vagrant until I am buried.*

21 *Officer: Don't get cute with me. If you don't produce a license, then I'm going to cite you for driving without a*  
22 *license.*

23 *You: Driving is a commercial activity and I am not presently engaged in a commercial activity. Do you have*  
24 *any evidence to the contrary? Furthermore, I'd love to see you explain to the judge how you can punish me for*  
25 *refusing to have that which the government says they can't even lawfully issue me. That ought to be a good laugh.*  
26 *I'm going to make sure the whole family is there for that one. It'll be better than Saturday Night Live!*

27 We allege that the purpose of the vehicle code in your state is NOT the promotion of public safety, but to manufacture  
28 "residents" and "taxpayers". The main vehicle by which states of the Union, in fact, manufacture "residents", who are  
29 privileged "public officers" that are "taxpayers" and aliens with respect to the government is essentially by compelling  
30 everyone to obtain and use state driver's licenses. This devious trap operates as follows:

- 31 1. You cannot obtain a state driver's license without being a "resident". If you go into any DMV office and tell them you  
32 are not a "resident", then they are not allowed to issue you a license. You can ask from them what is called a "Letter of  
33 Disqualification", which states that you are not eligible for a driver's license. You can keep that letter and show it to any  
34 police officer who stops you and wants your "license". He cannot then cite you for "driving without a license" that the  
35 state refuses to issue you, nor can he impound your car for driving without a license!

36 *California Vehicle Code*

37 *"14607.6. (a) Notwithstanding any other provision of law, and except as provided in this section, a motor vehicle*  
38 *is subject to forfeiture as a nuisance if it is driven on a highway in this state by a driver with a suspended or*  
39 *revoked license, or by an unlicensed driver, who is a registered owner of the vehicle at the time of impoundment*  
40 *and has a previous misdemeanor conviction for a violation of subdivision (a) of Section 12500 or Section*  
41 *14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.*

42 *(b) A peace officer shall not stop a vehicle for the sole reason of determining whether the driver is properly*  
43 *licensed.*

44 *(c) (1) If a driver is unable to produce a valid driver's license on the demand of a peace officer enforcing the*  
45 *provisions of this code, as required by subdivision (b) of Section 12951, the vehicle shall be impounded*  
46 *regardless of ownership, unless the peace officer is reasonably able, by other means, to verify that the driver is*

1 **properly licensed. Prior to impounding a vehicle, a peace officer shall attempt to verify the license status of a**  
2 **driver who claims to be properly licensed but is unable to produce the license on demand of the peace officer.**

3 (2) A peace officer shall not impound a vehicle pursuant to this subdivision if the license of the driver expired  
4 within the preceding 30 days and the driver would otherwise have been properly licensed.

5 (3) A peace officer may exercise discretion in a situation where the driver without a valid license is an employee  
6 driving a vehicle registered to the employer in the course of employment. A peace officer may also exercise  
7 discretion in a situation where the driver without a valid license is the employee of a bona fide business  
8 establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an  
9 owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment  
10 solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was  
11 not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can  
12 be returned to or be retrieved by the business establishment or registered owner, the peace officer may release  
13 and not impound the vehicle.

14 (4) A registered or legal owner of record at the time of impoundment may request a hearing to determine the  
15 validity of the impoundment pursuant to subdivision (n).

16 **(5) If the driver of a vehicle impounded pursuant to this subdivision was not a registered owner of the vehicle**  
17 **at the time of impoundment, or if the driver of the vehicle was a registered owner of the vehicle at the time of**  
18 **impoundment but the driver does not have a previous conviction for a violation of subdivision (a) of Section**  
19 **12500 or Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5, the vehicle shall be released pursuant**  
20 **to this code and is not subject to forfeiture.**

21 (d) (1) This subdivision applies only if the driver of the vehicle is a registered owner of the vehicle at the time  
22 of impoundment. Except as provided in paragraph (5) of subdivision (c), if the driver of a vehicle impounded  
23 pursuant to subdivision (c) was a registered owner of the vehicle at the time of impoundment, the impounding  
24 agency shall authorize release of the vehicle if, within three days of impoundment, the driver of the vehicle at the  
25 time of impoundment presents his or her valid driver's license, including a valid temporary California driver's  
26 license or permit, to the impounding agency. The vehicle shall then be released to a registered owner of record  
27 at the time of impoundment, or an agent of that owner authorized in writing, upon payment of towing and storage  
28 charges related to the impoundment, and any administrative charges authorized by Section 22850.5, providing  
29 that the person claiming the vehicle is properly licensed and the vehicle is properly registered. A vehicle  
30 impounded pursuant to the circumstances described in paragraph (3) of subdivision (c) shall be released to a  
31 registered owner whether or not the driver of the vehicle at the time of impoundment presents a valid driver's  
32 license.

33 (2) If there is a community property interest in the vehicle impounded pursuant to subdivision (c), owned at the  
34 time of impoundment by a person other than the driver, and the vehicle is the only vehicle available to the driver's  
35 immediate family that may be operated with a class C driver's license, the vehicle shall be released to a registered  
36 owner or to the community property interest owner upon compliance with all of the following requirements:

37 (A) The registered owner or the community property interest owner requests release of the vehicle and the  
38 owner of the community property interest submits proof of that interest.

39 (B) The registered owner or the community property interest owner submits proof that he or she, or an  
40 authorized driver, is properly licensed and that the impounded vehicle is properly registered pursuant to this  
41 code.

42 (C) All towing and storage charges related to the impoundment and any administrative charges authorized  
43 pursuant to Section 22850.5 are paid.

44 (D) The registered owner or the community property interest owner signs a stipulated vehicle release  
45 agreement, as described in paragraph (3), in consideration for the nonforfeiture of the vehicle. This requirement  
46 applies only if the driver requests release of the vehicle.

47 (3) A stipulated vehicle release agreement shall provide for the consent of the signator to the automatic future  
48 forfeiture and transfer of title to the state of any vehicle registered to that person, if the vehicle is driven by a  
49 driver with a suspended or revoked license, or by an unlicensed driver. The agreement shall be in effect for only  
50 as long as it is noted on a driving record maintained by the department pursuant to Section 1806.1.

51 (4) The stipulated vehicle release agreement described in paragraph (3) shall be reported by the impounding  
52 agency to the department not later than 10 days after the day the agreement is signed.

53 (5) No vehicle shall be released pursuant to paragraph (2) if the driving record of a registered owner indicates  
54 that a prior stipulated vehicle release agreement was signed by that person.

(1) The impounding agency, in the case of a vehicle that has not been redeemed pursuant to subdivision (d), or that has not been otherwise released, shall promptly ascertain from the department the names and addresses of all legal and registered owners of the vehicle.

(2) The impounding agency, within two days of impoundment, shall send a notice by certified mail, return receipt requested, to all legal and registered owners of the vehicle, at the addresses obtained from the department, informing them that the vehicle is subject to forfeiture and will be sold or otherwise disposed of pursuant to this section. The notice shall also include instructions for filing a claim with the district attorney, and the time limits for filing a claim. The notice shall also inform any legal owner of its right to conduct the sale pursuant to subdivision (g). If a registered owner was personally served at the time of impoundment with a notice containing all the information required to be provided by this paragraph, no further notice is required to be sent to a registered owner. However, a notice shall still be sent to the legal owners of the vehicle, if any. If notice was not sent to the legal owner within two working days, the impounding agency shall not charge the legal owner for more than 15-days' impoundment when the legal owner redeems the impounded vehicle.

(3) No processing charges shall be imposed on a legal owner who redeems an impounded vehicle within 15 days of the impoundment of that vehicle. If no claims are filed and served within 15 days after the mailing of the notice in paragraph (2), or if no claims are filed and served within five days of personal service of the notice specified in paragraph (2), when no other mailed notice is required pursuant to paragraph (2), the district attorney shall prepare a written declaration of forfeiture of the vehicle to the state. A written declaration of forfeiture signed by the district attorney under this subdivision shall be deemed to provide good and sufficient title to the forfeited vehicle. A copy of the declaration shall be provided on request to any person informed of the pending forfeiture pursuant to paragraph (2). A claim that is filed and is later withdrawn by the claimant shall be deemed not to have been filed.

(4) If a claim is timely filed and served, then the district attorney shall file a petition of forfeiture with the appropriate juvenile, municipal, or superior court within 10 days of the receipt of the claim. The district attorney shall establish an expedited hearing date in accordance with instructions from the court, and the court shall hear the matter without delay. The court filing fee, not to exceed fifty dollars (\$50), shall be paid by the claimant, but shall be reimbursed by the impounding agency if the claimant prevails. To the extent practicable, the civil and criminal cases shall be heard at the same time in an expedited, consolidated proceeding. A proceeding in the civil case is a limited civil case."  
[California Vehicle Code, Section 14607.6, Sept. 20, 2004]

Below is evidence showing how one person obtained a "Letter of Disqualification" that resulted in being able to drive perpetually without having a state -issued driver's license.

<http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisTaxationDL-20060522.pdf>

2. Most state vehicle codes define "resident" as a person with a domicile in the "State". Below is an example from the California Vehicle Code:

California Vehicle Code

516. "Resident" means any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. **Presence in the state for six months or more in any 12-month period gives rise to a rebuttable presumption of residency.**

The following are evidence of residency for purposes of vehicle registration:

- (a) Address where registered to vote.
- (b) Location of employment or place of business.
- (c) Payment of resident tuition at a public institution of higher education.
- (d) Attendance of dependents at a primary or secondary school.
- (e) Filing a homeowner's property tax exemption.
- (f) Renting or leasing a home for use as a residence.
- (g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.
- (h) Possession of a California driver's license.
- (i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49966114921+5+0+0&WAISaction=retrieve>]

California Vehicle Code

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, **residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent.**

**Prima facie evidence of residency for driver's licensing purposes includes, but is not limited to, the following:**

- (A) Address where registered to vote.
  - (B) Payment of resident tuition at a public institution of higher education.
  - (C) Filing a homeowner's property tax exemption.
  - (D) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.
- (2) California residency is required of a person in order to be issued a commercial driver's license under this code.

(b) The presumption of residency in this state may be rebutted by satisfactory evidence that the licensee's primary residence is in another state.

(c) Any person entitled to an exemption under Section 12502, 12503, or 12504 may operate a motor **vehicle** in this state for not to exceed 10 days from the date he or she establishes residence in this state, except that he or she shall obtain a license from the department upon becoming a **resident** before being employed for compensation by another for the purpose of driving a motor **vehicle** on the highways.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49860512592+2+0+0&WAIAction=retrieve/>]

516. "Resident" means any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12-month period gives rise to a rebuttable presumption of residency.

The following are evidence of residency for purposes of vehicle registration:

(a) Address where registered to vote.

(b) Location of employment or place of business.

(c) Payment of resident tuition at a public institution of higher education.

(d) Attendance of dependents at a primary or secondary school.

(e) Filing a homeowner's property tax exemption.

(f) Renting or leasing a home for use as a residence.

(g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.

(h) Possession of a California driver's license.

(i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=00001-01000&file=100-680>]

3. The term "State" is then defined in the revenue codes to mean the federal areas within the exterior limits of the state. Below is an example from the California Vehicle Code:

*California Revenue and Taxation Code*

17017. "United States," when used in a geographical sense, includes the states, the District of Columbia, and the possessions of the United States.

17018. "State" includes the District of Columbia, and the possessions of the United States.

4. You must surrender all other state driver's licenses in order to obtain one from most states. This is consistent with the fact that you can only have a domicile in ONE place at a time. Below is an example from the California Vehicle Code:

*California Vehicle Code*

12805. The department shall not issue a driver's license to, or renew a driver's license of, any person:

[ . . . ]

1 (f) Who holds a valid driver's license issued by a foreign jurisdiction unless the license has been surrendered to  
2 the department, or is lost or destroyed.  
3

4 12511. No person shall have in his or her possession or otherwise under his or her control more than one driver's  
5 license.

6 Consequently, the vehicle code in most states, in the case of individuals not involved in “commercial activity”, applies mainly  
7 to “public officers” who are effectively “residents” of the federal zone with an effective “domicile” or “residence” there:

8 [26 U.S.C. §7701](#)

9 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
10 thereof—

11 (39) Persons residing outside United States

12 If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial  
13 district, such citizen or resident shall be treated as residing in the District of Columbia for purposes of any  
14 provision of this title relating to—

15 (A) jurisdiction of courts, or

16 (B) enforcement of summons.

17 [SOURCE: <https://www.law.cornell.edu/uscode/text/26/7701>]

18 These persons are “taxpayers”. They are Americans who have contracted away their Constitutional rights in exchange for  
19 government “privileges” and they are the only “persons” who inhabit or maintain a “domicile” or “residence” in the “State”  
20 as defined above. Only people with a domicile in such “State” can be required to obtain a “license” to drive on the  
21 “highways”. While they are exercising “agency” on behalf of or representing the government corporation, they are “citizens”  
22 of that corporation and “residents”, because the corporation itself is a “citizen” and therefore a person with a domicile in the  
23 place where the corporation was formed, which for the “United States” is the District of Columbia:

24 “Corporations are also of all grades, and made for varied objects; **all governments are corporations, created by**  
25 **usage and common consent, or grants and charters which create a body politic for prescribed purposes; but**  
26 **whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of**  
27 **power, they are all governed by the same rules of law, as to the construction and the obligation of the**  
28 **instrument by which the incorporation is made. One universal rule of law protects persons and property.** It is  
29 a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all  
30 persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst.  
31 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing  
32 of protection as other persons, and their corporate property secured by the same laws which protect that of  
33 individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a  
34 principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal  
35 government, by the amendments to the constitution.”  
36 [Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]  
37

38 “A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was  
39 created, and of that state or country only.”  
40 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]  
41

42 Federal Rules of Civil Procedure

43 [IV. PARTIES > Rule 17.](#)

44 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

45 (b) Capacity to Sue or be Sued.

46 **Capacity to sue or be sued is determined as follows:**

47 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

48 **(2) for a corporation/or one REPRESENTING a PUBLIC CORPORATION called the government as a**  
49 **“public officer”], by the law under which it was organized; and**

50 **(3) for all other parties, by the law of the state where the court is located, except that:**

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and  
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

If you don't want to be a "public officer" who has an effective "domicile" or "residence" in the District of Columbia, then you have to divorce the state, create your own "state", and change your domicile to that new "state". For instance, you can form an association of people and choose a domicile within that association. This association would be referred to as a "foreign jurisdiction" within the vehicle code in most states. The association can become the "government" for that group, and issue its own driver's licenses and conduct its own "courts". In effect, it becomes a competitor to the corporate state for the affections, allegiance, and obedience of the people. This is capitalism at its finest, folks!

*California Vehicle Code*

12502. (a) The following persons may operate a motor vehicle in this state without obtaining a driver's license under this code:

(1) A nonresident over the age of 18 years having in his or her immediate possession a valid driver's license issued by a foreign jurisdiction of which he or she is a resident, except as provided in Section 12505.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=12001-13000&file=12500-12527>]

As long as the driver's licenses issued by the government you form meet the same standard as those for the state you are in, then it doesn't matter who issued it.

*California Vehicle Code*

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the *intention of returning whenever he or she is absent*.

[. . .]

(e) Subject to Section 12504, a person over the age of 16 years who is a resident of a foreign jurisdiction other than a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada, having a valid driver's license issued to him or her by any other foreign jurisdiction having licensing standards deemed by the Department of Motor Vehicles equivalent to those of this state, may operate a motor vehicle in this state without obtaining a license from the department, except that he or she shall obtain a license before being employed for compensation by another for the purpose of driving a motor vehicle on the highways.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=12001-13000&file=12500-12527>]

As long as you take and pass the same written and driver's tests as the state uses, even your church could issue it! As a matter of fact, below is an example of a church that issues "Heaven Driver's Licenses":

Embassy of Heaven  
<http://www.embassyofheaven.com/>

You can't be compelled by law to grant to your public "servants" a monopoly that compels you into servitude to them as a "public officer". In the United States, WE THE PEOPLE are the government, and *not* their representatives and "servants" who work for them implementing the laws that they pass. Consequently, you and your friends or church, as a "self-governing body" can make your own driver's license and in fact and in law, those licenses will by definition be "government-issued". To wit:

*"The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives [they are the government, not their*

1 servants]. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a  
2 constituent member of this sovereignty. ..."  
3 [Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]  
4

5 "From the differences existing between feudal sovereignties and Government founded on compacts, it necessarily  
6 follows that their respective prerogatives must differ. **Sovereignty is the right to govern; a nation or State-**  
7 **sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the**  
8 **Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in**  
9 **a single instance; our Governors are the agents of the people, and at most stand in the same relation to their**  
10 **sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities,**  
11 **and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in**  
12 **any other capacity, than as private citizens."**  
13 [Chisholm, Ex'r. v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 454, 457, 471, 472 (1794)]

14 Anyone who won't accept such a driver's license should be asked to contradict the U.S. Supreme Court and to prove that you  
15 AREN'T part of the government as a person who governs his own life and the lives of other members of the group you have  
16 created. The following article also emphasizes that "We The People" are the government, and that our servants have been  
17 trying to deceive us into believing otherwise:

[We The People Are The American Government](#), Nancy Levant  
<http://famguardian.org/Subjects/LawAndGovt/Articles/WeAreGovernment.pdf>

18 If you would like to know more about this fascinating subject, see the following book:

[Defending Your Right to Travel](#), Form #06.010  
<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>

19 Chances are good that you as a reader at one time or another procured government ID without knowing all the legal  
20 consequences described in this document. The existence of that ID and the evidence documenting your request for it can and  
21 probably will be used by the government against you as evidence that you are subject to their civil laws and a customer of  
22 their "protection racket". The best technique for rebutting such evidence is that appearing in the following document. The  
23 submission of this document is a MANDATORY part of becoming a Member of this fellowship, and hopefully you now  
24 understand why it is mandatory:  
25

[Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States](#), Form #10.001  
<http://sedm.org/Forms/FormIndex.htm>

26 In particular, see the following sections in the above document:

- 27  
28 1. Section 9: Affidavit of Duress, Government ID Scam.  
29 2. Section 10.8: Criminal Complaint Against Those Engaged in the Government ID Scam

30 **9.4.6 The "residence" and "resident" SCAM: How context of words "residence" and "resident" is abused to**  
31 **kidnap your identity and transport you to the geographical federal zone**<sup>67</sup>

<sup>67</sup> SOURCE: *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.20; <http://sedm.org/Forms/FormIndex.htm>.

False Argument: “residence” and “resident” in the tax code applies to people living in and domiciled within the exclusive jurisdiction of a Constitutional state of the Union

Corrected Alternative Argument: Income taxation under I.R.C. Subtitles A and C are based on RESIDENCE, not DOMICILE. “Residence” is the abode of an ALIEN or RESIDENT in relation to the place they live. CITIZENS or NATIONALS domiciled within the exclusive jurisdiction of a Constitutional State cannot have a “residence” or be “resident” as legally defined. The phrase “wherever resident” in 26 C.F.R. §1.1-1 therefore means the place where the “person” subject to the code maintains a physical “residence” or is “resident”. The only definition of “residence” or “resident” anywhere in the I.R.C. Subtitles A and C relates to aliens, and not citizens or residents. People living in the exclusive jurisdiction of Constitutional States are neither “resident” or maintain a “residence” in the context of the income tax. If they falsely claim that they do, then they have effectively volunteered to pay a tax that does not apply to them. “Wherever resident” has nothing to do with the exclusive jurisdiction of a Constitutional a state of the Union, because:

1. “residence” and “resident” are geographical terms relating to the physical place someone lives.
2. The only geographical definition of “United States” in 26 U.S.C. §7701(a)(9) and (a)(10) does not expressly include Constitutional states of the Union. Thus, they are purposefully excluded per the rules of statutory construction.

Further information:

1. Bowring v. Bowers, 24 F.2d. 918 (1928)
2. Non-Resident Non-Person Position, Form #05.020, Section 5.1-memorandum of law upon which this section is based.  
<http://sedm.org/Forms/FormIndex.htm>
3. Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.  
<http://sedm.org/Forms/FormIndex.htm>

1 According to [Bowring v. Bowers, 24 F.2d. 918 \(1928\)](#), liability for income taxation has always been based on “residence”,  
2 RATHER THAN domicile:

3 *But in personal and income taxes domicile has played no necessary part, and residence at a fixed date has*  
4 *determined the liability for the tax. Bell v. Pierce, 51 N.Y. 12; Douglas v. Mayor, 9 N.Y.Super.Ct. 110; Matter*  
5 *of Austen, 13 A.D. 247, 42 N.Y.S. 1097; Finley v. Philadelphia, 32 Pa. 361. In the New York Income Tax law*  
6 *(Consol. Laws, c. 60), which is largely based on the federal acts, section 350 defines a 'resident' as 'any*  
7 *person domiciled in the state of New York, and any other person who maintains a permanent place of abode*  
8 *within the state, and spends in the aggregate more than seven months of the taxable year within the state.'*

9 *Likewise under the English income tax laws, prior to 1914, residence, and not domicile, was the test of liability*  
10 *(Inland Revenue v. John Lambert Caldwell, (1904) 7 Session Cases, 146; Attorney General v. Coots, 4 Price,*  
11 *183), though income, unless derived from a trade or employment carried on in England, had to be received there*  
12 *in order to render one subject to taxation upon it (Liverpool, London & Globe Ins. Co. v. Bennett, (1913) A.C.*  
13 *610). But since 1914 a resident of more than six months (though not domiciled) has had to pay an income tax on*  
14 *all income received in the United Kingdom, and a domiciled person a tax on income derived from all*  
15 *sources. Thus, under all the British income tax laws, a resident, though having no domicile in England, had to*  
16 *pay a tax on all income received in England whatever its source. Whether he received all his income there, of*  
17 *course, depended on circumstances, but whatever he received was taxable against a resident, irrespective of his*  
18 *domicile.*

19 *In the federal act of 1913, income taxes are imposed upon 'the entire net income arising or accruing from all*  
20 *sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad,*  
21 *and to every person residing in the United States, though not a citizen thereof, \* \* \* and a like tax shall be*  
22 *assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every*  
23 *business, trade, or profession carried on in the United States by persons residing elsewhere. ' 38 Stat. 166.*  
24 *[Bowring v. Bowers, 24 F.2d. 918 (1928)]*

25 Where one “resides” and their “residence” are synonymous. Those with a “residence” in the Internal Revenue Code Subtitles  
26 A and C are called “resident”. One can be “resident” without BEING a “resident” as defined in 26 U.S.C. §7701(b)(1)(A).  
27 Statutory “residence”, in turn, is always GEOGRAPHICAL and PHYSICAL and must satisfy the “presence test” in 26 U.S.C.  
28 §7701(b)(1)(A):

29 *Title 26: Internal Revenue*  
30 *PART 1—INCOME TAXES*  
31 *nonresident alien individuals*  
32 *§1.871-2 Determining residence of alien individuals.*

1 (B) Residence defined.

2 An alien actually present in the United States<sup>\*\*</sup> who is not a mere transient or sojourner is a resident of the  
3 United States for purposes of the income tax. Whether he is a transient is determined by his intentions with  
4 regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another  
5 country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention  
6 as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may  
7 be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be  
8 necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he  
9 becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose  
10 for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a  
11 definite period by the immigration laws is not a resident of the United States within the meaning of this section,  
12 in the absence of exceptional circumstances.

13 Because “residence” and being a “resident” is physical and must satisfy the presence test, it therefore MUST rely ONLY on  
14 geographical definitions of “United States<sup>\*\*</sup>” (federal zone) in the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and  
15 (a)(10), which means federal territory subject to the plenary jurisdiction of Congress, whether in a territory or within a federal  
16 enclave within a state.

17 The reader should also note that the above definition of “residence” is the ONLY definition of “residence” anywhere in  
18 Internal Revenue Code Subtitles A and C, or in the regulations that implement it. Neither Congress nor the Secretary of the  
19 Treasury have EVER defined “residence” in the context of the STATUTORY “citizens” (8 U.S.C. §1401) or “residents”  
20 (aliens, 26 U.S.C. §7701(b)(1)(A)) upon whom the tax is imposed in 26 C.F.R. §1.1-1(b).

21 26 C.F.R. §1.1-1 Income tax on individuals.

22 (a) General rule.

23 (I) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of  
24 the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien  
25 individual.

26 [. . .]

27 (b) Citizens or residents of the United States liable to tax.

28 In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to  
29 the income taxes imposed by the Code whether the income is received from sources within or without the  
30 United States. Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section  
31 931 possession (as defined in § 1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is,  
32 except as provided in section 931 or 933 with respect to income from sources within such possessions, subject to  
33 taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections  
34 871 and 877.

35 [26 C.F.R. §1.1-1(a)(1)]

36 The above case of Bowring v. Bowers, 24 F.2d. 918 (1928) also points out that “residence” for the purpose of ESTATE taxes  
37 in Internal Revenue Code Subtitle B means DOMICILE rather than the abode of an alien. Thus, it can include both citizens  
38 and residents rather than merely aliens. So please be mindful of the CONTEXT for the term “residences” and “resident” and  
39 limit them only to ALIENS when talking about income taxation rather than estate taxes.

40 Thus, the ONLY way anyone who is a STATUTORY “citizen” or STATUTORY “resident” can have a “residence” or be  
41 “resident” as legally defined is to be an ALIEN IN RELATION TO THE PHYSICAL PLACE THEY LIVE. They can’t  
42 satisfy this criteria when they are physically living on federal territory or anywhere within a constitutional state. They must  
43 be ABROAD to have a taxable “residence”, meaning that they must be temporarily abroad under 26 U.S.C. §911. In that  
44 scenario, they have a “residence” as aliens in relation to the foreign country they are physically in at the time, usually under  
45 the terms of a tax treaty with that foreign country. Below is a proof that they CANNOT be “resident” or have a “residence”  
46 IN THE CONTEXT OF INCOME TAXES only, but may be “resident” in contexts OTHER than income tax:

47 “But all the limitations applicable to acquiring a new domicile, particularly when a domicile of national origin  
48 is to be abandoned, do not necessarily attach to taking out a new residence, either in this country or England.  
49 The United States Income Tax Acts, from the act of 1913 (38 Stat. 114) on, have been uniform in levying a tax  
50 on the 921\*921 entire income of aliens, if resident here, and residence has been construed by the  
51 Commissioner in all his rulings as something which may be less than a domicile, which fixes the law of the

1 devolution of property and determines the incidence of estate and succession taxes. It is true that "residence"  
2 is ordinarily used as the equivalent of domicile in statutes relating to probate, administration, and succession  
3 taxes. So, as might be expected, in the Revenue Acts, the word "resident," when employed in the portions of  
4 these acts dealing with the Estate Tax Law, means "domiciled," and has been so construed by the practice and  
5 regulations of the department.

6 "It is contended that the same words, when used in the titles of the same acts dealing with the income tax, must  
7 have the same meaning. But the estate tax provisions were first introduced in the Revenue Act in 1916 (39 Stat.  
8 756), after the construction of the word "resident" in that act had already become fixed by the ruling of the  
9 department at least as early as Treasury Decision 2242 of September 17, 1915, infra. Moreover, the incidence  
10 of estate and succession taxes has historically been determined by domicile and situs, and not by the fact of  
11 actual residence. Frick v. Pennsylvania, 268 U.S. 473, 45 S.Ct. 603, 69 L.Ed. 1058, 42 A.L.R. 316. As Justice  
12 Holmes said in Bullen v. Wisconsin, 240 U. S. at page 631, 36 S. Ct. 474 (60 L. Ed. 830):

13 *"\* \* \* As the states where the property is situated, if governed by the common law, generally recognize the law*  
14 *of the domicile as determining the succession, it may be said that, in a practical sense at least, the law of the*  
15 *domicile is needed to establish the inheritance. Therefore the inheritance may be taxed at the place of domicile,*  
16 *whatever the limitations of power over the specific chattels may be. \* \* \**

17 As was said, also, *in the Matter of Martin, 173 App. Div. at page 3, 158 N. Y. S. 916:*

18 *"\* \* \* in many instances there is a difference between the legal intendment of the terms 'residence' and 'domicile'*  
19 *\* \* \* but in the matter of succession and transfer taxes the theory of the action of the taxing power renders the*  
20 *terms synonymous. In the case of succession the intestate's personalty is distributed according to the Statute of*  
21 *Distributions of the State of the domicile. Therefore, that State which permits the inheritance is entitled to impose*  
22 *a duty on that privilege. \* \* \**  
23 [*Bowring v. Bowers, 24 F.2d. 918 (1928)*]

24 Therefore, the phrase "wherever resident" as used in 26 C.F.R. §1.1-1(b) can only mean the following in the case of  
25 STATUTORY "citizens" or STATUTORY "residents".

26 *"Wherever resident: That geographical place where the party made liable has a 'residence' as an ALIEN in*  
27 *relation to that place and the government of that place. Thus, those identified in the Internal Revenue Code*  
28 *Subtitles A and C as parties made liable and having the civil status of 'citizen' or 'resident' must be domiciled*  
29 *on federal territory and temporarily abroad as an alien under 26 U.S.C. §911 in order to have a liability."*

30 In theory, this all makes sense. People within the exclusive jurisdiction of their constitutional state do not need federal  
31 protection and therefore shouldn't have to pay for it. The only people who need federal rather than state protection are those  
32 who are abroad. No doubt, if they want it, they should have to pay for it. If they DON'T want it, all they have to do is  
33 exercise their right to legally and politically disassociate by not declaring a civil status on a tax form that makes them the  
34 beneficiary of such protection. That would be a "nonresident alien" with no earnings from the geographical "United States\*\*"  
35 (federal zone). After all, the STATUTORY civil status of "citizen" or "resident" under the laws of the national Congress are  
36 voluntary. If they aren't we are all slaves in violation of the Thirteenth Amendment. Under the common law, you have a  
37 right to NOT receive a "benefit" and therefore, not to pay for the benefit you don't want:

38 *"Cujus est commodum ejus debet esse incommodum.*  
39 *He who receives the benefit should also bear the disadvantage."*

40 *"Que sentit commodum, sentire debet et onus.*  
41 *He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433."*

42 *Commodum ex injuri su non habere debet.*  
43 *No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.*

44 *Invito beneficium non datur.*  
45 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
46 *considered as assenting. Vide Assent.*

47 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*  
48 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*  
49 *Inst. n. 83.*

50 *Quilibet potest renunciare juri pro se inducto.*  
51 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
52 *Inst. n. 83.*

1 [Bouvier's Maxims of Law, 1856;  
2 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

3 If you don't want the "benefits" of the STATUTORY civil status of "citizen" or "resident", then merely declare a  
4 DIFFERENT status, such as "nonresident alien" and abandon the social compact or contract in the process that might bind  
5 you to pay for the "benefit" you receive by having such civil status. This right is an outgrowth of your First Amendment  
6 right to politically disassociate and your right to NOT contract or be compelled to contract under the CIVIL social contract  
7 called the civil statutory law.

8 **"The citizen cannot complain, because he has**  
9 **voluntarily submitted himself to such a form of**  
10 **government.**

11 *He owes allegiance to the two departments, so to speak, and within their respective*  
12 *spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand*  
13 *protection from each within its own jurisdiction."*

14 [United States v. Cruikshank, [92 U.S. 542](#) (1875) [emphasis added]]

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15 *There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil*  
16 *association is the most voluntary of all acts. Every man being born free and his own master, no one, under any*  
17 *pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a*  
18 *slave is to decide that he is not born a man.*

19 **If then there are opponents when the social compact is made, their opposition does not invalidate the contract,**  
20 **but merely prevents them from being included in it. They are foreigners among citizens.**

21 [The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2]

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23 **We can envision little that is more anomalous, under modern standards, than the forcible imposition of**  
24 **citizenship against the majoritarian will.**<sup>[13]</sup> See, e.g., U.N. Charter arts. 1, 73 (recognizing self-determination  
25 **of people as a guiding principle and obliging members to "take due account of the political aspirations of the**  
26 **peoples" inhabiting non-self-governing territories under a member's responsibility**);<sup>[14]</sup> Atlantic Charter, U.S.-  
27 **U.K., Aug. 14, 1941 (endorsing "respect [for] the right of all peoples to choose the form of government under**  
28 **which they will live"); Woodrow Wilson, President, United States, Fourteen Points, Address to Joint Session**  
29 **of Congress (Jan. 8, 1918) ("[I]n determining all [] questions of sovereignty the interests of the populations**  
30 **concerned must have equal weight with the equitable claims of the government whose title is to**<sup>312\*312</sup>  
31 **determined.**") (Point V). See also [Tuaua, 951 F.Supp.2d at 91](#) ("American Samoans take pride in their unique  
32 political and cultural practices, and they celebrate its history free from conquest or involuntary annexation by  
33 foreign powers."). To hold the contrary would be to mandate an irregular intrusion into the autonomy of Samoan  
34 democratic decision-making; an exercise of paternalism—if not overt cultural imperialism—offensive to the  
35 shared democratic traditions of the United States and modern American Samoa. See [King v. Andrus, 452 F.Supp.](#)  
36 [11, 15 \(D.D.C.1977\)](#) ("The institutions of the present government of American Samoa reflect ... the democratic  
37 tradition ....").  
38 [Tuaua v. U.S., 788 F.3d. 300 - Court of Appeals, Dist. of Columbia Circuit 2015]

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39  
40 FOOTNOTES:

41 <sup>[13]</sup> Complex questions arise where territorial inhabitants democratically determine either to pursue citizenship  
42 or withdraw from union with a state. Such scenarios may implicate the reciprocal associational rights of the  
43 state's current citizens or the right to integrity of the sovereign itself.

44 <sup>[14]</sup> But see [Medellin v. Texas, 552 U.S. 491, 128 S.Ct. 1346, 170 L.Ed.2d 190 \(2008\)](#).

45 Moreover, there are two fairly instructive Revenue Rules that clarify the phrase "wherever resident" found in 26 C.F.R. §1.1-  
46 1(b) above. See Rev.Rul. 489 and Rev.Rul. 357 as follows:

47 **"No provision of the Internal Revenue Code or the regulations thereunder holds that a citizen of the United**  
48 **States is a resident of the United States for purposes of its tax.** Several sections of the Code provide Federal  
49 **income tax relief or benefits to citizens of the United States who are residents** **without the United States** for some

1 *specified period. See sections 911, 934, and 981. **These sections give recognition to the fact that not all the***  
2 ***citizens of the United States are residents of the United States.***  
3 *[Rev.Rul. 75-489. p. 511]*

4 As regards additional support, see Rev.Rul. 75-357 at p. 5, as follows:

5 ***“Sections 1.1-1(b) and 1.871-1 of the Income Tax Regulations provide that all citizens of the United States,***  
6 ***wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Internal***  
7 ***Revenue Code whether the income is received from sources within or without the United States. See, however,***  
8 ***section 911 of the Code. (Emphasis added.)”***  
9 *[Rev.Rul. 75-357, p. 5]*

10 Being that Rev.Rul. 75-357 quotes 26 C.F.R. § 1.1-1(b) directly, and duly informs every reader to see 26 U.S.C. §911, we  
11 believe an examination of 26 U.S.C. §911 and its regulations is in order to locate the appropriate application of the “*wherever*  
12 *resident*” phrase in 26 C.F.R. §1.1-1(b). See 26 U.S.C. §911(d)(1)(A) as follows:

13 *(d) Definitions and special rules — For purposes of this section —*

14 *(1) Qualified individual — The term “qualified individual” means an individual whose tax home is in a foreign*  
15 *country and who is —*

16 *(A) a citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona*  
17 *fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year.*  
18 *[26 U.S.C. §911(d)(1)(A)]*

19 There you have it. The “citizen of the United states” must be a bona-fide “resident of a foreign country” to be a qualified  
20 individual subject to tax.

21 Additionally, as we know, 26 C.F.R. §1.1-1(b) states:

22 *“All citizens of the United States, wherever resident, are liable to the income taxes imposed by the Internal*  
23 *Revenue Code whether the income is received from sources within or without the United States.”*

24 The regulations for section 911 make the distinction between where income is received as opposed to where services are  
25 performed. See the following:

26 *26 C.F.R. §1.911-3 Determination of amount of foreign earned income to be excluded.*

27 *(a) Definition of foreign earned income.*

28 *For purposes of section 911 and the regulations thereunder, the term “foreign earned income” means earned*  
29 *income (as defined in paragraph (b) of this section) from sources within a foreign country (as defined in §1.911-*  
30 *2(h)) that is earned during a period for which the individual qualifies under §1.911-2(a) to make an election.*  
31 ***Earned income is from sources within a foreign country if it is attributable to services performed by an***  
32 ***individual in a foreign country or countries. The place of receipt of earned income is immaterial in determining***  
33 ***whether earned income is attributable to services performed in a foreign country or countries.***

34 Note the phrase “foreign country” above. That phrase obviously does not include states of the Union. We are therefore  
35 inescapably lead to the following conclusions based on the above analysis:

- 36 1. One cannot earn “income” as a statutory “citizen” under 26 C.F.R. §1.1-1(c), 26 U.S.C. §911, and 8 U.S.C. §1401  
37 unless they are abroad in a foreign country.
- 38 2. No statute EXPRESSLY imposes a tax upon statutory “citizens” when they are NOT “abroad”, meaning in a foreign  
39 country. Therefore, under the rules of statutory construction, tax is not owed under ANY other circumstance:

40 *“**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one***  
41 ***thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,*  
42 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
43 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***  
44 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
45 *of a certain provision, other exceptions or effects are excluded.”*  
46 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

- 1 3. Those statutory citizens and residents who are in the statutory geographical “United States” under 26 U.S.C.  
 2 §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d), also called the federal zone, are called statutory “U.S. persons” and they  
 3 are exempt from withholding and reporting.
- 4 4. A state citizen under the Fourteenth Amendment is NOT a statutory “citizen” under the Internal Revenue Code at 26  
 5 C.F.R. §1.1-1(c), even when they are abroad. Rather, they are statutory “non-resident non-persons” when abroad. See  
 6 and rebut *Non-Resident Non-Person Position*, Form #05.020, Section 8 and the following and answer the questions at  
 7 the end of the following if you disagree:
- 8 *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006  
 9 <http://sedm.org/Forms/FormIndex.htm>
- 10 5. Even when one is “abroad” as a statutory “citizen”, they can cease to be a statutory “citizen” at any time by:
- 11 5.1. Changing their domicile to the foreign country. This is because the civil status of “citizen” is a product of  
 12 domicile on federal territory, not their birth...AND
- 13 5.2. Surrendering any and all tax “benefits” of the income tax treaty. The receipt of the “benefit” makes them subject  
 14 to Internal Revenue Code Subtitle A “trade or business” franchise and a public officer in receipt, custody, and  
 15 control of government property, which itself IS the “benefit”.
- 16 6. It is a CRIME for a state citizen to claim the civil status of STATUTORY “citizen” under 8 U.S.C. §1401. That crime  
 17 is documented in 18 U.S.C. §911.
- 18 7. The claim that all state citizens domiciled in states of the Union are “citizens of the United States” under the Internal  
 19 Revenue Code and that they owe a tax on ANY of their earnings is categorically false and fraudulent.

20 Below is a table that succinctly summarizes everything we have learned in this section in tabular form. The left column  
 21 shows what you are now and the two right columns show what you can “elect” or “volunteer” to become under the authority  
 of the Internal Revenue Code based on that status:

**Table 9: Convertibility of citizenship or residency status under the Internal Revenue Code**

What you are starting as	What you would like to convert to	
	“Individuals” (see 26 C.F.R. §1.1441-1(c)(3))	
	“Alien” (see 26 C.F.R. §1.1441-1(c)(3)(i))	“Nonresident alien” (see 26 U.S.C. §7701(b)(1)(B))
“citizen of the United States” (see 8 U.S.C. §1401)	“citizen” may unknowingly elect to be treated as an “alien” by filing 1040, 1040A, or 1040EZ form. This election, however, is <b>not</b> authorized by any statute or regulation, and consequently, the IRS is <b>not</b> authorized to process such a return! It amounts to constructive fraud for a “citizen” to file as an “alien”, which is what submitting a 1040 or 1040A form does.	No “citizen of the United States” can be a “nonresident alien”, nor is he authorized under the I.R.C. to “elect” to become one. Likewise, no “nonresident alien” is authorized by the I.R.C. to elect to become a “citizen of the United States” under 8 U.S.C. §1401.

**9.4.7 How private employers and financial institutions compel choice of domicile**

Whenever you open a financial account or start a new job these days, some companies, banks, or investment companies will require you to produce “government ID”. Their favorite form of ID is the state-issued ID. Unfortunately, unless you are an alien (foreign national) domiciled on federal territory within the exterior limits of the state who is not protected by the Constitution, you don’t qualify for state ID or even a state driver’s license. By asking for “government ID”, employers and financial institutions indirectly are forcing you to do the following as a precondition of doing business with them:

1. Surrender the benefits and protections of being a constitutional “citizen” in exchange for being a privileged statutory alien, and to do so WITHOUT consideration and without recourse.
2. Become a statutory “resident alien” pursuant to 26 U.S.C. §7701(b)(1)(A) domiciled on federal territory and subject to federal jurisdiction, who is a public officer within the federal government engaged in the “trade or business” franchise.

See:  
*The “Trade or Business” Scam*, Form #05.001  
<http://sedm.org/Forms/FormIndex.htm>

3. Become a privileged “resident alien” franchisee who is compelled to participate in what essentially amounts to a “protection racket”.

*“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”*  
 [The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]

4. Serving two masters and being subject simultaneously to state and federal jurisdiction. The federal government has jurisdiction over Constitutional aliens, including those within a state.

*“No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”*  
 [Luke 16:13, Bible, NKJV. Written by a tax collector]

Those who use OTHER than a driver license for ID may be told by some institutions that they need TWO forms of government ID in order to open the account. They do this because what they are REALLY looking for is at least one document that evidences a domicile or residence in a specific location. Here is an example of what you might hear on this subject:

1 *"I'm sorry, but the Patriot Act [or some other obscure regulation] requires you to produce TWO forms of*  
2 *government issued ID to open an account with us."*

3 Most people falsely presume that the above statement means that they ALSO need state ID in addition to the passport but this  
4 isn't true. It is a maxim of law that the law cannot require an impossibility. If they are going to impose a duty upon you  
5 under the color of law by saying that you need TWO forms of ID, they must provide a way to comply without:

- 6 1. Compelling you to politically associate with a specific government in violation of the First Amendment.
- 7 2. Compelling you to participate in government franchises by providing an identifying number.
- 8 3. Misrepresenting your status as a privileged statutory "resident alien".
- 9 4. Violating your religious beliefs by nominating an Earthly protector and thereby firing God as your only protector.

10 There are lots of ways around this trap. For instance, the U.S. Supreme Court said WE are the government and that we govern  
11 ourselves through our elected representatives.

12 ***"The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They***  
13 ***both describe the political body who, according to our republican institutions, form the sovereignty, and who***  
14 ***hold the power and conduct the government through their representatives. They are what we familiarly call the***  
15 ***'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."***  
16 *[Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]*

17 So what does "government id" really mean? A notary public is also a public officer and therefore part of the government.

18 *Chapter 1*  
19 *Introduction*  
20 *§1.1 Generally*

21 ***A notary public (sometimes called a notary) is a public official appointed under authority of law*** *with power,*  
22 *among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate*  
23 *testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed*  
24 *under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the*  
25 *commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public,*  
26 *frequently grant the notary the authority to do all acts justified by commercial usage and the "law merchant".*  
27 *[[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3](#)]*

28 If you hand the financial institution any of the following, you have satisfied their requirement for secondary ID without  
29 violating the law or being compelled to associate with or contract with the government:

- 30 1. Notarized piece of paper with your picture and your birth certificate on it. The notary is a government officer and  
31 therefore it is government ID.
- 32 2. Certified copy of your birth certificate by itself. The certification is from the government so its government ID.
- 33 3. ID issued by a government you formed and signed by the "Secretary of State" of that government. The people are the  
34 government according to the Supreme Court, so you can issue your own ID.

35 You have to be creative at times to avoid the frequent attempts to compel you to sign up for government franchises, but it is  
36 still doable.

37 Another thing that nearly all financial institutions and private employers habitually do is PRESUME, usually wrongfully,  
38 that:

- 39 1. You are a "citizen" or a "resident" of the place you live or work. What citizens and residents have in common is a  
40 domicile within a jurisdiction. Otherwise, you would be called "nonresidents" or "transient foreigners".
- 41 2. Whatever residence or mailing address you give them is your domicile or residence address.

42 By making such a false presumption, employers and financial institutions in effect are causing you to make an "invisible  
43 election" to become a citizen or resident or domiciliary and to provide your tacit consent to be CIVILLY governed without  
44 even realizing it.

45 If you want to prevent becoming a victim of the false presumption that you are a statutory domiciled "citizen", "resident",  
46 and therefore domiciliary of the place you live or work, you must take special precautions to notify all of your business

1 associates by providing a special form to them describing you as a “nonresident” of some kind. At the federal level, that form  
2 is the IRS Form W-8BEN or a suitable substitute, which identifies the holder as a “nonresident alien”. IRS does not make a  
3 form for “nonresidents” who are not “aliens” (foreign nationals) or public officers, unfortunately, so you must therefore  
4 modify their form or make your own form. For an article on how to fill out tax forms to ensure that you are not PRESUMED,  
5 usually prejudicially and falsely, to be a resident or citizen or domiciliary, see the following article:

About IRS Form W-8BEN, Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

6 Sometimes, those receiving your declaration of “non-resident non-person” or “transient foreigner” status may try to interfere  
7 with that choice. For such cases, the following pamphlet proves that the only one who can lawfully declare or establish your  
8 civil status, including your “nonresident” status, is you. If anyone tries to coerce you to declare a civil status for yourself that  
9 you don’t want to accept and don’t consent to, you should provide an affidavit indicating that you were under duress and that  
10 they threatened to financially penalize you or not contract with you if you don’t LIE on government forms and declare a  
11 status you don’t want. The following pamphlet is also useful in proving that they have no authority to coerce you to declare  
12 any civil status you don’t want:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

13 We should always keep in mind that whenever a financial institution or employer asks for a tax form, they are doing so under  
14 the color of law as a “withholding agent” (26 U.S.C. §7701(a)(16)) who is usually illegally acting as a public officer of the  
15 government. Because they are a public officer of the government in their capacity as a withholding agent, they still have a  
16 legal duty not to violate your rights, even if they otherwise are a private company. The Constitution applies to all officers  
17 and agents of the government, including “withholding agents” while acting in that capacity. Financial institutions especially  
18 are aware of this fact, which is why if you ask them to give you their criteria for what ID they will accept in writing, they will  
19 say that it is a confidential internal document that they can’t share with the public. They know they are discriminating  
20 unlawfully as a public officer by rejecting your ID and they want to limit the legal liability that results from this by preventing  
21 you from having evidence to prove that they are officially discriminating. They keep such policies on their computer,  
22 protected by a password, and they will tell you that the computer doesn’t let them print it out or that there isn’t a field in their  
23 system for them to accept the type of ID that you have. THIS is a SCAM! Take a picture of the screen with your cellphone,  
24 page by page, in response to such a SCAM.

#### 25 **9.4.8 How corrupt courts, judges, and government attorneys try to CHANGE your domicile**

26 There are many ways in which corrupt judges, prosecutors, and courts compel a change in your domicile to federal territory.  
27 Below are a few of the ways, followed by further explanation:

- 28 1. The court rules will not require you to specify that you are a citizen or resident. This allows the judge to PRESUME  
29 that you are, even though this presumption is a violation of due process of law. Consent to BECOME a citizen or  
30 resident domiciled within their jurisdiction cannot confer personal jurisdiction upon a court if you did not ALREADY  
31 have such status.
- 32 2. Your opponent may accuse you of having a “domicile”, “residence”, or “permanent address” at a specific location and  
33 if you don’t rebut it, then you are unconstitutionally PRESUMED to have that status.
- 34 3. You may claim that you do NOT have a civil domicile in the jurisdiction of the court and the judge may illegally try to  
35 exclude the pleading or the evidence claiming so. This is criminal tampering with a witness and you should  
36 vociferously oppose it.
- 37 4. The judge or prosecutor may ASK you if you are “citizen”, create the PRESUMPTION that they are talking about your  
38 POLITICAL status, and when you answer, PRESUME that it is a civil statutory status. This happens all the time on  
39 government forms and its identity theft. Leave no room for such tricks in your pleadings!
- 40 5. The judge or prosecutor may try to confuse citizenship terms and fool you into admitting that you have a domicile as  
41 shown below.

42 To avoid all the above malicious traps in court, we recommend the following attachments to your complaint or response:

- 43 1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
44 <http://sedm.org/Forms/FormIndex.htm>

- 1 2. Citizenship, Domicile, and Tax Status Options, Form #10.003  
 2 <http://sedm.org/Forms/FormIndex.htm>

3 It is very important to understand that there are THREE separate and distinct CONTEXTS in which the term "United States"  
 4 can be used, and each has a mutually exclusive and different meaning. These three definitions of "United States" were  
 5 described by the U.S. Supreme Court in Hooven and Allison v. Evatt, 324 U.S. 652 (1945):

6 **Table 10: Geographical terms used throughout this page**

<i>Term</i>	<i># in diagrams</i>	<i>Meaning</i>
United States*	1	The country "United States" in the family of nations throughout the world.
United States**	2	The "federal zone".
United States***	3	Collective states of the Union mentioned throughout the Constitution.

7 In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United  
 8 States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS  
 9 context as "United States\*\*\*\*" or "United States<sup>4</sup>". The only types of "persons" within THIS context are public offices within  
 10 in the national and not state government. It is THIS context in which "sources within the United States" is used for the  
 11 purposes of "income" and "gross income" within the Internal Revenue Code, as proven by:

Non-Resident Non-Person Position, Form #05.020, Sections 4 and 5  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

12 The reason these contexts are not expressly distinguished in the statutes by the Legislative Branch or on government forms  
 13 crafted by the Executive Branch is that they are the KEY mechanism by which:

- 14 1. Federal jurisdiction is unlawfully enlarged by abusing presumption, which is a violation of due process of law. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Presumption.pdf>

- 15 2. The separation of powers between the states and the national government is destroyed, in violation of the legislative  
 16 intent of the Constitution. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

- 17 3. A "society of law" is transformed into a "society of men" in violation of Marbury v. Madison, 5 U.S. 137 (1803):

18 *"The government of the United States has been emphatically termed a government of laws, and not of men. It will*  
 19 *certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal*  
 20 *right."*  
 21 [\[Marbury v. Madison, 5 U.S. 137, 163 \(1803\)\]](#)

- 22 4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible eminent domain using  
 23 presumption and words of art".

- 24 5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal  
 25 jurisdiction. See:

Federal Jurisdiction, Form #05.018  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf>

26 The way a corrupted Executive Branch or judge accomplish the above is to unconstitutionally:

- 27 13. PRESUME that ALL of the four contexts for "United States" are equivalent.

1 14. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They  
2 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY  
3 "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See:

*Why You are a "National", "State National", and Constitutional but not Statutory Citizen*, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

4 15. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

5 16. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they  
6 mean in EVERY context.

7 17. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance,  
8 asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY  
9 PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

10 18. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that  
11 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
12 have only one "domicile" but many "residences" and BOTH require your consent. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

13 19. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions,  
14 in violation of the rules of statutory construction. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Includes.pdf>

15 20. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the  
16 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC  
17 POLICY for the written law.

18 21. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States"  
19 as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#)  
20 and it is FRAUD. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

21 This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

22 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
23 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
24 ***not mean to leave room for the play and action of purely personal and arbitrary power.**"*  
25 *[Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071]*

26 Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he said:

27 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
28 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
29 *scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow,***  
30 ***and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the***  
31 ***States and the government be consolidated into one. To this I am opposed."***  
32 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

33 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
34 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
35 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
36 ***all power in the hands of that government in which they have so important a freehold estate."***  
37 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

38 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
39 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*

1 of a general and special government to a general and supreme one alone. This will lay all things at their feet,  
2 and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"  
3 [Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

4 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the  
5 center of all power, it will render powerless the checks provided of one government on another and will become  
6 as venal and oppressive as the government from which we separated."  
7 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

8 "What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"  
9 scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the  
10 hands of the General Government!"  
11 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

#### 12 **9.4.9 How tax return filing compels a change in domicile to federal territory: "tax home"**

13 Domicile is ALWAYS a geographical term tied to a specific territory. Federal Rule of Civil Procedure 17(b) indicates that  
14 the "domicile" of the "person" litigating in federal court determines the ability to sue or be sued, and thus the choice of law  
15 and standing in civil disputes.

16 [IV. PARTIES > Rule 17.](#)  
17 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

18 (b) Capacity to Sue or be Sued.

19 Capacity to sue or be sued is determined as follows:

20 (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

21 **(2) for a corporation, by the law under which it was organized; and**

22 (3) for all other parties, by the law of the state where the court is located, except that:

23 (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or  
24 be sued in its common name to enforce a substantive right existing under the United States Constitution or  
25 laws; and

26 (B) **28 U.S.C. §§ 754 and 959(a)** govern the capacity of a receiver appointed by a United States court to sue  
27 or be sued in a United States court.

28 [[Federal Rule of Civil Procedure 17\(b\)](#)]

29 The Internal Revenue Code uses a term CLOSE but not IDENTICAL to "domicile", and it is called "tax home". Tax home  
30 is referenced in 26 U.S.C. §911(d)(1) relating to "citizens and residents" while abroad in a "foreign country" who are called  
31 "qualified individuals". "Tax home" determines the type of return one files (1040 or 1040NR) and whether they can take  
32 deductions. Below is the definition:

33 26 C.F.R. §301.7701(b)-2

34 (c) Tax home —

35 (1) Definition.

36 For purposes of section 7701 (b) [[26 USCS §7701\(b\)](#)] and the regulations under that section, the term "tax home"  
37 has the same meaning that it has for purposes of section 162(a)(2) [[26 USCS § 162\(a\)\(2\)](#)] (relating to travel  
38 expenses while away from home). **Thus, an individual's tax home is considered to be located at the individual's**  
39 **regular or principal (if more than one regular) place of business. If the individual has no regular or principal**  
40 **place of business because of the nature of the business, or because the individual is not engaged in carrying**  
41 **on any trade or business within the meaning of section 162(a) [[26 USCS § 162\(a\)](#)], then the individual's tax**  
42 **home is the individual's regular place of abode in a real and substantial sense.**

43 The income tax behaves as an excise/franchise tax upon public offices in the national government. In the context of public  
44 officers, there must be a legislatively created OFFICE and an OFFICER VOLUNTARILY filling said public office. Each is  
45 a separate legal person with its own unique domicile, but the OFFICER essentially becomes VOLUNTARY SURETY for  
46 the PUBLIC OFFICE he or she fills. While they are "on duty" exercising the office, the "effective domicile" of the OFFICER  
47 is the District of Columbia, which is the only thing EXPRESSLY included in the geographical definition of "United States\*\*"  
48 per 26 U.S.C. §7701(a)(9) and (a)(10). THAT "United States" is domicile of the United States Inc. federal corporation  
49 identified in 28 U.S.C. §3002(15)(A). These inferences are consistent with the following maxim of law:

1 *"Quando duo juro concurrunt in und person, aequum est ac si essent in diversis.*  
2 *When two rights [PUBLIC v. PRIVATE] concur in one person, it is the same as if they were in two separate*  
3 *persons. 4 Co. 118."*  
4 *[Bouvier's Maxims of Law, 1856;*  
5 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

6 The income tax MUST be voluntary for human beings. This is because the Thirteenth Amendment prohibits involuntary  
7 servitude EVERYWHERE in the COUNTRY, not just in a constitutional state. It is the only Constitutional amendment we  
8 know of, in fact, that applies on federal territory. Thus, to implement an income tax that makes everyone essentially into  
9 "slaves" and peons (see 18 U.S.C. §1589) to pay off an endless mountain of public debt, they had to create a taxable privileged  
10 fictitious office and then fool human beings into volunteering for it. That privileged office is called STATUTORY "citizen"  
11 and "resident" in 26 C.F.R. §1.1-1(a), who are the FULL-TIME officers personally "liable to" but not "MADE LIABLE" for  
12 the income tax. The two methods of getting you to volunteer are:

- 13 1. Fool you into declaring yourself an officer called a STATUTORY "citizen" or STATUTORY "resident alien" in 26  
14 C.F.R. §1.1-1(a). THIS "citizen" or "resident" is in fact the U.S. Inc. corporation itself, and you are voluntarily  
15 representing it as a franchise officer. While on duty, you take on the legal character of the corporation you  
16 REPRESENT as said OFFICER:

17 *"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*  
18 *created, and of that state or country only."*  
19 *[19 Corpus Juris Secundum, Corporations, §886 (2003)]*

- 20 2. Fool you into DONATING your private earnings to a public office by making them "effectively connected" with a  
21 STATUTORY "trade or business"..

22 Based on the previous background context and discussion, a "tax home" mentioned in 26 U.S.C. §911 and 26 C.F.R.  
23 §301.7701(b)-2(c)(1) we therefore interpret to mean the EFFECTIVE domicile of the STATUTORY "person" filing a tax  
24 return.

- 25 1. If you ARE engaged in the "trade or business"/public office franchise under 26 U.S.C. §7701(a)(26), then it is the  
26 District of Columbia, because the OFFICE is within the corporation and that corporation is domiciled in the District of  
27 Columbia under 4 U.S.C. §72 and 26 U.S.C. §7701(a)(9) and (a)(10) and Federal Rule of Civil Procedure 17(b) says  
28 those acting in a representative capacity are deemed to have the domicile of those they represent.  
29 2. If you aren't engaged in the "trade or business"/public office franchise, then your effective domicile is your physical  
30 place of abode according to the above, meaning your home if you live in a state of the Union on other than federal  
31 territory.  
32 3. They use the term "tax home" as a replacement for "domicile" because they don't want to clue you into the fact that the  
33 tax is based on domicile of the "taxpayer" and that the DOMICILE of the "taxpayer" changes based on the type of tax  
34 return you file, being either a RESIDENT Form 1040 or a NONRESIDENT Form 1040NR.

35 So we can see in the above regulation a clear distinction between the OFFICE and the OFFICER filling said office, that each  
36 has a domicile of their own. We can also see that if we want the "benefits" of the franchise office in the form of tax deductions  
37 under 26 U.S.C. §162 that reduce the liability of the STATUTORY "person", then our "tax home" changes to the geographical  
38 "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10).

39 If you are a state national living on land within the exclusive jurisdiction of a constitutional state, then your home under item  
40 2 above is in a "foreign state" but NOT a "foreign country" under 26 U.S.C. §911, according to the above regulation:

41 26 C.F.R. §301.7701(b)-2

42 (b) Foreign country.

43 *For purposes of section 7701(b) [26 USCS § 7701(b)] and the regulations thereunder, the term "foreign country"*  
44 *when used in a geographical sense includes any territory under the sovereignty of the United Nations or a*  
45 *government other than that of the United States. It includes the territorial waters of the foreign country*  
46 *(determined in accordance with the laws of the United States), and the seabed and subsoil of those submarine*  
47 *areas which are adjacent to the territorial waters of the foreign country and over which the foreign country has*  
48 *exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural*  
49 *resources. It also includes the possessions and territories of the United States.*

1 Notice that “possessions and territories of the United States” qualify above as a “foreign country”. States of the Union are  
2 not mentioned and thus are purposefully excluded. They too are “foreign” in relation to the statutory geographical “United  
3 States” defined in 26 U.S.C. §7701(a)(9) and (a)(10), which is the District of Columbia. Since territories and possessions are  
4 classified as foreign countries, then they would come under 26 U.S.C §911 above and would ALSO not be within the  
5 geographical definition of “United States” under 26 U.S.C. §7701(a)(9) and (a)(10).

6 The implications of this information to the filing of tax returns for state nationals born and domiciled in a constitutional state  
7 are that:

- 8 1. The income tax return form you file DETERMINES and describes your choice of domicile. The OUTPUT of that  
9 choice is what we call an “EFFECTIVE DOMICILE”:
  - 10 1.1. It is legislatively FOREIGN in the case of a nonresident Form 1040NR. This is the exclusive jurisdiction of ah  
11 CONSTITUTIONAL state.
  - 12 1.2. It is legislatively DOMESTIC if it a RESIDENT Form 1040NR. This is federal territory or the “federal zone”  
13 and is described as the STATUTORY geographical “United States\*\*” in 26 U.S.C. §7701(a)(9) and (a)(10).
- 14 2. If you aren’t domiciled on federal territory and you file a RESIDENT Form 1040, then they have to create an OFFICE  
15 or PUBLIC office that IS domiciled there and make you voluntary surety for it in order to reach you.
- 16 3. The ONLY correct tax return for a state national (domiciled and physically present in a CONSTITUTIONAL state) to  
17 file is the Form 1040NR. That return must be filed in accordance with the following:

[How to File Returns, Form #09.074](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

- 18 4. State nationals only pay income tax on earnings from sources WITHIN the statutory geographical “United States\*\*”  
19 (federal zone) per 26 U.S.C. §871 instead of ALL EARNINGS in the case of STATUTORY “citizens” or “residents”.  
20 The STATUTORY geographical “United States”, in turn, is limited by the definitions at 26 U.S.C. §7701(a)(9) and  
21 (a)(10) and includes:
  - 22 4.1. Payments from anyone in the federal zone not connected with a “trade or business” franchise/excise under 26  
23 U.S.C. §871(a). All payments from the STATUTORY geographical “United States\*\*” are treated AS IF they are  
24 “effectively connected” with a “trade or business” per 26 U.S.C. §864(c)(3) EXCEPT that listed in 26 U.S.C.  
25 §864(c)(2).
  - 26 4.2. U.S. Government payments connected with the “trade or business” franchise/excise under 26 U.S.C. §871(b). All  
27 such payments are “trade or business” related because the government PAYOR itself is a “trade or  
28 business”/public office. This also includes payments from government instrumentalities, such as federal but not  
29 state corporations, as shown in the famous case of Brushaber v. Union Pacific Railroad, 240 U.S. 1, 36 S.Ct. 236  
30 (1916).  
31 So the main subject of the income tax is the public office/”trade or business” and the ONLY exception is earnings  
32 described in 26 U.S.C. §864(c)(2). The tax is on the OFFICE, and NOT upon the OFFICER CONSENSUALLY and  
33 VOLUNTARILY filling said office. Since the OFFICE is domiciled on federal territory, then in effect the OFFICER  
34 acts as a “resident agent” for the OFFICE domiciled elsewhere.
- 35 5. If a state national files a Form 1040, which is the WRONG form based on their civil status, then they:
  - 36 5.1. Have made an “election” or consented to be treated AS IF they are geographically domiciled on federal territory  
37 within the exclusive jurisdiction of the national government. THAT is the domicile of the FRANCHISE OFFICE  
38 they are filing as called STATUTORY “citizen” or “resident”. This “election” or choice usually is, in fact,  
39 INVISIBLE and done usually through mistake rather than informed choice because of the legal ignorance of most  
40 filers.
  - 41 5.2. Have made an “election” to be treated AS IF they are FULL-TIME public officers no matter where they  
42 physically are. This violates 4 U.S.C. §72 because the place they serve is not “expressly authorized” by  
43 Congress.
  - 44 5.3. Have abandoned their PART-time capacity as a public officer called a STATUTORY “nonresident alien” and  
45 become a FULL-time public officer called a STATUTORY “citizen” or “resident”.
  - 46 5.4. Have “elected” (chosen or volunteered, whether knowingly or not) to become taxable on their WORLDWIDE  
47 earnings no matter where they physically are per 26 C.F.R. §1.1-1(a) as “citizens” or “residents” rather than  
48 merely on payments from the federal zone in the case of a “nonresident alien”.
- 49 6. The term “effectively connected” as used in the Internal Revenue Code therefore describes EXCLUSIVELY private  
50 earnings that are “donated to a public use or public purpose” by the original owner of the payment. This is further  
51 described and documented in:

[How to File Returns, Form #09.074, Section 8.10](https://sedm.org/Forms/FormIndex.htm)  
<https://sedm.org/Forms/FormIndex.htm>

1 For an interesting history of how the IRS has historically tried to obfuscate the Form 1040 to fool state nationals into filing  
2 the WRONG form, the Form 1040, see:

*Tax Return History-Citizenship*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

3 For further information about how state nationals “volunteer” to pay income tax that they DO NOT otherwise owe consistent  
4 with the content of this section, see:

*How State Nationals Volunteer to Pay Income Tax*, Form #08.024  
<https://sedm.org/Forms/FormIndex.htm>

## 5 **10. CITIZENSHIP Identity Theft**

6 The following subsections will not discuss the subject of citizenship in detail. They will merely show how the two main  
7 contexts are deliberately confused: CONSTITUTIONAL and STATUTORY. If you want detailed background on citizenship  
8 terms and contexts, please refer to the following free memorandum of law on our site:

*Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

9 The following subsections were derived from sections 14 through 16 of the above document.

### 10 **10.1 How You are Illegally Deceived or Compelled to Transition from Being a Constitutional Citizen/Resident to** 11 **a Statutory Citizen/Resident: By Confusing the Two Contexts<sup>68</sup>**

12 We state throughout this memorandum that the definitions of terms used are *extremely* important, and that when the  
13 government wants to usurp additional jurisdiction beyond what the Constitution authorizes, it starts by confusing and  
14 obfuscating the definition of key terms. The courts then use this confusion and uncertainty to stretch their interpretation of  
15 legislation in order to expand government jurisdiction, in what amounts to “judge-made law”. This in turn transforms a  
16 government of “laws” into a government of “men” in violation of the intent of the Constitution (see *Marbury v. Madison*, 5  
17 U.S. 137 (1803)). You will see in this section how this very process has been accomplished with the citizenship issue. The  
18 purpose of this section is therefore to:

- 19 1. Provide definitions of the key and more common terms used both by the Federal judiciary courts and the Legislative  
20 branch in Title 8 so that you will no longer be deceived.
- 21 2. Show you how the government and the legal profession have obfuscated key citizenship terms over the years to expand  
22 their jurisdiction and control over Americans beyond what the Constitution authorizes.

23 The main prejudicial and usually invisible presumption that governments, courts, and judges make which is most injurious  
24 to your rights is the association between the words “citizen” and “citizenship” with the term “domicile”. Whenever either  
25 you or the government uses the word “citizen”, they are making the following presumptions:

- 26 1. That you maintain a domicile within their civil legislative jurisdiction. This means that if you are in a federal court, for  
27 instance, that you have a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the  
28 Union.
- 29 2. That you owe allegiance to them and are required as part of that allegiance to pay them “tribute” for the protection they  
30 afford.
- 31 3. That you are qualified to participate in the affairs of the government as a voter or jurist, even though you may in fact not  
32 participate at that time.

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<sup>68</sup> Source: *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006, Section 13;  
<https://sedm.org/Forms/FormIndex.htm>.

1 **10.1.1 Where the confusion over citizenship originates: Trying to make CONSTITUTIONAL and STATUTORY**  
2 **contexts equivalent**

3 The U.S. Supreme Court identified where all the current confusion over citizenship comes from. Here is their explanation:

4 *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and*  
5 *to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used*  
6 *is designed to apply to man in his individual character and to his natural capacities -- to a being or agent*  
7 *[PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral*  
8 *obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution,*  
9 *can be received and understood. When distributing the judicial power, that article extends it to controversies*  
10 *between 'citizens' of different states. This must mean the natural physical beings composing those separate*  
11 *communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical,*  
12 *and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind,*  
13 *invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms*  
14 *or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of*  
15 *the United States."*

16 *"Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is*  
17 *it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can*  
18 *perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be*  
19 *arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be*  
20 *excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of*  
21 *the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a*  
22 *corporation could be transformed into a citizen, and by that transformation be given a physical existence, and*  
23 *endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from*  
24 *the decisions of the cases of Bank of the United States v. Deveaux and of Cincinnati & Louisville Railroad*  
25 *Company v. Letson afford some illustration of the effects which must ever follow a departure from the settled*  
26 *principles of the law. These principles are always traceable to a wise and deeply*  
27 *founded experience; they are therefore ever consentaneous and in*  
28 *harmony with themselves and with reason, and whenever abandoned as*  
29 *guides to the judicial course, the aberration must lead to bewildering*  
30 *uncertainty and confusion."*

31 *[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]*

32 The CONFUSION of the CONSTITUTIONAL and STATUTORY contexts is the origin of why we say that lawyers “speak  
33 with forked tongue” like a snake. Snakes have two forks on their tongue and they are the origin of the fall of Adam and Eve.  
34 One “fork” of the tongue is the CONSTITUTIONAL context and the other “fork” is the STATUTORY context. The purpose  
35 of confusing the two contexts is to “dissimulate” people and make them FALSELY look like public officers that the  
36 government has jurisdiction over.

37 *dis-sim-u-lat-ed | dis-sim-u-lat-ing*

38 *transitive verb*

39 *: to hide under a false appearance <smiled to dissimulate her urgency — Alice Glenday>*

40 *[Merriam Webster Online Dictionary, 2/3/2014;*

41 *SOURCE: <http://www.merriam-webster.com/dictionary/dissimulated>]*

42 For an example of how this “dissimulation” works, watch the following videos. These videos are from a now bankrupt  
43 company whose motto was “Don’t Judge Too Quickly”:

- 44 1. Hospital  
45 [http://sedm.org/LibertyU/Don\\_tjudgetooquickly1.mp4](http://sedm.org/LibertyU/Don_tjudgetooquickly1.mp4)
- 46 2. Airplane  
47 [http://sedm.org/LibertyU/Don\\_tjudgetooquickly2.mp4](http://sedm.org/LibertyU/Don_tjudgetooquickly2.mp4)
- 48 3. Home  
49 [http://sedm.org/LibertyU/Don\\_tjudgetooquickly3.mp4](http://sedm.org/LibertyU/Don_tjudgetooquickly3.mp4)
- 50 4. Dad in Car  
51 [http://sedm.org/LibertyU/Don\\_tjudgetooquickly4.mp4](http://sedm.org/LibertyU/Don_tjudgetooquickly4.mp4)
- 52 5. Park

1 [http://sedm.org/LibertyU/Don\\_tjudgetooquickly5.mp4](http://sedm.org/LibertyU/Don_tjudgetooquickly5.mp4)

2 Dissimulating people in a LEGAL context requires the following on the part of the audience who are being deceived:

- 3 1. Legal ignorance.
- 4 2. Laziness or complacency that makes the observer NOT want to investigate the meaning of the terms used.
- 5 3. A willingness to engage in FALSE PRESUMPTIONS, all of which are a violation of due process of law if employed in
- 6 a court of law. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

7 The above devious form of exploitation may be why the courts have said on this subject:

8 *"The chief enemies of republican freedom are [mental sloth](#), [conformity](#), [bigotry](#), [superstition](#), [credulity](#), [monopoly](#)*  
9 *in the market of ideas, and utter, benighted ignorance."*  
10 *[Adele v. State of Florida, 385 U.S. 39, 49 (1967)]*

11 *"...the greatest menace to freedom is an inert [passive, ignorant, and uneducated] people [who refuse, as jurists*  
12 *and voters and active citizens, to expose and punish evil in our government] "*  
13 *[Whitney v. California, 274 U.S. 357 (1927)]*

14 What thieves in what Mark Twain calls "the District of Criminals" have done to perpetuate, expand, and commercialize the  
15 DELIBERATE confusion caused by trying to make CONSTITUTIONAL and STATUTORY citizens equal is to essentially:

- 16 1. Use the term "United States" in a GENERAL sense and NEVER distinguish WHICH of the FOUR United States they  
17 mean in every specific context. According to the following maxim of law, this amounts to constructive FRAUD:

18 *"Dolus versatur generalibus. [A deceiver deals in generals.](#) 2 Co. 34."*

19 *"Fraus latet in generalibus. [Fraud lies hid in general expressions.](#)"*

20 *Generale nihil certum implicat. [A general expression implies nothing certain.](#) 2 Co. 34.*

21 *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. [Where a thing is](#)*  
22 *[concealed generally, this exception arises, that there shall be nothing contrary to law and right.](#) 10 Co. 78.*  
23 *[Bouvier's Maxims of Law, 1856]*

- 24 2. On government forms:

- 25 2.1. Exploit the ignorance of the average American by telling them the "United States" they mean is states of the  
26 Union, even though the OPPOSITE is technically true. For instance, tell them in untrustworthy publications or on  
27 the phone support that it means the COUNTRY. The following proves that all government publications and even  
28 phone support is UNTRUSTWORTHY according to the courts and even the agencies themselves. This lack of  
29 accountability is a strong motivation to LIE with impunity to increase revenues from ILLEGAL revenue  
30 collection:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

- 31 2.2. When the government receives your completed form or application, silently PRESUME the STATUTORY  
32 meaning of United States, meaning the federal zone or United States\*\*, is used everywhere on the form.
- 33 2.3. Classify any and all documents and records that would allow people to distinguish the two above contexts,  
34 INCLUDING especially the CSP code in your Social Security records. See section 10.1.13 later.
- 35 3. Create statutory franchises ("benefits") under which all STATUTORY "persons", "citizens", and "residents" are public  
36 officers of the United States federal corporation. Those participating then take on the character of the corporation they  
37 represent and are therefore indirectly federal corporations also. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

- 38 4. Ensure the franchises limit themselves to federal territory in their geographical definitions (e.g. 26 U.S.C. §7701(a)(9)  
39 and (a)(10), and 4 U.S.C. §110(d)) to keep them lawful and constitutional.
- 40 5. FRAUDULENTLY abuse the terms "includes" and "including" and lies in completely UNTRUSTWORTHY  
41 government publications to illegally extend the reach of the franchises extraterritorially into CONSTITUTIONAL

1 states of the Union. The abuse of “includes” provides a defense of “plausible deniability” if the government is caught  
2 in this SCAM. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

- 3 6. In creating withholding or application forms for the illegally enforced franchise:  
4 6.1. Ensure that there are no STATUS blocks for those who don’t want to participate or are under criminal duress to  
5 participate.  
6 6.2. Refuse to clarify or distinguish CONSTITUTIONAL citizens from STATUTORY citizens on the status block and  
7 only offer ONE option “U.S. citizen”, which is then PRESUMED to be a STATUTORY and NOT  
8 CONSTITUTIONAL citizen.  
9 6.3. Offer no forms to QUIT the franchise, but FRAUDULENTLY call it “voluntary”. It can’t be voluntary unless  
10 you have a way to QUIT.  
11 6.4. Tell people who want to quit that the computer or the form won’t allow you to quit, even though the regulations  
12 or law REQUIRES them to offer you that option.  
13 6.5. Illegally penalize or discriminate against people who fill the form out properly by indicating that they aren’t  
14 eligible, are under criminal duress, and are being tampered with as a federal witness to fill out the form in such a  
15 way that it FRAUDULENTLY appears that they consent to the franchise and ARE eligible. For instance, if they  
16 won’t consent to be a PUBLIC OFFICER called a “Taxpayer” or “citizen”, or “resident”, tell them as a private  
17 company that you can’t or won’t do business with them.

18 For details on the above criminal abuses of government forms to compel violation of the First Amendment right to not  
19 contract or associate, see:

*Path to Freedom*, Form #09.015, Section 5.3: Avoiding traps with government forms and government ID  
<http://sedm.org/Forms/FormIndex.htm>

- 20 7. Lie with impunity on the IRS website and in IRS publications and on the IRS 800 line about the unlawful confusion of  
21 context. See:  
22 7.1. *Reasonable Belief About Income Tax Liability*, Form #05.007  
23 <http://sedm.org/Forms/FormIndex.htm>  
24 7.2. SEDM Liberty University, Section 8: Resources to Rebut Government, Legal, and Tax Profession Deception and  
25 False Propaganda  
26 <http://sedm.org/LibertyU/LibertyU.htm>  
27 8. When the above doesn’t work and people figure out the trick, illegally penalize “non-resident non-persons” not subject  
28 to the Internal Revenue Code (I.R.C.) for NOT CRIMINALLY declaring themselves as STATUTORY “persons”,  
29 “individuals”, “citizens”, and “residents” on withholding forms. This is criminal witness tampering because all such  
30 forms are signed under penalty of perjury. See:

*Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents*, Form  
#05.010  
<http://sedm.org/Forms/FormIndex.htm>

- 31 9. Bribe CONSTITUTIONAL states to ACT like STATUTORY STATES and federal corporations in exchange for a  
32 share of the PLUNDER derived from the illegal enforcement of the tax code franchises. This causes them to help the  
33 national government essentially engage in acts of international commercial terrorism within their borders in violation  
34 of Article 4, Section 4, of the United States Constitution. This requires them to:  
35 9.1. Use all the same tactics documented here in STATE courts and STATE statutes.  
36 9.2. Use driver licensing as a way to essentially turn “drivers” into federal public officers by mandating the use of  
37 Social Security Numbers available ONLY to federal territory domiciliaries. For details, see:

*Why You Aren’t Eligible for Social Security*, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

- 38 10. Criminally and illegally bribe judges with financial rewards for sanctioning or convicting people who litigate to stop  
39 the above CRIMINAL activity. See 5 U.S.C. §§4502 through 4505, 18 U.S.C. §§201, 208, 210, and 211.  
40 11. In court:  
41 11.1. Judges under financial duress refuse to clarify which of the two “citizens” they are talking about in court rulings  
42 so that everyone will think they are the same.  
43 11.2. Judges abuse choice of law rules to apply foreign statutory franchise codes to places they do not apply. See:  
44 *Flawed Tax Arguments to Avoid*, Form #08.004, Section 3  
45 <http://sedm.org/Forms/FormIndex.htm>  
11.3. Treat everyone as though they are franchisees (statutory “taxpayers”, “spouses”, “drivers”), whether they want to  
be or not. This is criminal identity theft and violates the Declaratory Judgments Act, 28 U.S.C. §2201(a).

- 1 11.4. When challenged to clarify the fact that you have been improperly confused with STATUTORY citizens and  
2 public officers as a state citizen, call your challenge “frivolous”, which in itself is malicious abuse of legal  
3 process and violation of due process if not proven WITH EVIDENCE to a jury of disinterested peers.  
4 12. Gag attorneys with attorney licensing so that their livelihood will be destroyed if they try to expose or prosecute or  
5 remedy any of the above. Do this IN SPITE of the fact that licensed attorneys are only required for those defending  
6 public offices in the government. The ability to regulate or license EXCLUSIVELY PRIVATE conduct is repugnant  
7 to the Constitution.<sup>69</sup> See also:

*Unlicensed Practice of Law*, Form #05.029  
<http://sedm.org/Forms/FormIndex.htm>

- 8 13. Dumb down the public school and law school curricula so that the average person and average lawyer are not aware of  
9 the above and therefore can't raise it as an issue in court.  
10 14. When the above tactics are exposed on the internet, try to shut down the websites propagating them by:  
11 14.1. Prosecuting the whistleblowers for promoting “abusive tax shelters” under 26 U.S.C. §6700, even though they are  
12 non-resident non-persons not subject to the Internal Revenue Code (I.R.C.) and can prove it.  
13 14.2. Slandering them with fraudulent accusations of being irrational and criminal “sovereign citizens”. See:

*Policy Document: Rebutted False Arguments About Sovereignty*, Form #08.018  
<http://sedm.org/Forms/FormIndex.htm>

14 The only reason any of the above works is because the average American remains ignorant and complacent about law and  
15 legal subjects:

16 *“The only thing necessary for evil to triumph is for good men to do nothing or to trust bad men to do the right*  
17 *thing.”*  
18 *[SEDM]*

19 *“...it is not good for a soul to be without knowledge,”*  
20 *[Prov. 19:2, Bible, NKJV]*

21 *“My people are destroyed for lack of knowledge.”*  
22 *[Hosea 4:6, Bible, NKJV]*

23 *“...we should no longer be children, tossed to and fro and carried about with every wind of doctrine, by the*  
24 *trickery of men, in the cunning craftiness of deceitful plotting, but speaking the truth in love, may grow up in all*  
25 *things into Him who is the head—Christ.”*  
26 *[Eph. 4:14, Bible, NKJV]*

27 *“One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination.”*  
28 *[Prov. 28:9, Bible, NKJV]*

29 The following subsections will go into greater depth about each of the above abuses to show how they are criminally  
30 perpetrated. This will allow you to get legal remedy in a court of law to correct them.

### 31 **10.1.2 How the confusion is generally perpetuated: Word of Art “United States”**

32 The main method of perpetuating the confusion between the STATUTORY and CONSTITUTIONAL context is a failure or  
33 refusal to distinguish WHICH of the four specific meanings of “United States” is implied in each use. We will cover how  
34 this is done in this section.

35 It is very important to understand that there are THREE separate and distinct GEOGRAPHICAL CONTEXTS in which the  
36 term "United States" can be used, and each has a mutually exclusive and different meaning. These three geographical  
37 definitions of "United States" were described by the U.S. Supreme Court in Hooven and Allison v. Evatt, 324 U.S. 652  
38 (1945):

#### 39 **Table 11: Geographical terms used throughout this page**

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<sup>69</sup> Here is how the federal judge in the case of Dr. Phil Roberts Tax Trial talked to the licensed attorney representing him: “The **practice of law, sir, is a privilege, especially in Federal Court**. You're close to losing that privilege in this court, Mr. Stillely.”. Read the transcript yourself. See Great IRS Hoax, Form #11.302, Section 6.8.1.

<i>Term</i>	<i># in diagrams</i>	<i>Meaning</i>
United States*	1	The country "United States" in the family of nations throughout the world.
United States**	2	The "federal zone".
United States***	3	Collective states of the Union mentioned throughout the Constitution.

1 In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United  
2 States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS  
3 context as "United States\*\*\*\*" or "United States<sup>4</sup>". The only types of "persons" within THIS context are public offices within  
4 the national and not state government. It is THIS context in which "sources within the United States" is used for the purposes  
5 of "income" and "gross income" within the Internal Revenue Code, as proven by:

*Non-Resident Non-Person Position*, Form #05.020, Sections 5.4 and 5.4.11  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

6 The reason these contexts are not expressly distinguished in the statutes by the Legislative Branch or on government forms  
7 crafted by the Executive Branch is that they are the KEY mechanism by which:

8 1. Federal jurisdiction is unlawfully enlarged by abusing presumption, which is a violation of due process of law. See:  

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Presumption.pdf>

9 2. The separation of powers between the states and the national government is destroyed, in violation of the legislative  
10 intent of the Constitution. See:  

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

11 3. A "society of law" is transformed into a "society of men" in violation of [Marbury v. Madison, 5 U.S. 137 \(1803\)](#):  
12 *"The government of the United States has been emphatically termed a government of laws, and not of men. It will*  
13 *certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal*  
14 *right."*  
15 [[Marbury v. Madison, 5 U.S. 137, 163 \(1803\)](#)]

16 4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible theft using presumption  
17 and words of art".  
18 5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal  
19 jurisdiction. See:  

*Federal Jurisdiction*, Form #05.018  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf>

20 The way a corrupted Executive Branch or judge accomplish the above is to unconstitutionally:

21 1. PRESUME that ALL of the four contexts for "United States" are equivalent.  
22 2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They  
23 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY  
24 "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See:  

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

25 3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:  

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 1 4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they  
2 mean in EVERY context.
- 3 5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance,  
4 asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY  
5 PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
- 6 6. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that  
7 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
8 have only one "domicile" but many "residences" and BOTH require your consent. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 9 7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions,  
10 in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

- 11 8. PRESUME that STATUTORY diversity of citizenship under 28 U.S.C. §1332 and CONSTITUTIONAL diversity of  
12 citizenship under Article III, Section 2 of the United States Constitution are equivalent.
- 13 8.1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive.
- 14 8.2. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory. The definition of "State" in  
15 the CONSTITUTION is a State of the Union and NOT federal territory.
- 16 8.3. They try to increase this confusion by dismissing diversity cases where only diversity of RESIDENCE (domicile)  
17 is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean  
18 DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See Lamm v. Bekins Van Lines,  
19 Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal jurisdiction on the basis of diversity, a  
20 notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are  
21 wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable  
22 terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").
- 23 9. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the  
24 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC  
25 POLICY for the written law.
- 26 10. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States"  
27 as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#)  
28 and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

29 This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

30 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
31 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
32 ***not mean to leave room for the play and action of purely personal and arbitrary power.**"*

33 [*Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup. Ct. 1064, 1071*]

34 Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he said:

35 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
36 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
37 *scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow,***  
38 ***and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the***  
39 ***States and the government be consolidated into one. To this I am opposed.**"*

40 [*Thomas Jefferson to Charles Hammond, 1821. ME 15:331*]

41 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
42 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
43 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
44 ***all power in the hands of that government in which they have so important a freehold estate.**"*

45 [*Thomas Jefferson: Autobiography, 1821. ME 1:121*]

1 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
2 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*  
3 *of a general and special government to a general and supreme one alone. **This will lay all things at their feet,***  
4 ***and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'**"*  
5 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

6 ***"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the***  
7 ***center of all power, it will render powerless the checks provided of one government on another and will become***  
8 ***as venal and oppressive as the government from which we separated."***  
9 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

10 *"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"*  
11 *scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the*  
12 *hands of the General Government!"*  
13 *[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]*

### 14 **10.1.3 Purpose for the confusion in laws and forms**

15 The purpose of the deliberate obfuscation of citizenship terms is to accomplish a complete breakdown of the separation of  
16 powers between the constitutional states of the Union and the national government, and thus, to compress us all into one mass  
17 under a national government just like the rest of the nations of the world. This form of corruption was predicted by Thomas  
18 Jefferson, one of our most revered Founding Fathers, when he said:

19 ***"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the***  
20 ***center of all power, it will render powerless the checks provided of one government on another and will become***  
21 ***as venal and oppressive as the government from which we separated."***  
22 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332 ]*

23 ***"What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting***  
24 ***would be produced by an assumption of all the State powers into the hands of the General Government!"***  
25 *[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]*

26 *The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and*  
27 *unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special*  
28 *governments into the jaws of that which feeds them."*  
29 *[Thomas Jefferson to Spencer Roane, 1821. ME 15:326 ]*

30 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
31 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*  
32 *of a general and special government to a general and supreme one alone. This will lay all things at their feet, and*  
33 *they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'"*  
34 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297 ]*

35 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
36 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
37 *scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and*  
38 *advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and*  
39 *the government be consolidated into one. To this I am opposed."*  
40 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

41 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
42 *to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps*  
43 *of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all*  
44 *power in the hands of that government in which they have so important a freehold estate."*  
45 *[Thomas Jefferson: Autobiography, 1821. ME 1:121 ]*

46 The systematic and diabolical plan to destroy the separation of powers and all the efforts to implement it are described in:

**Government Conspiracy to Destroy the Separation of Powers, Form #05.023**  
<http://sedm.org/Forms/FormIndex.htm>

47 The purpose of abusing this confusion of contexts between CONSTITUTIONAL and STATUTORY "citizens" and  
48 "residents" is to:

- 1 1. Avoid having to admit that YOU and not THEM are in charge, and that THEY are the SERVANT and seller and you  
2 are the SOVEREIGN and buyer. The customer is always right in a free market.

3 "**In United States, sovereignty resides in people...** the Congress cannot invoke the sovereign power of the People  
4 to override their will as thus declared."  
5 [Perry v. U.S., 294 U.S. 330 (1935)]

6 "Strictly speaking, in our republican form of government, **the absolute sovereignty of the nation is in the people**  
7 **of the nation;** and the residuary sovereignty of each state, not granted to any of its public functionaries, **is in the**  
8 **people of the state.** 2 Dall. 471  
9 [Bouv. Law Dict (1870)]

10 "The ultimate authority ... resides in the people alone."  
11 [The Federalist, No. 46, James Madison]

12 "... a very great lawyer, who wrote but a few years before the American revolution, seems to doubt whether the  
13 original contract of society had in any one instance been formally expressed at the first institution of a state; The  
14 American revolution seems to have given birth to this new political phenomenon: in every state a written  
15 constitution was framed, and adopted by the people, both in their individual and sovereign capacity, and  
16 character. **By this means, the just distinction between the sovereignty, and the government, was rendered**  
17 **familiar to every intelligent mind; the former was found to reside in the people, and to be unalienable from**  
18 **them; the latter in their servants and agents;** by this means, also, government was reduced to its elements; its  
19 object was defined, its principles ascertained; **its powers limited, and fixed;** its structure organized; and the  
20 functions of every part of the machine so clearly designated, as to prevent any interference, so long as the limits  
21 of each were observed...."  
22 [Blackstone's Commentaries, "View of the Constitution of the United States, Section 2 - Nature of U.S.  
23 Constitution; manner of its adoption; as annotated by St. George Tucker, William Young Birch and Abraham  
24 Small, c1803]

- 25 2. Make the consent to become a STATUTORY citizen "invisible", so you aren't informed that you can withdraw it and  
26 thereby obligate them to PROTECT your right to NOT consent and not be a "subject" under their void for vagueness  
27 franchise "codes". See:

Requirement for Consent, Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

- 28 3. Remove your ability to CIVILLY, POLITICALLY, and LEGALLY disassociate with them peacefully and thereby  
29 abolish your sponsorship of them. Thus, indirectly they are advocating lawlessness, violence, and anarchy, because  
30 these VIOLENT forces are the only thing left to remove their control over you if you can't lawfully do it peacefully.  
31 4. Avoid having to be competitive and efficient like any other corporate business. Government is just a business, and the  
32 only thing it sells is "protection". You aren't required to "buy" their product or be a "customer".  
33 4.1. In their language, civil STATUTORY "citizens" and "residents" are "customers".  
34 4.2. You have a right NOT to contract with them for protection under the social compact.  
35 4.3. You have a First Amendment right to NOT associate with them and not be compelled to associate with them  
36 civilly.  
37 4.4. If you don't like their "product" you have a right to FIRE them:

38 "To secure these [inalienable] rights [to life, liberty, and the pursuit of happiness], governments are instituted  
39 among men, deriving their just powers from the consent of the governed... Whenever any form of government  
40 becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new  
41 government, laying its foundation on such principles, and organizing its powers in such form, as to them shall  
42 seem most likely to effect their safety and happiness."  
43 [Thomas Jefferson: Declaration of Independence, 1776. ME 1:29, Papers 1:429]

- 44 4.5. The ONLY peaceful means to "alter or abolish" them is to STOP subsidizing them and thereby take away ALL  
45 the power they have, which is primarily commercial. Any other means requires violence.  
46 5. Make everything they do into essentially an adhesion contract, where the civil statutory law is the contract.

47 "**Adhesion contract.** Standardized contract form offered to consumers of [government] goods and services on  
48 essentially "take it or leave it" basis without affording consumer realistic opportunity to bargain and under such  
49 conditions that consumer cannot obtain desired product or services except by acquiescing in form contract.  
50 Distinctive features of adhesion contract is that weaker party has no realistic choice as to its terms. *Cubic Corp.*  
51 *v. Marty*, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833; *Standard Oil Co. of Calif. v. Perkins*, C.A.Or., 347  
52 F.2d. 379, 383. Recognizing that these contracts are not the result of traditionally "bargained" contracts, the  
53 trend is to relieve parties from onerous conditions imposed by such contracts. However, not every such contract  
54 is unconscionable. *Lechmere Tire and Sales Co. v. Burwick*, 360 Mass. 718, 720, 721, 277 N.E.2d. 503."

6. Replace the citizen/government relationship with the employee/employer relationship. All statutory “citizens” are public offices in the government. As Judge Napolitano likes to say in his Freedom Watch Program, Fox News:

“Do we work for the government or does the government work for us”?

If you would like more details on how this transition from citizen/government to employee/employer happens, see:

6.1. Ministry Introduction, Form #12.014

6.2. De Facto Government Scam, Form #05.043

7. Destroy the separation between PRIVATE humans and PUBLIC offices, and thus to impose the DUTIES of a public office against the will of those who do not consent in violation of the Thirteenth Amendment. See:

Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008  
<http://sedm.org/Forms/FormIndex.htm>

8. Destroy the separation of powers between the federal government and the states. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

9. Undermine the very function of government, which is to protect PRIVATE, inalienable, Constitutional rights. The first step in that process is to prevent them from being converted to PUBLIC offices or PUBLIC rights with your EXPRESS, INFORMED consent. Hence, this is not GOVERNMENT activity, but PRIVATE activity of a PRIVATE corporation and mafia protection racket.

10. Protect the plausible deniability of those who engage in it by allowing them to disingenuously say that it was an innocent or ignorant mistake. Ignorance of the law is not an excuse in criminal violations of this kind.

#### 10.1.4 Obfuscated federal definitions to confuse Statutory Context with Constitutional Context

Beyond the above authorities, we then tried to locate credible legal authorities that explain the distinctions between the constitutional context and the statutory context for the term “United States”. The basic deception results from the following:

1. **The differences in meaning of the term “United States” between the U.S. Constitution and federal statutes.** The term “United States\*\*\*” in the Constitution means the collective 50 states of the Union (the United States of America), while in federal statutes, the term “United States\*\*” means the *federal zone*.
2. **Differences between citizenship definitions found in Title 8, the Aliens and Nationality Code, and those found in Title 26, the Internal Revenue Code.** The term “nonresident alien” as used in Title 26, for instance, does *not* appear anywhere in Title 8 but is the equivalent of the term “national” found in 8 U.S.C. §1101(a)(21) but not “national and citizen of the United States\*\*\*” in 8 U.S.C. §1401.
3. **Differences between statutory citizenship definitions and the language of the courts.** The language of the courts is *independent* from the statutory definition so that it is difficult to correlate the term the courts are using and the related statutory definition. We will include in this section separate definitions for the statutes and the courts to make these distinctions clear in your mind.

We will start off by showing that no authoritative definition of the term “citizen of the United States\*\*\*” existed before the Fourteenth Amendment was ratified in 1868. This was revealed in the Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873):

“The 1<sup>st</sup> clause of the 14<sup>th</sup> article was primarily intended to confer citizenship of the United States[\*\*\*] and citizenship of the states, and it recognizes the distinction between citizenship of a state and citizenship of the United States[\*\*\*] by those definitions.

“The 1<sup>st</sup> section of the 14<sup>th</sup> article, to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the state comprising the Union.** Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.”

[...]

1 *"To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which*  
2 *should declare what should constitute citizenship of the United States[\*\*\*] and also citizenship of a state, the*  
3 *1<sup>st</sup> clause of the 1<sup>st</sup> section [of the Fourteenth Amendment] was framed:*

4 *'All persons born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof are citizens of*  
5 *the United States[\*\*\*] and of the state wherein they reside.'*

6 *"The first observation we have to make on this clause is that it puts at rest both the questions which we stated to*  
7 *have been the subject of differences of opinion. It declares that persons may be citizens of the United States[\*\*\*]*  
8 *without regard to their citizenship of a particular state, and it overturns the Dred Scott decision by making all*  
9 *persons born within the United States[\*\*\*] and subject to its jurisdiction citizens of the United States[\*\*\*]. That*  
10 *its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase 'subject to its*  
11 *jurisdiction' was intended to exclude from its operation children of ministers, consuls and citizens or subjects of*  
12 *foreign states born within the United States[\*\*\*]."*

13 *"The next observation is more important in view of the arguments of counsel in the present case. It is that the*  
14 *distinction between citizenship of the United States[\*\*\*] and citizenship of a state is clearly recognized and*  
15 *established. Not only may a man be a citizen of the United States[\*\*\*] without being a citizen of a state, but*  
16 *an important element is necessary to convert the former into the latter. He must reside within the state to make*  
17 *him a citizen of it but it is only necessary that he should be born or naturalized in the United States[\*\*\*] to be*  
18 *a citizen of the Union.*

19 *It is quite clear, then, that there is a citizenship of the United States[\*\*\*], and a citizenship of a state, which are*  
20 *distinct from each other and which depend upon different characteristics or circumstances of the individual."*  
21 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

22 A careful reading of *Boyd v. Nebraska*, 143 U.S. 135 (1892) helps clarify the true meaning of the term "citizen of the United  
23 States\*\*\*\*" in the context of the U.S. Constitution and the rulings of the U.S. Supreme Court. It shows that a "citizen of the  
24 United States\*\*\*\*" is indeed a "national" in the context of federal statutes only:

25 *"Mr. Justice Story, in his Commentaries on the Constitution, says: 'Every citizen of a state is ipso facto a citizen*  
26 *of the [143 U.S. 135, 159] United States[\*\*\*]'. Section 1693. And this is the view expressed by Mr. Rawle in his*  
27 *work on the Constitution. Chapter 9, pp. 85, 86. Mr. Justice CURTIS, in Dred Scott v. Sandford, 19 How. 393,*  
28 *576, expressed the opinion that under the constitution of the United States[\*\*\*] 'every free person, born on the*  
29 *soil of a state, who is a citizen of that state by force of its constitution or laws, is also a citizen of the United*  
30 *States[\*\*\*]'. And Mr. Justice SWAYNE, in The Slaughter-House Cases, 16 Wall. 36, 126, declared that 'a citizen*  
31 *of a state is ipso facto a citizen of the United States[\*\*\*]'. But in Dred Scott v. Sandford, 19 How. 393, 404, Mr.*  
32 *Chief Justice TENNEY, delivering the opinion of the court, said: 'The words 'people of the United States[\*\*\*]' and*  
33 *'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according*  
34 *to our republican institutions, form the sovereignty, and who hold the power and conduct the government through*  
35 *their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this*  
36 *people, and a constituent member of this sovereignty. ... In discussing this question, we must not confound the*  
37 *rights of citizenship which a state may confer within its own limits and the rights of citizenship as a member*  
38 *of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a state,*  
39 *that he must be a citizen of the United States[\*\*\*]. He may have all of the rights and privileges of the citizen of*  
40 *a state, and yet not be entitled to the rights and privileges of a citizen in any other state; for, previous to the*  
41 *adoption of the constitution of the United States[\*\*\*], every state had the undoubted right to confer on*  
42 *whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character, of course,*  
43 *was confined to the boundaries of the state, and gave him no rights or privileges in other states beyond those*  
44 *secured to him by the laws of nations and the comity of states. Nor have the several states surrendered the power*  
45 *of conferring these rights and privileges by adopting the constitution of the United States[\*\*\*]. Each state may*  
46 *still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he*  
47 *would not be a citizen in the sense in [143 U.S. 135, 160] which that word is used in the constitution of the*  
48 *United States[\*\*\*], nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen*  
49 *in the other states. The rights which he would acquire would be restricted to the state which gave them. The*  
50 *constitution has conferred on congress the right to establish a uniform rule of naturalization, and this right is*  
51 *evidently exclusive, and has always been held by this court to be so. Consequently no state, since the adoption of*  
52 *the constitution, can, by naturalizing an alien, invest him with the rights and privileges secured to a citizen of a*  
53 *state under the federal government, although, so far as the state alone was concerned, he would undoubtedly be*  
54 *entitled to the rights of a citizen, and clothed with all the rights and immunities which the constitution and laws*  
55 *of the state attached to that character.'*  
56 *[Boyd v. Nebraska, 143 U.S. 135 (1892)]*

57 Notice above that the term "citizen of the United States\*\*\*\*" and "rights of citizenship as a member of the Union" are  
58 described synonymously. Therefore, a "citizen of the United States\*\*\*\*" under the Fourteenth Amendment, section 1 and a  
59 "national" under 8 U.S.C. §1101(a)(21) are synonymous. As you will see in the following cite, people who were born in a  
60 state of the Union always were "citizens of the United States\*\*\*\*" by the definition of the U.S. Supreme Court, which made  
61 them "nationals of the United States\*\*\* of America" under federal statutes. What the Fourteenth Amendment did was extend

1 the privileges and immunities of “nationals” (defined under federal statutes) to people of races other than white. The cite  
2 below helps confirm this:

3 *“The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
4 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
5 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
6 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
7 *public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except*  
8 *as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*  
9 *always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.*  
10 *Whether this proposition was sound or not had never been judicially decided.”*  
11 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

12 The federal courts and especially the Supreme Court have done their best to confuse citizenship terms and the citizenship  
13 issue so that most Americans would be unable to distinguish between “national” and “U.S. citizen” status found in federal  
14 statutes. This deliberate confusion has then been exploited by collusion of the Executive Branch, who have used their  
15 immigration and naturalization forms and publication and their ignorant clerk employees to deceive the average American  
16 into thinking they are “U.S. citizens” in the context of federal statutes. Based on our careful reading of various citizenship  
17 cases mainly from the U.S. Supreme Court, Title 8 of the U.S. Code, Title 26 of the U.S. Code, as well as Black’s Law  
18 Dictionary, Sixth Edition, below are some citizenship terms commonly used by the court and their correct and unambiguous  
19 meaning in relation to the statutes found in Title 8, which is the Aliens and Nationality Code:

1 **Table 12: Citizenship terms**

#	Term	Context	Meaning	Authorities	Notes
1	"nation"	Everywhere	In the context of the United States*** of America, a state of the union. The federal government and all of its possessions and territories are <i>not</i> collectively a "nation". The "country" called the "United States*" is a "nation", but our federal government and its territories and possessions are <i>not</i> collectively a "nation".	<ol style="list-style-type: none"> <li>1. <i>Chisholm v. Georgia</i>, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)</li> <li>2. Black's Law Dictionary, revised Fourth Edition, 1968, p. 1176 under "National Government".</li> <li>3. <i>Hooven and Allison Co. v. Evatt</i>, 324 U.S. 652 (1945).</li> </ol>	The "United States*** of America" is a "federation" and not a "nation". Consequently, the government is called a "federal government" rather than a "national government". See section 4.6 of <i>Great IRS Hoax</i> , Form #11.302 for further explanation.
2	"national"	Everywhere	"national" is a person owing allegiance to a state	<ol style="list-style-type: none"> <li>1. 8 U.S.C. §1101(a)(21).</li> </ol>	
3	"non-citizen National"	Everywhere	"non-citizen national" is a person born in a federal possession.	<ol style="list-style-type: none"> <li>2. 8 U.S.C. §1408.</li> <li>3. 8 U.S.C. §1101(a)(22)(B).</li> <li>4. 8 U.S.C. §1452.</li> <li>5. 8 U.S.C. §1101(a)(22).</li> <li>6. <a href="#">3C Am.Jur.2d. §2732-2752</a>: Noncitizen nationality (1999)</li> </ol>	We could find no mention of the term "U.S. national" by the Supreme Court. We were told that this term was first introduced into federal statutes in the 1930s.
4	"naturalization"	Everywhere	The process of conferring <b>nationality</b> and " <b>national</b> " status <i>only</i> , but not "U.S. citizen" status.	<ol style="list-style-type: none"> <li>1. 8 U.S.C. §1101(a)(23): "The term "naturalization" means the conferring of <b>nationality</b> [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "<b>national</b>"] of a <b>state</b> [of the union] upon a person after birth, by any means whatsoever."</li> <li>2. Black's Law Dictionary, Sixth Edition, p. 1063 under "naturalization".</li> </ol>	The U.S. Citizenship and Immigration Services (USCIS) is responsible for naturalization in the United States*** of America. Their "Application for naturalization", Form N-400, only uses the term "U.S. citizen" and <i>never</i> mentions "national". On this form, the term "U.S. citizen" must therefore mean "national" in the context of this form based on the definition of "naturalization", but you can't tell because the form doesn't refer to a definition of what "U.S. citizen" means.
5	"expatriation"	Everywhere	"The voluntary renunciation or abandonment of <b>nationality</b> [not "U.S. citizenship" or "citizen of the United States***" status] and allegiance."	<ol style="list-style-type: none"> <li>1. <i>Perkins v. Elg</i>, <a href="#">307 U.S. 325</a>, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)</li> <li>2. 8 U.S.C. §1401.</li> <li>3. 8 U.S.C. §1101(a)(22).</li> </ol>	Renouncing one's statutory "citizen of the United States***" status and reverting to a "national of the United States of America" is not "expatriation", because both "citizens of the United States***" and "nationals but not citizens" are "nationals of the United States***" under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22).

#	Term	Context	Meaning	Authorities	Notes
6	"citizenship"	Everywhere	Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction..	<ol style="list-style-type: none"> <li>1. <i>Perkins v. Elg</i>, <a href="#">307 U.S. 325</a>, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)</li> <li>2. 8 U.S.C.A. §1401, Notes. See note 1 below.</li> <li>3. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> <li>4. <a href="#">3C Am.Jur.2d. §2732-2752</a>: Noncitizen nationality (1999)</li> </ol>	<p><i>Perkins v. Elg</i>, 307 U.S. 325 (1939) says: "<b>To cause a loss of citizenship in the absence of treaty or statute having that effect, there must be a voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice. By the Act of July 27, 1868, Congress declared that 'the right of expatriation is a natural and inherent right of all people'. Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.</b>" This implies that "loss of citizenship" and "expatriation", which is "loss of nationality" are equivalent.</p> <p><i>Slaughter-House Cases</i>, 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. <b>It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].</b> Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. <b><u>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.</u></b></p> <p>"It is quite clear, then, that there is a citizenship [nationality] of the United States[***], and a citizenship [nationality]of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual."</p>

#	Term	Context	Meaning	Authorities	Notes
7	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	1. U.S.*** Constitution 2. U.S.** Supreme Court rulings	A “national of the United States***” in the context of federal statutes or a “citizen of the United States***” in the context of the Constitution or state statutes unless specifically identified otherwise.	1. See <i>Minor v. Happersett</i> , 88 U.S. 162 (1874): <b><u>Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[***]. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.</u></b> [ <i>Minor v. Happersett</i> , <a href="#">88 U.S. 162</a> (1874)] 2. See also <i>Boyd v. Nebraska</i> , 143 U.S. 135 (1892), which says: “The words ‘people of the United States[***]’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. ...” [ <i>Boyd v. State of Nebraska</i> , <a href="#">143 U.S. 135</a> (1892)]	1. To figure this out, you have to look up federal court cases that use the terms “expatriation” and “naturalization” along with the term “citizen” and use the context to prove the meaning to yourself. 2. In 26 C.F.R. § 1.1-1, the term “citizen” as used means “U.S. citizen” rather than “national”. The opposite is true of Title 8 of the U.S.C. and most federal court rulings. This is because of the definition of “United States***” within Subtitle A of the Internal Revenue Code, which means the <u>federal zone only</u> .
8	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	State statutes	Person with a legal domicile within the exclusive jurisdiction of a state of the Union who is NOT a “citizen” under federal statutory law.	<u>Law of Nations</u> , Vattel, Section 212.	Because states are “nations” under the law of nations and have police powers and exclusive legislative jurisdiction within their borders, then virtually all of their legislation is directed toward their own citizens exclusively. See section 4.9 of the <u>Great IRS Hoax</u> , Form #11.302 earlier for further details on “police powers”.
8	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	Federal statutes including Title 26, the Internal Revenue Code and Title 8, Aliens and Nationality	Not defined anywhere in Title 8. Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction..	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is <u>never defined</u> anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <u>also</u> don’t define the meaning of the term nor do they equate it to either “national” or “citizen of the United States***”. The person filling out the form therefore <u>must</u> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a “citizen of the United States***” under section 1 of the 14 <sup>th</sup> Amendment.
9	“United States citizenship”	Everywhere	The status of being a “national”. Note that the term “U.S. citizen” looks similar but not identical and is <u>not</u> the same as this term, and this is especially true on federal forms.	See “citizenship”.	Same as “citizenship”.

#	Term	Context	Meaning	Authorities	Notes
10	"citizens of the United States"	Everywhere	A collection of people who are "nationals" and who in most cases are not a "citizen of the United States**" or a "U.S.** citizen" under "acts of Congress" or federal statutes unless at some point after becoming "nationals", they incorrectly declared their status to be a "citizen of the United States**" under 8 U.S.C. §1401 or changed their domicile to federal territory.	See "citizenship".	Note that the definition of "citizen of the United States" and "citizens of the United States" are different.
11	"citizen of the United States**"	Federal statutes	Persons with a legal domicile on federal territory that is no part of the exclusive jurisdiction of any state of the Union. Born SOMEWHERE within the country, although not necessarily within that specific jurisdiction.	<ol style="list-style-type: none"> <li>1. 8 U.S.C.A. §1401.</li> <li>2. 3C AmJur.2d §2689 ("U.S. citizen").</li> <li>3. 26 C.F.R. §31.3121(e)-1.</li> <li>4. <i>United States v. Wong Kim Ark</i>, 169 U.S. 649; 18 S.Ct. 456; 42 L.Ed. 890 (1898)</li> <li>5. <i>Cunard S.S. Co. v. Mellon</i>, 262 U.S. 100, 43 S.Ct. 504 (1923)</li> </ol>	Term "United States**" in federal statutes is defined as federal zone so a "citizen of the United States**" is a citizen of the federal zone only. According to the U.S. Supreme Court in the <i>Slaughter-House Cases</i> , 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873), this term was <u>not</u> defined before the ratification of the Fourteenth Amendment in 1868. Section 1 of the 14 <sup>th</sup> Amendment established the circumstances under which a person was a "citizen of the United States***". Note that the terms "citizens of the United States" and "citizen of the United States" are nowhere made equivalent in Title 8, and we define "citizens of the United States" above differently.
12	"citizen of the United States***"	State statutes U.S. Supreme Court Constitution	Person who maintains a legal domicile within the exclusive jurisdiction of a state of the Union. A "national" and a "non-citizen national" as defined in 8 U.S.C. §1101(a)(21).	<ol style="list-style-type: none"> <li>1. 8 U.S.C. §1101(a)(21).</li> <li>2. 8 U.S.C. §1101(a)(22)(B)</li> <li>3. 8 U.S.C. §1421.</li> <li>4. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> <li>5. <u>3C American Jurisprudence 2d, Aliens and Citizens, §2732-2752 (1999):</u> Noncitizen nationality</li> </ol>	8 U.S.C.A. §1401 notes indicates: " <i>The basis of citizenship in the United States[**] is the English doctrine under which <u>nationality</u> meant birth within allegiance to the king.</i> "
13	"citizen of the Union"	Everywhere	A "national of the United States***" or a "national"	<ol style="list-style-type: none"> <li>1. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> </ol>	" <i>Slaughter-House Cases</i> , 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. <b>It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].</b> Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. <b><u>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.</u></b> "

#	Term	Context	Meaning	Authorities	Notes
14	"U.S. citizen"	Title 26: Internal Revenue Code (which is a federal statute or "act of Congress)	Not defined anywhere in Title 8 that we could find. Defined in 26 C.F.R. §31.3121(e)-1, and there it means a person with a domicile on federal territory that is not part of the exclusive jurisdiction of any state of the Union.	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is <b><i>never defined</i></b> anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <b><i>also</i></b> don't define the meaning of the term nor do they equate it to either "national" or "citizen of the United States**". The person filling out the form therefore <b><i>must</i></b> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a "citizen of the United States***" under section 1 of the 14 <sup>th</sup> Amendment.

1 **NOTES FROM THE ABOVE TABLE:**

2 1. 8 U.S.C.A. §1401 under "Notes", says the following:

3 *"The right of citizenship, as distinguished from alienage, is a national right or condition, and it pertains to the confederated sovereignty, the United States[\*\*], and not to the*  
4 *individual states. Lynch v. Clarke, N.Y.1844, 1 Sandf.Ch. 583"*

5 *"By 'citizen of the state' is meant a citizen of the United States[\*\*] whose domicile is in such state. Prowd v. Gore, 1922, 207 P. 490, 57 Cal.App. 458"*

6 *"One who becomes citizen of United States[\*\*] by reason of birth retains it, even though by law of another country he is also citizen of it."*

7 *"The basis of citizenship in the United States[\*\*] is the English doctrine under which **nationality** meant birth within allegiance to the king."*

8 2. 26 C.F.R. §31.3121(e)-1 defines "U.S. citizen" as follows:

9 [26 C.F.R. 31.3121\(e\)-1 State, United States\[\\*\\*\], and citizen.](#)

10 *(b)...The term 'citizen of the United States[\*\*]' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam*  
11 *or American Samoa.*

12

1 We put the term “U.S. citizen” last in the above table because we would now like to expand upon it. We surveyed the election  
2 laws of all 50 states to determine which states require persons to be either “U.S. citizens” or “citizen of the United States” in  
3 order to vote. The results of our study are found on our website below at:

4 <http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>

### 5 **10.1.5 State statutory definitions of “U.S. citizen”**

6 If you look through all the state statutes on voting above, you will find that only California, Indiana, Texas, Virginia, and  
7 Wisconsin require you to be either a “U.S. citizen” or a “United States citizen” in order to vote, and *none* of these five states  
8 even define in their election code what these terms mean! 26 other states require you to be a “citizen of the United States”  
9 and don’t define that term in their election code either! This means that a total of 31 of the 50 states positively require some  
10 type of citizenship related to the term “United States” in order to be eligible to vote and none of them define which of the  
11 three “United States” they mean. Because none of the state election laws define the term, then the legal dictionary definition  
12 applies.

### 13 **10.1.6 Legal definition of “citizen”**

14 We looked in Black’s Law Dictionary, Sixth Edition and found no definition for either “U.S. citizen” or “citizen of the United  
15 States”. Therefore, we must rely *only* on the common definition rather than any legal definition. We then looked for “U.S.  
16 citizen” or “citizen of the United States” in Webster’s Dictionary and they weren’t defined there either. Then we looked for  
17 the term “citizen” and found the following interesting definition in Webster’s:

18 *“citizen. 1: an inhabitant of a city or town; esp: one entitled to the rights and privileges of a freeman. 2 a: a*  
19 *member of a state b: a native or naturalized person who owes allegiance to a government and is entitled to*  
20 *protection from it 3: a civilian as distinguished from a specialized servant of the state—citizenry*

21 *syn* **CITIZEN, SUBJECT, NATIONAL** mean a person owing allegiance to  
22 and entitled to the protection of a sovereign state. **CITIZEN is preferred**  
23 **for one owing allegiance to a state in which sovereign power is retained**  
24 **by the people and sharing in the political rights of those people; SUBJECT**  
25 **implies allegiance to a personal sovereign such as a monarch; NATIONAL**  
26 **designates one who may claim the protection of a state and applies esp. to**  
27 **one living or traveling outside that state.”**

28 [*Webster’s Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, 1983, p. 243*]

29 Note in the above that the key to being a citizen under definition (b) is the requirement for allegiance. The only federal  
30 citizenship status that uses the term “allegiance” is that of a “national” as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C.  
31 §1101(a)(22)(B) respectively. Consequently, we are *forced* to conclude that the generic term “citizen” and the statutory  
32 definition of “national” in 8 U.S.C. §1101(a)(22) are equivalent.

33 We also looked up the term “citizen” in Black’s Law Dictionary, Sixth Edition and found the following:

34 *“citizen. One who, under the [Constitution](#) and laws of the [United States](#)[\*\*\*], or of a particular state, is a*  
35 *member of the political community, **owing allegiance and being entitled to the enjoyment of full civil rights**. All*  
36 *persons born or naturalized in the [United States](#)[\*\*\*], and subject to the jurisdiction thereof, are citizens of the*  
37 *[United States](#)[\*\*\*] and of the state wherein they reside. [U.S. Const., 14th Amend.](#) See [Citizenship](#).*

38 *“Citizens” are members of a political community who, in their associated capacity, have established or submitted*  
39 *themselves to the dominion of a government for the promotion of their general welfare and the protection of their*  
40 *individual as well as collective rights. [Herriott v. City of Seattle](#), 81 Wash.2d. 48, 500 P.2d. 101, 109.*

41 *The term may include or apply to children of alien parents from in [United States](#)[\*\*\*], [Von Schwerdmer v. Piper](#),*  
42 *D.C.Md., 23 F.2d. 862, 863; [U.S. v. Minoru Yasui](#), D.C.Or., 48 F.Supp. 40, 54; children of American citizens*  
43 *born outside United States, [Haaland v. Attorney General of United States](#), D.C.Md., 42 F.Supp. 13, 22; [Indians,](#)*  
44 *[United States v. Hester](#), C.C.A.Okl., 137 F.2d. 145, 147; [National Banks, American Surety Co. v. Bank of](#)*  
45 *California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased*

1                    *resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States[\*\*] nor a state is a*  
2 *citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On the other*  
3 *hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of Columbia, 563*  
4 *F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth*  
5 *Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.*

6                    *Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const, Article III's diversity clause, a person is a*  
7 *"citizen of a state" if he or she is a citizen of the United States[\*\*\*] and a domiciliary of a state of the United*  
8 *States[\*\*\*]. Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.*  
9 *[Black's Law Dictionary, Sixth Edition, p. 244]*

10                    So the key requirement to be a "citizen" is to "owe allegiance" to a political community according to Black's Law Dictionary.  
11                    Under [26 U.S.C. §1101\(a\)\(21\)](#) and [26 U.S.C. §1101\(a\)\(22\)\(B\)](#), one can "owe allegiance" to the "United States\*\*\*" as a  
12                    political community *only* by being a "national" *without* being a "U.S.\*\* citizen" or a "citizen of the United States\*\*" as  
13                    defined in 8 U.S.C. §1401. Therefore, we must conclude once again, that "citizen of the United States\*\*" status under federal  
14                    statutes, is a political *privilege* that few people are born into and most acquire by mistake or fraud or both. Most of us are  
15                    "nationals" by birth and we *volunteer* to become "citizens of the United States\*\*\*" under 8 U.S.C. §1401 by lying at worst or  
16                    committing a mistake at best when we fill out government forms. That process of misrepresenting our citizenship status is  
17                    how we "volunteer" to become "U.S. citizens" subject to federal statutes, and of course our covetous government is more  
18                    than willing to overlook the mistake because that is how they manufacture "taxpayers" and make people "subject" to their  
19                    corrupt laws. Remember, however, what the term "subject" means from Webster's above under the definition of the term  
20                    "citizen":

21                    *"SUBJECT implies allegiance to a personal [earthly] sovereign such as a **monarch**:"*  
22 *[Webster's Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, 1983, p. 243]*

23                    Therefore, to be "subject" to the federal government's legislation and statutes and "Acts of Congress" is to be *subservient*  
24                    to them, which means that you voluntarily gave up your sovereignty and recognized that they have now become your "monarch"  
25                    and you are their "servant". You have turned the Natural Order and hierarchy of sovereignty described in section 4.1 of the  
26                    *Great IRS Hoax*, Form #11.302 upside down and made yourself into a *voluntary slave*, which violates of the Thirteenth  
27                    Amendment if your consent in so doing was not fully informed and the government didn't apprise you of the rights that you  
28                    were voluntarily giving up by becoming a "citizen of the United States\*\*\*".

29                    *"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with*  
30 *sufficient awareness of the relevant circumstances and likely consequences."*  
31 *[Brady v. U.S., [397 U.S. 742](#) (1970)]*  
32

1 **10.1.7 The architect of our present government system, Montesquieu, predicted this deception, corruption, and**  
2 **confusion of contexts**

3 It will interest the reader to know that the deliberate confusion and deception between nationality and domicile and between  
4 CONSTITUTIONAL citizens and STATUTORY citizens respectively was predicted by the architect who designed our  
5 present system of republican government with its separation of powers. He said that the main way the system could be  
6 corrupted would be to place everyone under the POLITICAL law, which he describes as law for the INTERNAL affairs of  
7 the government only.

8 Within our republican government, the founding fathers recognized three classes of law:

- 9 1. Criminal law. Protects both PUBLIC and PRIVATE rights.
- 10 2. Civil law. Protects exclusively PRIVATE rights.
- 11 3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

12 The above three types of law were identified in the following document upon which the founding fathers wrote the  
13 constitution and based the design of our republican form of government:

<p>14 <i>The Spirit of Laws</i>, Charles de Montesquieu, 1758 15 SOURCE: <a href="http://famguardian.org/Publications/SpiritOfLaws/sol.htm">http://famguardian.org/Publications/SpiritOfLaws/sol.htm</a></p>
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14 Montesquieu defines “political law” and “political liberty” as follows:

15 *I. A general Idea.*

16 ***I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those***  
17 ***by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall***  
18 ***examine in the next.***

19 [*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XI, Section I;  
20 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

21 The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the  
22 government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning  
23 rights possessed and owned exclusively by the government ONLY.

24 ***“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom***  
25 ***under our system all political power and sovereignty primarily resides, and through whom such power and***  
26 ***sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial***  
27 ***agencies which it created exercise such political authority as they have been permitted to possess. The***  
28 ***Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.***  
29 ***‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish!***  
30 ***These are definite words of enactment, and without more would stamp what follows with the dignity and character***  
31 ***of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided***  
32 ***explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...***  
33 ***shall be the supreme Law of the Land.’ (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus***  
34 ***declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is***  
35 ***not absolute but conditioned upon its being made in pursuance of the Constitution.*** And a judicial tribunal,  
36 clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required  
37 to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must  
38 apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the  
39 discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great  
40 weight, *Adkins v. Children’s Hospital*, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the  
41 court’s opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry.  
42 *Schechter Poultry Corp. v. United States*, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947. “  
43 [*Carter v. Carter Coal Co.*, 298 U.S. 238 (1936)]

44 The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for the  
45 government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2  
46 of the United States Constitution. To wit:

47 *United States Constitution*  
48 *Article 4, Section 3, Clause 2*

1 *The Congress shall have Power to dispose of and **make all needful Rules and Regulations respecting the***  
2 ***Territory or other Property** belonging to the United States; and nothing in this Constitution shall be so construed*  
3 *as to Prejudice any Claims of the United States, or of any particular State.*

4 The only area where POLITICAL law and CIVIL law overlap is in the exercise of the political rights to vote and serve on  
5 jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

6 [TITLE 18 > PART I > CHAPTER 11 > § 201](#)  
7 [§ 201. Bribery of public officials and witnesses](#)

8 (a) For the purpose of this section—

9 (1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or  
10 after such official has qualified, or an officer or employee or person acting for or on behalf of the United States,  
11 or any department, agency or branch of Government thereof, including the District of Columbia, in any official  
12 function, under or by authority of any such department, agency, or branch of Government, **or a juror**;

13 However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are  
14 NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all  
15 statutory “Taxpayers” are public offices in the government.

16 Tax laws, for instance, are “political law” exclusively for the government or public officer and not the private citizen. Why?  
17 Because:

- 18 1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political  
19 matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated  
20 by the Legislative and not Judicial branch:

21 ***“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit***  
22 ***or sojourn, is an adequate basis for taxation, including income, property, and death taxes.*** Since the Fourteenth  
23 Amendment makes one a citizen of the state wherein he resides, ***the fact of residence creates universally***  
24 ***reciprocal duties of protection by the state and of allegiance and support by the citizen.*** ***The latter obviously***  
25 ***includes a duty to pay taxes, and their nature and measure is largely a political matter.*** Of course, the situs of  
26 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration  
27 being a tax on realty laid by the state in which the realty is located.”

28 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

- 29 2. The U.S. Tax Court:  
30 2.1. Is an Article I Court in the LEGISLATIVE and not JUDICIAL branch, and hence, can only officiate over matters  
31 INTERNAL to the government. See 26 U.S.C. §7441.  
32 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Legislative branch.  
33 2.3. Is limited to the District of Columbia because all public offices are limited to be exercised there per 4 U.S.C. §72.  
34 It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.  
35 3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a “trade  
36 or business” is statutorily defined as in 26 U.S.C. §7701(a)(26).

37 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

38 “The term ‘trade or business’ *includes* the performance of the functions of a [public office](#).”

39 In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate  
40 CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the  
41 PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

42 *The Spirit of Laws, Book XXVI, Section 15*

43 *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles*  
44 *of civil Law.*

1 As men have given up their natural independence to live under political laws, they have given up the natural  
2 community of goods to live under civil laws.

3 **By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the**  
4 **laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what**  
5 **ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the**  
6 **individual should give way to that of the public; this can never take place, except when the government of the**  
7 **community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate**  
8 **to private property, because the public good consists in every one's having his property, which was given him**  
9 **by the civil laws, invariably preserved.**

10 Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view  
11 than that every one might be able to preserve his property.

12 **Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question,**  
13 **it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least**  
14 **part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is**  
15 **the Palladium of [PRIVATE] property.**

16 **Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political**  
17 **law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as**  
18 **the whole community.**

19 If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are  
20 injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that  
21 it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from  
22 the civil law, the not being forced to alienate his possessions.

23 After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called  
24 them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt  
25 the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

26 They mended the highways in his time as we do at present. He says, that when a highway could not be repaired,  
27 they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who  
28 reaped any advantage from the road.<sup>41</sup> They determined at that time by the civil law; in our days, we determine  
29 by the law of politics.

30 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;  
31 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

32 What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the  
33 Declaration of Independence was written:

- 34 1. The purpose of establishing government is exclusively to protect PRIVATE rights.
- 35 2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

36 **“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of**  
37 **political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every**  
38 **individual as the whole community.”**

- 39 3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the  
40 CIVIL law.
- 41 4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being  
42 used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

43 Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present [de](#)  
44 [facto government](#), tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their  
45 consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to unconstitutional eminent  
46 domain and a THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE  
47 people.

48 The way that the corrupt politicians have implemented the corruption described by Montesquieu was that they:

1. Made people born or domiciled in the territories into privileged public officers and franchisees.

*“Is it a franchise? **A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office.** Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. ( The King v. Sir William Louthier,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded.*

*If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, **a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise.**”*  
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859) ]

2. Gave these PRIVILEGED territorial people a name of “U.S. citizen” or “U.S. resident”.
3. Confused the CONSTITUTIONAL “United States\*\*\*” with the STATUTORY “United States\*\*” in their statutes, forms, and court rulings by refusing to distinguish them. This allowed them to:
  - 3.1. Conduct their war on private property and private rights under the COLOR of law, but without the actual AUTHORITY of law.
  - 3.2. Claim ignorance when the confusion was revealed.
  - 3.3. Protect their plausible deniability.
4. Called people in states of the Union the SAME NAME as that of PRIVILEGED people in the territories on government forms, so that they could deceive them into believing that they are public officers in the government.
5. Imposed whatever obligations, including tax obligations, that they want upon these privileged franchisees.

#### **10.1.8 The methods of deceit and coercion on the citizenship issue**

Most people are ILLEGALLY and CRIMINALLY DECEIVED and COMPELLED by covetous public servants to become STATUTORY citizens or residents even though they are TECHNICALLY not allowed to and it is a CRIME to do so. This process is done by the following devious means:

1. Asking you if you are a “citizen” or “resident” on a government form or in person but not defining the context: CONSTITUTIONAL or STATUTORY.
2. When you hear their question about your STATUS, your ignorance of the law causes you to PRESUME they mean “citizen” or “resident” in a POLITICAL or CONSTITUTIONAL context.
3. When you say “yes”, they will self-servingly and ILLEGALLY PRESUME that the STATUTORY and CIVIL context applies rather than the POLITICAL or CONSTITUTIONAL context.
  - 3.1. **WARNING:** The CONSTITUTIONAL/POLITICAL context and the STATUTORY/CIVIL contexts are MUTUALLY exclusive and NOT equivalent!
  - 3.2. A CONSTITUTIONAL/POLITICAL “citizen of the United States\*\*\*” is a “national of the United States of America” but is not a STATUTORY “national of the United States\*\*” per 8 U.S.C. §1101(a)(22) or a STATUTORY/CIVIL “citizen”.
  - 3.3. The term “citizen of the United States\*\*\*” used in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) is a POLITICAL citizen because it relates to birth or naturalization and NOT domicile.
  - 3.4. The term “citizen of the United States” used in other titles of the U.S. Code including Title 26 (income tax), Title 42 (Social Security and Medicare) relates to DOMICILE rather than NATIONALITY and is a CIVIL/STATUTORY status. Both of these titles are CIVIL franchises that have DOMICILE on federal territory not within a state as a prerequisite.
  - 3.5. The U.S. Supreme Court held in the License Tax Cases that Congress cannot establish a “trade or business” in a constitutional state in order to tax it. Hence, Titles 26 and 42 do not relate to constitutional states and only relate to federal territory not within a constitutional state.

*“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

1 But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this  
2 commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively**  
3 to the States. **No interference by Congress with the business of citizens transacted within a State is warranted**  
4 **by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the**  
5 **legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the  
6 State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in  
7 the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must  
8 impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and  
9 thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.  
10 **Congress cannot authorize [LICENSE, using a Social Security Number] a trade or business within a State in**  
11 **order to tax it.**"

12 [*License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)*]

- 13 4. Hence, with a simple presumption fostered by legal ignorance on both YOUR part and on the part of the government  
14 clerk accepting your application or form, you have often UNWITTINGLY AND ILLEGALLY TRANSITIONED from  
15 being a CONSTITUTIONAL citizen to a STATUTORY citizen domiciled on federal territory! WATCH OUT!
- 16 5. The presumptions which foster this illegal transition are a CRIMINAL offense, because:
- 17 5.1. The civil status of "citizen" is an office in the U.S. government, as we will show.
- 18 5.2. It is a crime to impersonate a public officer in violation of 18 U.S.C. §911.
- 19 5.3. It is a crime to impersonate a "U.S. citizen" in violation of 18 U.S.C. §912.
- 20 6. The presumptions which foster this illegal transition are also a violation of due process of law, because conclusive  
21 presumptions undermine constitutional rights violate due process of law:

22 (1) [8:4993] **Conclusive presumptions affecting protected interests:**

23 A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected  
24 liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due**  
25 **process and equal protection rights.** [*Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland*  
26 *Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that*  
27 *unmarried fathers are unfit violates process]*  
28 [*Federal Civil Trials and Evidence (2005), Rutter Group, paragraph 8:4993, p. 8K-34]*

- 29 7. This ILLEGAL and CRIMINAL tactic is abused in almost all most government offices, including:
- 30 7.1. In federal court.
- 31 7.2. Department of Motor Vehicles on the application for a driver license.
- 32 7.3. Social Security Administration Form SS-5.
- 33 7.4. Voter registration at the country registrar of voters.
- 34 7.5. Application for a United States of America Passport, Department of State Form DS-11.
- 35 7.6. United States Citizenship and Immigration Services form I-9.
- 36 8. The reason they are using this devious and deceptive tactic is because they know that:
- 37 8.1. A "citizen" is defined as someone who has "voluntarily submitted himself" to the LAWS and thereby become a  
38 CIVIL "subject". YOU HAVE TO VOLUNTEER AND CONSENT!
- 39 8.2. They know they need your CONSENT and PERMISSION to transition from a CONSTITUTIONAL citizen to a  
40 STATUTORY citizen and therefore "subject".
- 41 8.3. They don't want to ask for your consent DIRECTLY because that would imply that you have the right to NOT  
42 consent. If you said NO, their whole SCAM of ruling OVER you would be busted and people would quit in  
43 droves. They therefore have to be very INDIRECT about it.
- 44 8.4. CONSENT and PERMISSION are implied if they ask you your status AND you say you HAVE that STATUS.  
45 You cannot acquire or maintain ANY civil status without your at least IMPLIED consent. See:
- Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>
- 46 9. We call this process what it is:
- 47 9.1. Criminal kidnapping of your legal identity.
- 48 9.2. Criminal identity theft.
- 49 9.3. Criminally impersonating a public officer.
- 50 9.4. Constructive fraud.

51 "Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483  
52 U.S. 372] in the statute, see *United States v. Dial*, 757 F.2d. 163, 168 (7th Cir.1985) -- includes the deliberate  
53 concealment of material information in a setting of fiduciary obligation. **A public official is a fiduciary toward**  
54 **the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals**  
55 **material information from them, he is guilty of fraud. When a judge is busily soliciting loans from counsel to**

one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations.”  
[McNally v. United States, 483 U.S. 350 (1987)]

10. Government agencies: They abuse these ILLEGAL and CRIMINAL tactics as well. They do so by the following means:
- 10.1. Ensure that their employees are not schooled in the law so that they will not realize that they are PAWNS in a game to enslave all Americans, and that “compartmentalization” is being used to ensure they don’t know more than they need to know to do their job.
- 10.2. Dismiss or FIRE employees who read the law and discover these tactics. Case in point is IRS criminal investigator Joe Banister, who discovered these tactics, exposed them and asked the agency to STOP them. He was asked to resign rather than the IRS fixing this criminal activity.
- 10.3. PRESUME that ALL of the four contexts for “United States” are equivalent.
- 10.4. Tell the public that their publications are “general” in nature and should not be relied upon. Keep in mind that a FRAUDSTER always deals in GENERALS, and the “general” context is the CONSTITUTIONAL context. Yet, even though you ASSUME the government is ALSO using the CONSTITUTIONAL context, they do the SWITCHEROO and ASSUME the OPPOSITE, which is the STATUTORY context when processing the form they handed you.
- 10.5. Publish deceptive government publications that are in deliberate conflict with what the statutes define “United States” as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:
- Reasonable Belief About Income Tax Liability*, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>
- 10.6. Using the word “United States” as meaning the government, as in the Internal Revenue Code, Subtitle A, but deceiving the reader into thinking that it REALLY means the CONSTITUTIONAL United States. See:
- Non-Resident Non-Person Position*, Form #05.020, Sections 8 through 11  
<http://sedm.org/Forms/FormIndex.htm>
- 10.7. Not explaining WHICH of the two contexts apply on government forms but presuming the Statutory context ONLY.
- 10.8. Refusing to accept attachments to government forms that clarify the meaning of all terms on forms so as to:
- 10.8.1. Delegate undue discretion to judges and bureaucrats to PRESUME the statutory context.
- 10.8.2. Add things to the meaning of words that do not expressly appear in the law.
- 10.9. Refusing to define the LEGAL meaning of the terms used on government forms.
- 10.10. Confusing a “federal government” with a “national government”, removing the definitions of these two words entirely from the dictionary, or refusing in a court setting to discuss the differences.

*“NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*

*“A national government is a government of the people of a single state or nation, united as a community by what is termed the “social compact,” and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.” Piqua Branch Bank v. Knoup, 6 Ohio.St. 393.”*  
[Black’s Law Dictionary, Revised Fourth Edition, 1968, p. 1176]

*“FEDERAL GOVERNMENT. The system of government administered in a state formed by the union or confederation of several independent or quasi independent states; also the composite state so formed.*

*In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens of the nation.** The distinction is expressed, by the German writers, by the*

1 use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states,  
2 and the latter a federal government, or state formed by means of a league or confederation."  
3 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

4 10.11. Making unconstitutional and prejudicial presumptions about the status of people that connects them with  
5 government franchises without their consent or even their knowledge, in some cases. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

6 11. **Courts and lawyers:** Courts and lawyers ESPECIALLY have refined this process to a fine art by abusing "legalese" and  
7 words of art. They do this through the following very specific tactics in the courtroom.

8 11.1. Prevent jurists from reading the law to discover these tactics. Most federal courthouses forbid jurors serving on  
9 duty to enter their law libraries if they have one. Thus, the judge is enabled to insist that HE is the "source of  
10 law" and that what he says is law. He thereby substitutes his will for what the law says, and prevents anyone  
11 from knowing that what he SAYS the law requires is DIFFERENT from what it ACTUALLY says.

12 11.2. PRESUME that ALL of the four contexts for "United States" are equivalent.

13 11.3. Confusing the Statutory context with the Constitutional context for geographical words of art when these two  
14 contexts are NOT equivalent and in fact are mutually exclusive contexts. Terms this trick is applied to include:

15 11.3.1. "United States" in 26 U.S.C. §7701(a)(9).

16 11.3.2. "State" in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d).

17 11.3.3. "U.S. person" in 26 U.S.C. §7701(a)(30).

18 11.3.4. "U.S. citizen" or "citizen of the United States" in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R.  
19 §1.1-1.

20 11.3.5. "U.S. resident" in 26 U.S.C. §7701(b)(4).

21 11.4. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law.  
22 They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal law and NOT a STATUTORY  
23 "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401.

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

24 11.5. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

25 11.6. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two  
26 they mean in EVERY context.

27 11.7. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For  
28 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then  
29 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

30 11.8. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving  
31 that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will.  
32 One can have only one "domicile" but many "residences" and BOTH require your consent. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

33 12. Abusing the words "includes" and "including" as a means of unlawfully adding things to the meanings of words  
34 that do not expressly appear and are therefore purposefully excluded per the rules of statutory construction. Such  
35 words include:

36 12.1. "taxpayer" in 26 U.S.C. §7701(a)(14).

37 12.2. "trade or business" in 26 U.S.C. §7701(a)(26). Means "the functions of a public office" and excludes  
38 activities of PRIVATE human beings or private entities.

39 12.3. "State"

40 12.4. "Employer" in 26 U.S.C. §3401(d). Means a government agency which a public officer works for, and not a  
41 private company.

42 12.5. "Employee" in 26 U.S.C. §3401(c). Means a public officer in the U.S. and not state government and not  
43 private human beings per 5 U.S.C. §2105(a).

44 For details on the unconstitutional and criminal abuse of language by the government, judges, and  
45 prosecutors, see:

- 12.6. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
- 12.7. Deliberately omitting or refusing to discuss or address any of the above types of abuses in litigation raised against the government in any court, or even penalizing those who raise these issues, and thereby:
  - 12.7.1. Criminally obstructing justice.
  - 12.7.2. Engaging in organized crime and racketeering, which is committed daily by most federal judges.
  - 12.7.3. Engaging in criminal witness tampering against those who want to stop criminal activities by public servants. See 18 U.S.C. §1512.
13. When the above criminal tactics of public dis-servants are exposed as the FRAUD and CRIME that they are, the only thing the de facto thieves in government can do is:
  - 13.1. Try to ignore the issue raised like you never said it.
  - 13.2. Hope you don't approach the grand jury and get them indicted for their crime.
  - 13.3. If you do, go after you with what we call "selective enforcement" as a way to defend themselves illegally.

### 10.1.9 How the deceit and compulsion is implemented in the courtroom

***"Shall the throne of iniquity [the judge's bench], which devises evil by [obfuscating the] law, have fellowship with You [Christians]? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off."***  
[Psalm 94:20-23, Bible, NKJV]

The U.S. Supreme Court indirectly identified the distinctions between the CONSTITUTIONAL and the STATUTORY contexts and how one transitions from being a Constitutional to a Statutory citizen in the following holdings. These holdings are important so you will recognize what happens to your standing in court when you switch from a CONSTITUTIONAL to a STATUTORY "citizen". That way you will recognize WHERE the court's jurisdiction is coming from: the CONSTITUTION or the STATUTES. The CONSTITUTION only deals with HUMANS and LAND while the STATUTES deal almost entirely with FRANCHISES and ARTIFICIAL creations of CONGRESS.

1. First the U.S. Supreme Court held that a corporation is NOT a "citizen" as used in the CONSTITUTION:

***"That by no sound or reasonable interpretation, can a corporation-a mere faculty in law, be transformed into a citizen, or treated as a citizen [within the Constitution]. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction."***  
[Rundle v. Delaware & Raritan Canal Co., 55 U.S. 80 (1852)]

2. But on the OTHER hand, they held that a corporation IS a "citizen" or "resident" under federal STATUTORY law.

***"...it is well settled that a corporation created by a state is a citizen of the state, within the meaning of those provisions of the constitution and statutes of the United States which define the jurisdiction of the federal courts. Railroad Co. v. Railroad Co., 112 U.S. 414, 5 Sup.Ct.Rep. 208; Paul v. Virginia, 8 Wall. 168, 178; Pennsylvania v. Bridge Co., 13 How. 518."***  
[State of Wisconsin v. Pelican Insurance Co., 127 U.S. 265 (1888)]

3. The U.S. Supreme Court held that ONLY private HUMAN men and women can sue in a CONSTITUTIONAL court, not corporations:

***"Aliens, or citizens of different states, are not less susceptible of these apprehensions, nor can they be supposed to be less the objects of constitutional provision, because they are allowed to sue by a corporate name. That name, indeed, cannot be an alien or a citizen; but the persons whom it represents may be the one or the other; and the controversy is, in fact and in law, between those persons suing in their corporate character, by their corporate name, for a corporate right, and the individual against whom the suit may be instituted. Substantially***

1 \*88 and essentially, the parties in such a case, where the members of the corporation are aliens, or citizens of a  
2 different state from the opposite party, come within the spirit and terms of the jurisdiction conferred by the  
3 constitution on the national tribunals."

4 [ . . . ]

5 **If the constitution would authorize congress to give the courts of the union jurisdiction in this case, in**  
6 **consequence of the character of the members of the corporation, then the judicial act ought to be construed to**  
7 **give it. For the term citizen ought to be understood as it is used in the constitution, and as it is used in other**  
8 **laws. That is, to describe the real persons who come into court, in this case, under their corporate name.**

9 That corporations composed of citizens are considered by the legislature as citizens, under certain [STATUTORY  
10 but not CONSTITUTIONAL] circumstances, is to be strongly inferred from the registering act. It never could be  
11 intended that an American registered vessel, abandoned to an insurance company composed of citizens, should  
12 lose her character as an American vessel; and yet this would be the consequence of declaring that the members  
13 of the corporation were, to every intent and purpose, out of view, and merged in the corporation.

14 **The court feels itself authorized by the case in 12 Mod. on a question of jurisdiction, to look to 92\*92 the**  
15 **character of the individuals who compose the corporation, and they think that the precedents of this court,**  
16 **though they were not decisions on argument, ought not to be absolutely disregarded.**  
17 [Bank of United States v. Deveaux, 9 U.S. 61 (1809)]

- 18 4. They also held that when a HUMAN or CONSTITUTIONAL "citizen" or "person" sues a corporation, then they have  
19 to sue SPECIFIC PEOPLE in the corporation instead of the whole corporation if the court is a CONSTITUTIONAL  
20 court rather than a STATUTORY FRANCHISE court:

21 *It is important that the style and character of this party litigant, as well as the source and manner of its existence,*  
22 *be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of*  
23 *the Circuit Court. **It is important, too, to be remembered, that the question here raised stands wholly unaffected***  
24 ***by any legislation, competent or incompetent, which may have been attempted in the organization of the courts***  
25 ***of the United States; but depends exclusively upon the construction of the 2d section of the 3d article of the***  
26 ***Constitution, which defines the judicial power of the United States;** first, with respect to the subjects embraced  
27 within that power; and, secondly, with respect to those whose character may give them access, as parties, to the  
28 courts of the United States. In the second branch of this definition, we find the following enumeration, as  
29 descriptive of those whose position, as parties, will authorize their pleading or being impleaded in those courts;  
30 and this position is limited to "controversies to which the United States are a party; controversies 97\*97 between  
31 two or more States, — between citizens of different States, — between citizens of the same State, claiming lands  
32 under grants of different States, — and between the citizens of a State and foreign citizens or subjects."*

33 Now, it has not been, and will not be, pretended, that this corporation can, in any sense, be identified with the  
34 United States, or is endowed with the privileges of the latter; or if it could be, it would clearly be exempted from  
35 all liability to be sued in the Federal courts. Nor is it pretended, that this corporation is a State of this Union;  
36 nor, being created by, and situated within, the State of New Jersey, can it be held to be the citizen or subject of a  
37 foreign State. **It must be, then, under that part of the enumeration in the article quoted, which gives to the**  
38 **courts of the United States jurisdiction in controversies between citizens of different States, that either the**  
39 **Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole**  
40 **foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition,**  
41 **then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and**  
42 **Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey.**  
43 **This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably**  
44 **the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be**  
45 **established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.**

46 The term citizen will be found rarely occurring in the writers upon English law; those writers almost universally  
47 adopting, as descriptive of those possessing rights or sustaining obligations, political or social, the term subject,  
48 as more suited to their peculiar local institutions. But, in the writers of other nations, and under systems of polity  
49 deemed less liberal than that of England, we find the term citizen familiarly reviving, and the character and the  
50 rights and duties that term implies, particularly defined. Thus, Vattel, in his 4th book, has a chapter, (cap. 6th,)  
51 the title of which is: "The concern a nation may have in the actions of her citizens." A few words from the text of  
52 that chapter will show the apprehension of this author in relation to this term. "Private persons," says he, "who  
53 are members of one nation, may offend and ill-treat the citizens of another; it remains for us to examine what  
54 share a state may have in the actions of her citizens, and what are the rights and obligations of sovereigns in that  
55 respect." And again: "Whoever uses a citizen ill, indirectly offends the state, which is bound to protect this  
56 citizen." **The meaning of the term citizen 98\*98 or subject, in the apprehension of English jurists, as indicating**  
57 **persons in their natural character, in contradistinction to artificial or fictitious persons created by law, is**  
58 **further elucidated by those jurists, in their treatises upon the origin and capacities and objects of those artificial**  
59 **persons designated by the name of corporations.** Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st  
60 volume, holds this language: "We have hitherto considered persons in their natural capacities, and have treated  
61 of their rights and duties. **But, as all personal rights die with the person; and, as the necessary forms of investing**

1 a series of individuals, one after another, with the same identical rights, would be inconvenient, if not  
2 impracticable; it has been found necessary, when it is for the advantage of the public to have any particular  
3 rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and  
4 enjoy a kind of legal immortality. These artificial persons are called corporations."

5 This same distinguished writer, in the first book of his Commentaries, p. 123, says, "The rights of persons are  
6 such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded,  
7 are called simply rights; but when we consider the person from whom they are due, they are then denominated,  
8 duties," And again, cap. 10th of the same book, treating of the PEOPLE, he says, "The people are either aliens,  
9 that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it." Under  
10 our own systems of polity, the term, citizen, implying the same or similar relations to the government and to  
11 society which appertain to the term, subject, in England, is familiar to all. Under either system, the term used is  
12 designed to apply to man in his individual character, and to his natural capacities; to a being, or agent,  
13 possessing social and political rights, and sustaining, social, political, and moral obligations. It is in this  
14 acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and  
15 understood. When distributing the judicial power, that article extends it to controversies between citizens of  
16 different States. This must mean the natural physical beings composing those separate communities, and can,  
17 by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations.  
18 A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible,  
19 cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the  
20 above-mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States.  
21 Against this position it may be urged, that the 99\*99 converse thereof has been ruled by this court, and that this  
22 matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving  
23 a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument  
24 is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all  
25 precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to  
26 trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in  
27 cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for  
28 what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was  
29 brought directly before this court, was that of the Bank of the United States v. Deveaux, 5 Cranch, 61. An  
30 examination of this case will present a striking instance of the error into which the strongest minds may be led,  
31 whenever they shall depart from the plain, common acceptation of terms, or from well ascertained truths, for the  
32 attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. This criticism upon the decision  
33 in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a  
34 subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States,  
35 a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a  
36 party to sue in the courts of the United States, this court said, in reference to that question, "The jurisdiction  
37 of this court being limited, so far as respects the character of the parties in this particular case, to controversies  
38 between citizens of different States, both parties must be citizens, to come within the description. That invisible,  
39 intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and  
40 consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this  
41 respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not  
42 as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded  
43 from the courts of the Union." The court having shown the necessity for citizenship in both parties, in order to  
44 give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with  
45 citizenship, attempts some qualification of these indisputable and clearly stated positions, which, if intelligible at  
46 all, must be taken as wholly subversive of the positions so laid down. After stating the requisite of citizenship, and  
47 showing that a corporation 100\*100 cannot be a citizen, "and consequently that it cannot sue or be sued in the  
48 courts of the United States," the court goes on to add, "unless the rights of the members can be exercised in their  
49 corporate name." Now, it is submitted that it is in this mode only, viz. in their corporate name, that the rights of  
50 the members can be exercised; that it is this which constitutes the character, and being, and functions of a  
51 corporation. If it is meant beyond this, that each member, or the separate members, or a portion of them, can take  
52 to themselves the character and functions of the aggregate and merely legal being, then the corporation would  
53 be dissolved; its unity and perpetuity, the essential features of its nature, and the great objects of its existence,  
54 would be at an end. It would present the anomaly of a being existing and not existing at the same time. This  
55 strange and obscure qualification, attempted by the court, of the clear, legal principles previously announced by  
56 them, forms the introduction to, and apology for, the proceeding, adopted by them, by which they undertook to  
57 adjudicate upon the rights of the corporation, through the supposed citizenship of the individuals interested in  
58 that corporation. They assert the power to look beyond the corporation, to presume or to ascertain the residence  
59 of the individuals composing it, and to model their decision upon that foundation. In other words, they affirm that  
60 in an action at law, the purely legal rights, asserted by one of the parties upon the record, may be maintained by  
61 showing or presuming that these rights are vested in some other person who is no party to the controversy before  
62 them.

63 Thus stood the decision of the Bank of the United States v. Deveaux, wholly irreconcilable with correct definition,  
64 and a puzzle to professional apprehension, until it was encountered by this court, in the decision of the Louisville  
65 and Cincinnati Railroad Company v. Letson, reported in 2 Howard, 497. In the latter decision, the court, unable  
66 to untie the judicial entanglement of the Bank and Deveaux, seem to have applied to it the sword of the conqueror;  
67 but, unfortunately, in the blow they have dealt at the ligature which perplexed them, they have severed a portion  
68 of the temple itself. They have not only contravened all the known definitions and adjudications with respect to  
69 the nature of corporations, but they have repudiated the doctrines of the civilians as to what is imported by the

1 term subject or citizen, and repealed, at the same time, that restriction in the Constitution which limited the  
2 jurisdiction of the courts of the United States to controversies between "citizens of different States." They have  
3 asserted that, "a corporation created by, and transacting business in a State, is to be deemed an inhabitant of the  
4 State, capable of being treated 101\*101 as a citizen, for all the purposes of suing and being sued, and that an  
5 averment of the facts of its creation, and the place of transacting its business, is sufficient to give the circuit  
6 court's jurisdiction.

7 The first thing which strikes attention, in the position thus affirmed, is the want of precision and perspicuity in its  
8 terms. **The court affirm that a corporation created by, and transacting business within a State, is to be deemed**  
9 **an inhabitant of that State. But the article of the Constitution does not make inhabitancy a requisite of the**  
10 **condition of suing or being sued; that requisite is citizenship. Moreover, although citizenship implies the right**  
11 **of residence, the latter by no means implies citizenship.** Again, it is said that these corporations may be treated  
12 as citizens, for the purpose of suing or being sued. Even if the distinction here attempted were comprehensible, it  
13 would be a sufficient reply to it, that the Constitution does not provide that those who may be treated as citizens,  
14 may sue or be sued, but that the jurisdiction shall be limited to citizens only; citizens in right and in fact. **The**  
15 **distinction attempted seems to be without meaning, for the Constitution or the laws nowhere define such a**  
16 **being as a quasi citizen, to be called into existence for particular purposes; a being without any of the attributes**  
17 **of citizenship, but the one for which he may be temporarily and arbitrarily created, and to be dismissed from**  
18 **existence the moment the particular purposes of his creation shall have been answered.** In a political, or legal  
19 sense, none can be treated or dealt with by the government as citizens, but those who are citizens in reality. It  
20 would follow, then, by necessary induction, from the argument of the court, that as a corporation must be treated  
21 as a citizen, it must be so treated to all intents and purposes, because it is a citizen. Each citizen (if not under old  
22 governments) certainly does, under our system of polity, possess the same rights and faculties, and sustain the  
23 same obligations, political, social, and moral, which appertain to each of his fellow-citizens. As a citizen, then,  
24 of a State, or of the United States, a corporation would be eligible to the State or Federal legislatures; and if  
25 created by either the State or Federal governments, might, as a native-born citizen, aspire to the office of  
26 President of the United States — or to the command of armies, or fleets, in which last example, so far as the  
27 character of the commander would form a part of it, we should have the poetical romance of the spectre ship  
28 realized in our Republic. And should this incorporeal and invisible commander not acquit himself in color or in  
29 conduct, we might see him, provided his arrest were practicable, sent to answer his delinquencies before a court-  
30 martial, and subjected to the penalties 102\*102 of the articles of war. Sir Edward Coke has declared, that a  
31 corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's  
32 punishment; for it is not liable to corporeal penalties — that it can perform no personal duties, for it cannot take  
33 an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being  
34 ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke  
35 were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not  
36 anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation  
37 be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown  
38 as necessarily deducible from the decisions of the cases of the Bank of the United States v. Deveaux, and of the  
39 Cincinnati and Louisville Railroad Company v. Letson, afford some illustration of the effects which must ever  
40 follow a departure from the settled principles of the law. These principles are always traceable to a wise and  
41 deeply founded experience; they are, therefore, ever consentaneous, and in harmony with themselves and with  
42 reason; and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering  
43 uncertainty and confusion. **Conducted by these principles, consecrated both by time and the**  
44 **obedience of sages, I am brought to the following conclusions: 1st. That by no sound or**  
45 **reasonable interpretation, can a corporation — a mere faculty in law, be transformed**  
46 **into a citizen, or treated as a citizen. 2d. That the second section of the third article of**  
47 **the Constitution, investing the courts of the United States with jurisdiction in**  
48 **controversies between citizens of different States, cannot be made to embrace**  
49 **controversies to which corporations and not citizens are parties; and that the**  
50 **assumption, by those courts, of jurisdiction in such cases, must involve a palpable**  
51 **infraction of the article and section just referred to. 3d. That in the cause before us, the**  
52 **party defendant in the Circuit Court having been a corporation aggregate, created by the**  
53 **State of New Jersey, the Circuit Court could not properly take cognizance thereof; and,**  
54 **therefore, this cause should be remanded to the Circuit Court, with directions that it be**  
55 **dismissed for the want of jurisdiction.**

56 [Rundle Et Al v. Delaware and Raritan Canal Company, 55 U.S. 80 (1852)]

57 So, in the CONSTITUTION, corporations or other artificial entities are NOT "citizens", but under federal STATUTORY law  
58 granting jurisdiction to federal courts, they ARE. And what statutory law is THAT? See 28 U.S.C. §1332:

59 [TITLE 28 > PART IV > CHAPTER 85 > § 1332](#)  
60 [§ 1332. Diversity of citizenship; amount in controversy; costs](#)

61 (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds  
62 the sum or value of \$75,000, exclusive of interest and costs, and is between—

1 (1) citizens of different States;

2 (2) citizens of a State and citizens or subjects of a foreign state;

3 (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

4 (4) a foreign state, defined in section 1603 (a) of this title, as plaintiff and citizens of a State or of different States.

5 [. . .]

6 (e) The word "States", as used in this section, includes the Territories, the District of Columbia, and the  
7 Commonwealth of Puerto Rico.

8 We can see from the above that the "State" they are talking about is NOT a constitutional state of the Union, but rather is  
9 identified in 28 U.S.C. §1332(e) as a federal territory NOT within any state of the Union. All such territories are in fact  
10 "corporations":

11 *At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual*  
12 *succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several*  
13 *individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am.*  
14 *ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries*  
15 *\*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as*  
16 *"corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified.*  
17 *See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or*  
18 *nation"); I. J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America*  
19 *318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van*  
20 *Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained*  
21 *and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas.*  
22 *1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United States, 11 How. 229, 231 (1851)*  
23 *(United States is "a corporation"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518,*  
24 *561-562 (1819) (explaining history of term "corporation").*  
25 *[Ngiraingas v. Sanchez, 495 U.S. 182 (1990) ]*

26 Hence, this STATUTORY "State" mentioned in 28 U.S.C. §1332 is obviously a STATUTORY rather than  
27 CONSTITUTIONAL "State", and hence a STATUTORY and not CONSTITUTIONAL "citizen". Therefore, a person who  
28 claims to be a constitutional citizen or a human being could not partake of the statutory "privilege" granted by the above  
29 franchise in 28 U.S.C. §1332. And YES, that is what it is: A franchise, "Congressionally created right", or "public right".  
30 All franchises presume that the actors, who are all public officers of "U.S. Inc.", are domiciled upon and therefore citizens of  
31 federal territory and NOT a state of the Union. Those who are HUMANS don't need franchises or privileges, and can instead  
32 invoke CONSTITUTIONAL diversity instead of STATUTORY diversity of citizenship under Article III, Section 2 to litigate  
33 in a CONSTITUTIONAL un-enfranchised court.

34 The above analysis also clearly explains the following, because you can't be a "citizen" under federal statutory law unless  
35 you are domiciled on federal territory not within a CONSTITUTIONAL state of the Union:

36 "Domicile and citizen are synonymous in federal courts, *Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*  
37 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678,*  
38 *683."*  
39 *[Black's Law Dictionary, 4th Ed., p. 311]*

40 All federal District Courts are Article IV, Section 3, Clause 2 franchise courts that manage government territory, property,  
41 and franchises. Federal corporations are an example of such franchises. This is proven with thousands of pages of evidence  
42 in the following. Therefore, the ONLY type of "domicile" they could mean above is domicile on federal territory not within  
43 any state of the Union.

What Happened to Justice?, Form #06.012  
<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

44 We also know based on the previous section that corporations are not constitutional citizens, so they can't be "born or  
45 naturalized" like a human being. BUT they are "born or naturalized" by other methods to become STATUTORY "citizens"  
46 of a particular jurisdiction. For instance:

- 1 1. The act of FORMING a corporation gives it “birth”, in a legal sense.
- 2 2. The place or jurisdiction that the corporation is legally formed becomes the effective civil domicile of that corporation.

3 *"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*  
4 *created, and of that state or country only."*  
5 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886]*

- 6 3. A corporation can only be domiciled in ONE place at a time. Hence, it can only be a “citizen” of one jurisdiction at a  
7 time. The place where the corporate headquarters is located usually is treated as the effective domicile of the  
8 corporation.
- 9 4. If a corporation is formed in a specific state of the Union, then it is a statutory but not constitutional citizen in THAT  
10 state only and a statutory alien in every OTHER state AND also alien in respect to federal jurisdiction.

11 *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*  
12 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*  
13 *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

14 *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*  
15 *corporation. The United States government is a foreign corporation with respect to a state."*  
16 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

17 Whenever you hear a judge or government prosecutor use the word “citizen” in federal court, they really are referring to civil  
18 domicile on federal territory not within any state of the Union. They are setting a trap to exploit your legal ignorance using  
19 “words of art”. If they are referring to your “nationality” rather than whether you are a “citizen”, they are referring to  
20 CONSTITUTIONAL citizenship and whether you are a “national” under 8 U.S.C. §1101(a)(21). If they ask you whether  
21 you are a “citizen” or a “citizen of the United States”, you should always respond by asking:

- 22 1. Which of the three “United States” defined by the U.S. Supreme Court in [Hooven and Allison Co. v. Evatt, 324 U.S.](#)  
23 [652 \(1945\)](#) do you mean?
- 24 2. Do you mean my nationality or my domicile in that place?

25 ..and then you should say you are:

- 26 1. Domiciled outside the statutory “United States” and therefore a statutory alien in relation to federal jurisdiction.
- 27 2. A CONSTITUTIONAL citizen
- 28 3. NOT a STATUTORY citizen under any federal statute or regulation, including but not limited to 8 U.S.C. §1401, 26  
29 U.S.C. §3121(e) , and 26 C.F.R. §1.1-1(c), all of which are STATUTORY and not CONSTITUTIONAL citizens:

30 [TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)  
31 [§ 3121. Definitions](#)

32 *(e) State, United States, and citizen*

33 *For purposes of this chapter—*

34 *(1) State*

35 *The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,*  
36 *and American Samoa.*

37 **(2) United States [FEDERAL TERRITORY NOT PART OF ANY STATE]**

38 **The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the**  
39 **Virgin Islands, Guam, and American Samoa.**

40 We should also point out that 18 U.S.C. §911 makes it a CRIME for a constitutional citizen to claim to be the statutory citizen  
41 described in 8 U.S.C. §1401.

## 42 **10.1.10 How you help the government terrorists kidnap your legal identity and transport it to “The District of** 43 **Criminals”**

1 People who begin as a “constitutional” citizen commonly commit this crime and unwittingly in most cases transform  
2 themselves into a privileged “statutory” citizen by performing any one of the following unlawful acts. These unlawful acts  
3 at least make them appear to be a legal “person” under federal law with an effective domicile in the District of  
4 Columbia/federal zone and a “SUBJECT citizen”:

- 5 1. Opening up bank or financial accounts WITHOUT using the proper form, which is an AMENDED IRS Form W-8BEN.  
6 If you don’t use this form or a derivative and invoke the protection of the law for your status as a statutory “non-resident  
7 non-person” not engaged in a “trade or business”, the financial institution will falsely and prejudicially “presume” that  
8 you are both a statutory “U.S. citizen” pursuant to [8 U.S.C. §1401](#) and a “U.S. person” pursuant to [26 U.S.C.  
9 §7701\(a\)\(30\)](#). To prevent this problem, see the following article:

*About IRS Form W-8BEN*, Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

- 10 2. Filing the WRONG tax form, the IRS Form 1040, rather than the correct 1040NR form. This constitutes an election to  
11 become a “resident alien” engaged in a “trade or business”, pursuant to [26 U.S.C. §7701\(b\)\(4\)\(B\)](#) and [26 U.S.C. §6013\(g\)](#)  
12 and (h). This can be prevented using the following form, for instance:

*Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Long*, Form  
#15.001  
<http://sedm.org/Forms/FormIndex.htm>

- 13 3. Applying for or accepting a government benefit, privilege, or license, such as Social Security, Medicare, or TANF. This  
14 would require them to fill out an SSA Form SS-5. 20 C.F.R. §422.104 requires that only those with a domicile on federal  
15 territory and who are therefore statutory “U.S. citizens” or “U.S. permanent residents”, may apply for Social Security.  
16 This causes a waiver of sovereign immunity under [28 U.S.C. §1605\(a\)\(2\)](#) and makes you into a “resident alien” who is  
17 a “public officer” within the government granting the privilege or benefit. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

- 18 4. Filling out a federal or state government form incorrectly by describing yourself as a statutory “U.S. citizen” pursuant to  
19 [8 U.S.C. §1401](#) rather than a “national but not a citizen” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) and/or [8 U.S.C. §1452](#). This  
20 can be prevented by attaching the following form:

*Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>

- 21 5. Improperly declaring your citizenship status to a federal court or not declaring it at all. If you describe yourself as a  
22 “citizen” or a “U.S. citizen” without further clarification, or if you don’t describe your citizenship at all in court pleadings,  
23 then federal courts will self-servingly “presume” that you are a statutory rather than constitutional citizen pursuant to [8  
24 U.S.C. §1401](#) who has a domicile on federal territory. This is also confirmed by the following authorities:

25 *“The term ‘citizen’, as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is  
26 substantially synonymous with the term ‘domicile’.* *Delaware, L. & W.R. Co. v. Petrowsky*, 2 Cir., 250 F. 554,  
27 557.”  
28 [*Earley v. Hershey Transit Co.*, 55 F.Supp. 981, D.C.PA. (1944)]

29 *“Domicile and citizen are synonymous in federal courts,* *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp.  
30 981, 982; *inhabitant, resident and citizen are synonymous,* *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d. 678,  
31 683.”  
32 [*Black’s Law Dictionary, Fourth Edition, p. 311*]

33 To prevent this problem, use the following attachment to all the filings in the court:

*Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002  
<http://sedm.org/Litigation/LitIndex.htm>

- 34 6. Accepting public office within the federal government. This causes you to act in a representative capacity representing  
35 the federal corporation called the “United States” as defined in [28 U.S.C. §3002\(15\)\(A\)](#). Pursuant to [Federal Rule of  
36 Civil Procedure 17\(b\)](#), you assume the same domicile and citizenship of the party you represent. All corporations are  
37 “citizens” with a domicile where they were created, which is the District of Columbia in the case of the federal United  
38 States.

39 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was  
40 created, and of that state or country only.”*  
41 [*19 Corpus Juris Secundum (C.J.S.), Corporations, §886*]

- 1 7. Failing to rebut false information returns filed against you reflecting nonzero earnings, such as any of the following  
 2 forms:  
 3 7.1. Correcting Erroneous IRS Form 1042s, Form #04.003. See:  
 4 <http://sedm.org/Forms/FormIndex.htm>  
 5 7.2. Correcting Erroneous IRS Form 1098s, Form #04.004. See:  
 6 <http://sedm.org/Forms/FormIndex.htm>  
 7 7.3. Correcting Erroneous IRS Form 1099s, Form #04.005. See:  
 8 <http://sedm.org/Forms/FormIndex.htm>  
 9 7.4. Correcting Erroneous IRS Form W-2s, Form #04.006. See:  
 10 <http://sedm.org/Forms/FormIndex.htm>  
 11 All of the above information return forms connect you with the “trade or business” franchise pursuant to [26 U.S.C. §6041](#) (a). A “trade or business” is defined in [26 U.S.C. §7701](#)(a)(26) as “the functions of a public office”. Engaging in  
 12 a “trade or business” makes you into a “resident alien” as defined in [26 U.S.C. §7701](#)(b)(1)(A). See older versions of 26  
 13 C.F.R. §301.7701-5 for proof at the link below:  
 14 <http://fanguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>  
 15

16 Later in section 10.3 we will describe in detail how to avoid and prevent being DECEIVED or COMPELLED into illegally  
 17 assuming the STATUTORY CIVIL STATUS of “citizen” or “resident”.

18 **10.1.11 Questions you can ask that will expose their deceit and compulsion**

19 *“Be diligent to [investigate and expose the truth for yourself and thereby] present yourself [and the public  
 20 servants who are your fiduciaries and stewards under the Constitution] approved to God, a worker who does not  
 21 need to be ashamed, rightly dividing the word [and the deeds] of truth. But shun profane babblings [government  
 22 propaganda, tyranny, and usurpation] for they will increase to more ungodliness. And their message [and their  
 23 harmful effects] will spread like cancer [to destroy our society and great Republic].”  
 24 [2 Tim. 2:15-17, Bible, NKJV]*

25 Our favorite tactic to silence legally ignorant and therefore presumptuous people in PRESUMING that we are incorrect is to  
 26 simply ask them questions just like Jesus did that will expose their deceit and folly. Below are a few questions you can ask  
 27 judges and attorneys that they can’t answer in their entirety without contradicting either themselves or the law itself. By  
 28 forcing them to engage in these contradictions and “cognitive dissonance” you prove indirectly that they are lying, because  
 29 anyone who contradicts their own testimony is a LIAR. There are many more questions like these at the end of the pamphlet,  
 30 but these are high-level enough to use on the average American to really get them thinking about the subject:

- 31 1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we  
 32 don’t consent to ANYTHING, then aren’t the criminal laws the ONLY thing that can be enforced against us, since they  
 33 don’t require our consent to enforce?  
 34 2. Certainly, if we DO NOT want “protection” then there ought to be a way to abandon it and the obligation to pay for it,  
 35 at least temporarily, right?  
 36 3. If the word “permanent” in the phrase “permanent allegiance” is in fact conditioned on our consent and is therefore  
 37 technically NOT “permanent”, as revealed in 8 U.S.C. §1101(a)(31) , can’t we revoke it either temporarily or  
 38 conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don’t?

39 [8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

40 (a) As used in this chapter—

41 (31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary,  
 42 but a relationship may be permanent even though it is one that **may be dissolved eventually at the instance either**  
 43 **of the United States[\*\*] or of the individual**, in accordance with law.

- 44 4. If the “citizen of the United States\*\* at birth” under 8 U.S.C. §1401 involves TWO components, being “national” and  
 45 “citizen”, can’t we just abandon the “citizen” part if we want to and wouldn’t we do that by simply changing our  
 46 domicile to be outside of federal territory, since civil status is tied to domicile?

47 ***citizen.** One who, under the Constitution and laws of the United States[\*\*\*], or of a particular state, is a **member**  
 48 **of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY]**  
 49 **rights.** All persons born or naturalized in the United States[\*\*\*], and subject to the jurisdiction thereof, are  
 50 citizens of the United States[\*\*\*] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*

1 "Citizens" are members of a political community who, in their associated capacity, have established or  
2 submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their  
3 general welfare and the protection of their individual as well as collective rights. *Herriott v. City of Seattle, 81*  
4 *Wash.2d. 48, 500 P.2d. 101, 109.*  
5 *[Black's Law Dictionary, Sixth Edition, p. 244]*

- 6 5. If you can't abandon the civil protection of Caesar and the obligation to pay for it, isn't there an unconstitutional taking  
7 without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the  
8 status?  
9 6. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of  
10 "citizen" carry any federal obligations whatsoever while in a constitutional state?  
11 7. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't  
12 have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress?  
13 8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the  
14 common law that we may REFUSE to accept a "benefit"?

15 *"Invito beneficium non datur.*  
16 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
17 *considered as assenting. Vide Assent."*

18 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*  
19 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*  
20 *Inst. n. 83.*

21 *Quilibet potest renunciare juri pro se inducto.*  
22 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
23 *Inst. n. 83.*  
24 *[Bouvier's Maxims of Law, 1856;*  
25 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

- 26 9. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The  
27 CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a  
28 "benefit".  
29 10. Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could  
30 Congress have instead created an office and a franchise with the same name of "citizen of the United States" under  
31 Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in Title 8?  
32 11. If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33,  
33 Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY  
34 "citizen"? The Bible says I can't have a king above me.

35 *"Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has*  
36 *fulfilled the law."*  
37 *[Romans 13:8, Bible, NKJV]*

- 38 12. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim  
39 ownership or the right to extract "rent" called "income tax" upon what belongs to God? Isn't Caesar therefore simply  
40 renting out STOLEN property and laundering money if he charges "taxes" on the use of that which belongs to God?

41 *"For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit,*  
42 *which are God's [property]."*  
43 *[1 Cor. 6:20, Bible, NKJV]*

44 Anyone who can't answer ALL the above questions with answers that don't contradict themselves or the REST of the law is  
45 lying to you about citizenship, and probably because they covet your property and benefit commercially from the lie. Our  
46 research in answering the above very interesting questions reveals that there is a way to terminate our status as a  
47 STATUTORY "citizen" and "customer" without terminating our nationality, but that it is carefully hidden. The results of  
48 our search will be of great interest to many. Enjoy.

#### 49 **10.1.12 The Hague Convention HIDES the ONE portion that differentiates NATIONALITY from DOMICILE**

1 After World War II, countries got together in the Hague Convention and reached international agreements on the proper  
2 treatment of people everywhere. The United States was a party to that international agreement. Within that agreement is the  
3 following document:

*Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile*  
*[Anno Domini 1955]*, SEDM Exhibit #01.008

4 Not surprisingly, the above article within the convention was written originally in FRENCH but is NOT available in or  
5 translated into ENGLISH. Why? Because English speaking governments obviously don't want their inhabitants knowing  
6 the distinctions between NATIONALITY and DOMICILE and how they interact with each other. The SEDM sister site has  
7 found a French speaking person to translate the article, got it translated, and posted it at the following location:

*Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile*  
*[Anno Domini 1955]*, SEDM Exhibit #01.008  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

8 **10.1.13 Social Security Administration HIDES your citizenship status in their NUMIDENT records**

9 Your citizenship status is represented in the Social Security NUMIDENT record maintained by the Social Security  
10 Administration. The field called "CSP" within NUMIDENT contains a one-character code that represents your citizenship  
11 status. Valid CSP values are as follows:

12

**Table 13: SSA NUMIDENT CSP Code Values**

#	CSP Code Value	Statutory meaning	Constitutional meaning
1	A	U.S. citizen (per 8 U.S.C. §1401)	None
2	B	Legal Alien Allowed to Work	Alien (foreign national)
3	C	Legal Alien Not Allowed to Work	Alien (foreign national)
4	D	Other	“citizen of the United States***” or “Citizen”

This information is DELIBERATELY concealed and obfuscated from public view by the following Social Security policies:

1. The meaning of the CSP codes is NOT listed in the Social Security Program Operations Manual System (P.O.M.S.) online so you can't find out.

<https://secure.ssa.gov/apps10/>

2. Employees at the SSA offices are NOT allowed to know and typically DO NOT know what the code means.

3. If you submit a Freedom Of Information Act (F.O.I.A.) request to SSA asking them what the CSP code means, they will respond that the values of the codes are CLASSIFIED and therefore UNKNOWABLE by the public. You ARE NOT allowed to know WHAT citizenship status they associate with you. See the following negative response:

*Social Security Admin. FOIA for CSP Code Values*, Exhibit #01.011  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

4. The ONLY option they give you in block 5 entitled “CITIZENSHIP” are the following. They REFUSE to distinguish WHICH “United States” is implied in the term “U.S. citizen”, and if they told the truth, the ONLY citizen they could lawfully mean is a STATUTORY “U.S. citizen” per 8 U.S.C. §1401 and NOT a CONSTITUTIONAL citizen, who is a STATUTORY non-resident and non-citizen national in relation to the national government with a foreign domicile:

- 4.1. “U.S. citizen”
- 4.2. “Legal Alien Allowed to Work”
- 4.3. “Legal Alien NOT allowed to Work” (See Instructions on Page 1)
- 4.4. “Other” (See instructions on page 1)

See:

SSA Form SS-5  
<http://www.fanguardian.org/TaxFreedom/Forms/Emancipation/ss-5.pdf>

Those who are domiciled outside the statutory “United States\*\*\*” or in a constitutional state of the Union and who want to correct the citizenship records of the SSA must submit a new SSA Form SS-5 to the Social Security Administration (S.S.A.) and check “Other” in Block 5 pursuant to 20 C.F.R. §422.110(a). This changes the CSP code in their record from “A” to “B”. If you go into the Social Security Office and try to do this, the local offices often will try to give you a run-around with the following abusive and CRIMINAL tactics:

- 1. When you ask them about the meaning of Block 5, they will refuse to indicate whether the citizenship indicated is a CIVIL/STATUTORY status or a POLITICAL/CONSTITUTIONAL status. It can't be both. It must indicate NATIONALITY or DOMICILE, but not BOTH.
- 2. They will first try to call the national office to ask about your status in Block 5.
- 3. They will ABSOLUTELY REFUSE to involve you in the call or to hear what is said, because they want to protect the perpetrators of crime on the other end. Remember, terrorists always operate anonymously and they are terrorists. You should bring your MP3 voice record, insist on being present, and put the phone on speaker phone, and do EXACTLY the same thing they do when you call them directly by saying the following:

*“This call is being monitored for quality assurance purposes, just like you do to me without my consent ALL THE TIME.”*

- 4. After they get off the phone, they will refuse to tell you the full legal name of the person on the other end of the call to protect those who are perpetuating the fraud.
- 5. They will tell you that they want to send your SSA Form SS-5 to the national office in Baltimore, Maryland, but refuse to identify EXACTLY WHO they are sending it to, because they don't want this person sued personally as they should be.
- 6. The national office will sit on the form forever and refuse to make the change requested, and yet never justify with the law by what authority they:

- 1 6.1. Perpetuate the criminal computer fraud that results from NOT changing it.  
2 6.2. Perpetuate the criminal violation of 18 U.S.C. §911 by NOT changing it.  
3 7. They will allow you to change ANYTHING ELSE on the form without their permission, but if you want to change  
4 your CITIZENSHIP, they essentially interfere with it illegally and criminally.

5 The reason they play all the above obfuscation GAMES and hide or classify information to conceal the GAMES is because  
6 they want to protect what they certainly know are the following CRIMES on their part and that of their employees:

- 7 1. They can't offer federal benefits to CONSTITUTIONAL but not STATUTORY citizens with a domicile outside of  
8 federal territory. If they do, they would be criminally violating 18 U.S.C. §911.  
9 2. They can't pay public monies to PRIVATE parties, and therefore you CANNOT apply with the SS-5 for a "benefit"  
10 unless you are a public officer ALREADY employed with the government. If they let PRIVATE people apply they are  
11 conspiring to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912.  
12 3. They aren't allowed to offer or enforce any government franchise within the borders of a Constitutional but not  
13 STATUTORY state of the Union, as held by the U.S. Supreme Court, so they have to make you LOOK like a  
14 STATUTORY citizen, even though you aren't, in order to expand their Ponzi Scheme outside their GENERAL  
15 jurisdiction and into legislatively foreign states.

16 *"Congress cannot authorize [LICENSE, using a de facto license number called a "Social Security Number"] a*  
17 *trade or business within a State in order to tax it."*  
18 *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

19 The only status a state domiciled CONSTITUTIONAL but not STATUTORY citizen can put on the form is "Other" or "Legal  
20 [STATUTORY] Alien Allowed to Work". The instructions say following about "Other" option:

21 *"If you check "Other", you need to provide proof that you are entitled to a federally-funded benefit for which*  
22 *Social Security number is required as a condition for you to receive payment."*

23 In answer to the above query in connection with the "Other" option, we suggest:

24 *"DO NOT seek any federally funded benefit. I want a NONtaxpayer number that entitles me to ABSOLUTELY*  
25 *NOTHING as a NONRESIDENT not subject to federal law and NOT qualified to receive benefits of any kind. I*  
26 *am only applying because:*

27 *1. I am being illegally compelled to use a number I know I am not qualified to ask for.*

28 *2. The number was required as a precondition condition of PRIVATE employment or opening an PRIVATE*  
29 *financial account by a NONRESIDENT ALIEN who is NOT a "U.S. citizen" or "U.S. person" and who is NOT*  
30 *required to have or use such a number by 31 C.F.R. §306.10, 31 C.F.R. §103.34(a)(3)(x), and IRS Pub. 515.*

31 *I ask that you criminally prosecute them for doing so AND provide a statement on SSA letterhead indicating that*  
32 *I am NOT eligible that I can show them. Furthermore, if you do have any numbers on file connected with my*  
33 *name, I ask that they be rescinded permanently from your records."*

34 Then you may want to attach the following forms to the application to ENSURE that they reject your application and TELL  
35 you that you are NOT eligible so you can show it to the person who is COMPELLING you to use a number:

- 36 1. [Affidavit of Citizenship, Domicile, and Tax Status](http://sedm.org/Forms/FormIndex.htm), Form #02.001  
37 <http://sedm.org/Forms/FormIndex.htm>  
38 2. [Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"](http://sedm.org/Forms/FormIndex.htm), Form #04.205  
39 <http://sedm.org/Forms/FormIndex.htm>

#### 40 **10.1.14 "Citizenship" in federal court implies Domicile on federal territory not within any state**

41 The following legal authorities conclusively establish that the terms "citizen", "citizenship", and "domicile" are synonymous  
42 in federal courts. They validate all of the above conclusive presumptions that government employees, officers, and judges  
43 habitually make when you appear before them or submit a government form to them, unless you specify or explain otherwise.  
44 Government employees, officers, and judges just HATE to discuss or document these presumptions, which is why authorities  
45 to prove their existence are so difficult to locate.

1 *"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*  
2 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678,*  
3 *683."*  
4 *[Black's Law Dictionary, Fourth Edition, p. 311]*

5 *The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan,*  
6 *C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354;*  
7 *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350,*  
8 *351. **The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R.***  
9 *Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, Jonesboro*  
10 *Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad*  
11 *Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa.*  
12 *Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*  
13 *[Black's Law Dictionary, Fourth Edition, p. 310]*

14 *"Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with*  
15 *the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea*  
16 *of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and*  
17 *moral obligation to the state and possesses social and political rights under the Constitution and laws thereof.*  
18 *Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766;*  
19 *Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."*  
20 *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

21 *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is*  
22 *substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554,*  
23 *557."*  
24 *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

25 No person may be compelled to choose a domicile or residence ANYWHERE. By implication, no one but you can commit  
26 yourself to being a "citizen" or to accepting the responsibilities or liabilities that go with it.

27 *"The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or*  
28 *even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely*  
29 *reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by*  
30 *the citizenship to the agencies of government. The people's rights are not derived from the government, but the*  
31 *government's authority comes from the people.\*946 The Constitution but states again these rights already*  
32 *existing, and when legislative encroachment by the nation, state, or municipality invade these original and*  
33 *permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions*  
34 *that surround the individual liberties of the citizen, except those for the preservation of the public health, safety,*  
35 *and morals, the more contented the people and the more successful the democracy."*  
36 *[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]*

37 *"Citizenship" and "residence", as has often been declared by the courts, are not convertible terms. ... "The better*  
38 *opinion seems to be that a citizen of the United States is, under the amendment [14th], prima facie a citizen of*  
39 *the state wherein he resides, cannot arbitrarily be excluded therefrom by such state, but that he does not become*  
40 *a citizen of the state against his will, and contrary to his purpose and intention to retain an already acquired*  
41 *citizenship elsewhere. The amendment [14th] is a restraint on the power of the state, but not on the right of*  
42 *the person to choose and maintain his citizenship or domicile"".*  
43 *[Sharon v. Hill, 26 F. 337 (1885)]*

44 Since "citizen", "citizenship", and "domicile" are all synonymous, then you can only be a "citizen" in ONE place at a time.  
45 This is because you can only have a "domicile" in one place at a time.

46 *"domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and*  
47 *principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith,*  
48 *206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's*  
49 *home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place*  
50 *to which he intends to return even though he may actually reside elsewhere. A person may have more than one*  
51 *residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual***  
52 ***residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise***  
53 ***the privilege of voting and other legal rights and privileges."***  
54 *[Black's Law Dictionary, Sixth Edition, p. 485]*

55 The implications of this revelation are significant. It means that in relation to the state and federal governments and their  
56 mutually exclusive territorial jurisdictions, you can only be a statutory "citizen" of one of the two jurisdictions at a time.  
57 Whichever one you choose to be a "citizen" of, you become a "national but not a citizen" in relation to the other. You can

1 therefore be subject to the civil laws of only one of the two jurisdictions at a time. Whichever one of the two jurisdictions  
2 you choose your domicile within becomes your main source of protection.

3 Choice of domicile is an act of political affiliation protected by the First Amendment prohibition against compelled  
4 association:

5 *Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or*  
6 *believe "The right to speak and the right to refrain from speaking [on a government tax return, and in violation*  
7 *of the [Fifth Amendment](#) when coerced, for instance] are complementary components of the broader concept of*  
8 *'individual freedom of mind.'" [Wooley v. Maynard, 430 U.S. 703 \(1977\)](#). Freedom of conscience dictates that*  
9 *no individual may be forced to espouse ideological causes with which he disagrees:*

10 *"[A]t the heart of the [First Amendment](#) is the notion that the individual should be free to believe as he will, and*  
11 *that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by the*  
12 *State [through illegal enforcement of the revenue laws]." [Aboud v. Detroit Board of Education 431 U.S. 209](#)*  
13 *(1977)*

14 ***Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from*  
15 *compelled association illustrates the significance of the liberty or personal autonomy model of the [First](#)*  
16 *[Amendment](#). **As a general constitutional principle, it is for the individual and not for the state to choose one's***  
17 ***associations and to define the persona which he holds out to the world.***  
18 *[[First Amendment Law](#), Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]*

### 19 **10.1.15 How you unknowingly volunteered to become a "citizen of the United States" under federal statutes**

20 Armed with the knowledge that "U.S. citizen" status under federal statutes and "acts of Congress" is *entirely voluntary*, let's  
21 now examine the federal government's definition of the term "naturalization" to determine at what point we "volunteered":

22 [8 U.S.C. §1101\(a\)\(23\)](#) naturalization defined

23 *(a)(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship",*  
24 *but "nationality", which means "[national](#)"] of a state upon a person after birth, by any means whatsoever.*

25 And here is the definition in Black's Law Dictionary, Sixth Edition, p. 1026 of *naturalization*:

26 ***Naturalization.** The process by which a person acquires **nationality** [not citizenship, but **nationality**] after birth*  
27 *and becomes entitled to the privileges of U.S. citizenship. [8 U.S.C.A. §1401](#) et seq..*

28 *In the United States collective naturalization occurs when designated groups are made citizens by treaty (as*  
29 *Louisiana Purchase), or by a law of Congress (as in annexation of Texas and Hawaii). Individual naturalization*  
30 *must follow certain steps: (a) petition for naturalization by a person of lawful age who has been a lawful resident*  
31 *of the United States for 5 years; (b) investigation by the Immigration and Naturalization Service to determine*  
32 *whether the applicant can speak and write the English language, has a knowledge of the fundamentals of*  
33 *American government and history, is attached to the principles of the Constitution and is of good moral character;*  
34 *(c) hearing before a U.S. District Court or certain State courts of record; and (d) after a lapse of at least 30 days*  
35 *a second appearance in court when the oath of allegiance is administered.*  
36 *[Black's Law Dictionary, Sixth Edition, p. 1026]*

37 Hmmm. Well then, if you were a foreigner who was "naturalized" to become a "national" (and keep in mind that all of  
38 America is mostly a country of immigrants), then some questions arise:

- 39 1. At what point did you become a STATUTORY "U.S. citizen" under federal law, because "naturalization" didn't do it?
- 40 2. By what means did you inform the government of your "informed choice" in this *voluntary* process?

41 The answer is that when you applied for a passport or registered to vote or participated in jury duty, the government asked  
42 you whether you were a "U.S. citizen" and you lied by saying "YES". In effect, although you never made an informed choice  
43 to surrender your sovereign status as a "national" to become a "U.S. citizen", you created a "presumption" on their part that  
44 you were a "U.S. citizen" just because of the erroneous paperwork you sent them which they can later use as evidence in  
45 court to prove you are a "U.S. citizen". Even worst, they ENCOURAGED you to make it erroneous because of the way they  
46 designed the forms by not even giving you a choice on the form to indicate that you were a "national" instead of a "U.S.  
47 citizen"! By you checking the "U.S. citizen" block on their rigged forms, that is all the evidence they needed to conclude,

1 incorrectly and to their massive financial benefit I might add, that you were a “U.S. citizen” who was “completely subject to  
2 the jurisdiction” of the United States. BAD IDEA!

3 Technically and lawfully, the federal government *does not* have the lawful authority to confer statutory “citizen of the United  
4 States\*\*\*” status upon a person born inside a Union state on land that is not part of the federal zone and domiciled there. If  
5 they did, they would be “sheep poachers” who were stealing citizens from the Union states and depriving those states of  
6 control over persons born within their jurisdiction. This is so because “citizen of the United States\*\*\*” status is superior and  
7 dominant over state citizenship according to the Supreme Court in the *Slaughter-House Cases*, 83 U.S. 36 (1873):

8 *“The first of these questions is one of vast importance, and lies at the very foundations of our government. The*  
9 *question is now settled by the fourteenth amendment itself, that citizenship of the United States is the primary*  
10 *citizenship in this country; and that State citizenship is secondary and derivative, depending upon citizenship*  
11 *of the United States and the citizen's place of residence. The States have not now, if they ever had, any power*  
12 *to restrict their citizenship to any classes or persons. A citizen of the United States has a perfect constitutional*  
13 *right to go to and reside in any State he chooses, and to claim citizenship therein, [83 U.S. 36, 113] and an*  
14 *equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that*  
15 *right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all the*  
16 *rights and privileges enjoyed by other citizens. And when the spirit of lawlessness, mob violence, and sectional*  
17 *hate can be so completely repressed as to give full practical effect to this right, we shall be a happier nation, and*  
18 *a more prosperous one than we now are. Citizenship of the United States ought to be, and, according to the*  
19 *Constitution, is, a sure and undoubted title to equal rights in any and every States in this Union, subject to such*  
20 *regulations as the legislature may rightfully prescribe. If a man be denied full equality before the law, he is denied*  
21 *one of the essential rights of citizenship as a citizen of the United States.”*  
22 [Slaughter-House Cases, 83 U.S. 36 (1873)]

23 Therefore, persons born in the Union states but outside the federal zone (federal areas or enclaves within the states) must be  
24 *naturalized* technically in order to become “citizens of the United States”. However, the rules for naturalization in the case  
25 of federal citizenship are so lax and transparent that people are fooled into thinking they *always were* “citizens of the United  
26 States”! Whenever you fill out a passport or voter registration form and claim you are a “citizen of the United States” or a  
27 “U.S. citizen”, for instance, even if you technically weren’t because you weren’t born inside the federal zone, then you have  
28 effectively and formally “naturalized” yourself into federal citizenship and given the government evidence admissible under  
29 penalty of perjury proving that you are a federal serf and slave!

30 We therefore like to think of the term “U.S. citizen” used by the Internal Revenue Service and the Internal Revenue Code as  
31 being like the sign that your enemies taped on your back in grammar school without you knowing which said “HIT ME!”,  
32 and the only people who can see the sign or understand what it means are those who work for the government and the IRS  
33 and the legal profession! Your own legal ignorance is the only reason that you don’t know that you have this sign on your  
34 back.

### 35 **10.1.16 How to prevent being deceived or compelled to assume the civil status of “citizen”**

36 If you would like tools to prevent all of the above types of gamesmanship by corrupt judges and government prosecutors and  
37 bureaucrats, please see:

- 38 1. *Citizenship, Domicile, and Tax Status Options*, Form #10.003. Provide during depositions and discovery.  
39 <http://sedm.org/Forms/FormIndex.htm>
- 40 2. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002. Attach to pleadings filed in federal court.  
41 <http://sedm.org/Litigation/LitIndex.htm>
- 42 3. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001. Attach to all government forms you are compelled  
43 to fill out.  
44 <http://sedm.org/Forms/FormIndex.htm>
- 45 4. *Tax Form Attachment*, Form #04.201. Attach to all tax forms you are required to fill out.  
46 <http://sedm.org/Forms/FormIndex.htm>

### 47 **10.1.17 Misapplication of Statutory diversity of citizenship or federal jurisdiction to state citizens**

48 Diversity of citizenship describes methods for invoking jurisdiction of federal court for controversies involving people not in  
49 the same state or country. Just like citizenship, there are TWO types of diversity of citizenship: CONSTITUTIONAL and  
50 STATUTORY. Choice of forum to hear diversity cases is either WITHIN the courts of the plaintiff’s home state or in federal

1 court. State courts can hear cases involving diverse parties under the authority of their respective Longarm Statutes and the  
2 Minimum Contacts Doctrine described in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).

3 Procedures for removal from state to federal court are codified in 28 U.S.C. §§1441 through 1452. Generally speaking,  
4 STATUTORY diversity of citizenship is a statutory privilege rather than a CONSTITUTIONAL right.<sup>70</sup> One should avoid  
5 PRIVILEGES because they DESTROY or undermine constitutional rights. We refer to such PRIVILEGES as franchises.  
6 See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

7 A common method of confusing CONSTITUTIONAL citizens with STATUTORY citizens is to falsely and  
8 unconstitutionally PRESUME that STATUTORY diversity of citizenship provisions of 28 U.S.C. §1332 and  
9 CONSTITUTIONAL diversity of citizenship found in Article III, Section 2 are equivalent. In fact, they are NOT equivalent  
10 and are mutually exclusive. In fact:

- 11 1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive because they rely  
12 on DIFFERENT geographical definitions for “State” and “United States”.
- 13 2. The following authorities on choice of law limit the application of federal statutes to those domiciled in the  
14 geographical “United States\*\*”, meaning federal territory not within the exclusive jurisdiction of any state.
  - 15 2.1. Federal Rule of Civil Procedure 17.
  - 16 2.2. The Rules of Decision Act, 28 U.S.C. §1652.
  - 17 2.3. 40 U.S.C. §3111-3112.
  - 18 2.4. The geographical definitions of “United States” found in the Internal Revenue Code at 26 U.S.C. §7701(a)(9)  
19 and (a)(10) and 4 U.S.C. §110(d).
  - 20 2.5. The geographical definitions of “United States” found in the Social Security Act at 42 U.S.C. §1301(a)(1) and  
21 (a)(2).
  - 22 2.6. The U.S. Supreme Court.

23 *“It is no longer open to question that the general government, unlike the states, [Hammer v. Dagenhart](#), 247 U.S.  
24 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal  
25 affairs of the states; and emphatically not with regard to legislation.  
26 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]*

27 *“The difficulties arising out of our dual form of government and the opportunities for differing opinions  
28 concerning the relative rights of state and national governments are many; but for a very long time this court  
29 has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their  
30 political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation  
31 upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*.”  
32 [Ashton v. Cameron County Water Improvement District No. 1, [298 U.S. 513](#); 56 S.Ct. 892 (1936)]*

- 33 3. The STATUTORY definition of “State” in 28 U.S.C. §1332(e) is a federal territory.

34 *28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs*

35 *(e) The word “States”, as used in this section, includes the Territories, the District of Columbia, and the*  
36 *Commonwealth of Puerto Rico.*

- 37 4. The definition of “State” in the CONSTITUTION is a State of the Union and NOT federal territory.

38 *It is sufficient to observe in relation to these three fundamental instruments [Articles of Confederation, the United*  
39 *States Constitution, and the Treaty of Peace with Spain], that it can nowhere be inferred that the \*251 territories*  
40 *were considered a part of the United States. The Constitution was created by the people of the United States, as*  
41 *a union of states, to be governed solely by representatives of the states; and even the provision relied upon here,*  
42 *that all duties, imposts, and excises shall be uniform ‘throughout the United States,’ is explained by subsequent*  
43 *provisions of the Constitution, that ‘no tax or duty shall be laid on articles exported from any state,’ and ‘no*  
44 *preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another;*

<sup>70</sup> See *Adams v. Charter Communications VII, LLC*, 356 F.Supp.2d. 1268, 1271 (M.D. 2005); see also *Landman v. Borough of Bristol*, 896 F.Supp. 406, 409 (E.D. Pa. 1995)(“Because courts strictly construe the removal statutes, the parties must meticulously comply with the requirements of the statute to avoid remand.”)

1 nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.' In short, the  
2 Constitution deals with states, their people, and their representatives.

3 [. . .]

4 "The earliest case is that of *Hepburn v. Ellzey*, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under  
5 that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between  
6 citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court  
7 of the United States. It was argued that the word 'state.' in that connection, was used simply to denote a distinct  
8 political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference  
9 to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense  
10 of that instrument. The result of that examination is a conviction that the members of the American confederacy  
11 only are the states contemplated in the Constitution . . . and excludes from the term the signification attached  
12 to it by writers on the law of nations.' This case was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L.Ed.  
13 825, and quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule  
14 was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt  
15 was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a  
16 state in the sense in which that term is used in the Constitution.' In *Scott v. Jones*, 5 How. 343, 12 L.Ed. 181,  
17 and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1, 13 L.Ed. 867, it was held that under  
18 the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state  
19 statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress."  
20 [*Downes v. Bidwell*, 182 U.S. 244 (1901)]

- 21 5. Corrupt government actors try to increase this confusion to illegally expand their jurisdiction by dismissing diversity  
22 cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP"  
23 and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is  
24 invoked. See *Lamm v. Bekins Van Lines, Co.*, 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal  
25 jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's  
26 citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and  
27 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from  
28 allegations of residence alone.").

29 One publication about removal from state court to federal court says the following on the subject of removals. Notice they  
30 refer to "citizen" and "resident" as "terms of art", meaning terms that do not have the "ordinary meaning" but only that  
31 SPECIFICALLY identified in the statutes themselves:

32 **4. Take care with terms of art in diversity removal allegations**

33 A. Terms of art: "Citizen" versus "resident"

34 The burden falls on the removing party to prove complete diversity.<sup>23</sup> "The allegations must show that the  
35 citizenship of each plaintiff is different from that of each defendant."<sup>24</sup> Some courts have found that the requisite  
36 specificity is lacking where a party alleges residency instead of citizenship.<sup>25</sup> In fact, such courts have held that  
37 "[a]verments of residence are wholly insufficient for purposes of removal."<sup>26</sup> The reason enunciated by the courts  
38 for such a holding is that "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common  
39 parlance, the existence of citizenship cannot be inferred from allegations of residence alone."<sup>27</sup> Simply put, in a  
40 diversity removal, it may not be enough to allege only the residence of party; instead, the wiser practice for the  
41 party attempting to establish federal jurisdiction is to allege the citizenship of the diverse parties.<sup>28</sup>

42 B. Conclusory allegations of citizenship

43 Similarly, some courts take the position that merely alleging that an action is between citizens of different states  
44 is insufficient to establish that the parties are diverse for the purposes of supporting a diversity removal; instead,  
45 "specific facts must have been alleged so that [a] Court itself will be able to decide whether such jurisdiction  
46 exists."<sup>29</sup> Consequently, conclusory assertions that diversity of citizenship exists without accompanying factual  
47 support about a parties' citizenship as opposed to residency may result in remand.<sup>30</sup> For example, where the  
48 removing party states only the residence of an allegedly diverse party, and fails to include allegations regarding  
49 an allegedly diverse parties' citizenship, that failure has been used to justify remand.<sup>31</sup> The safer practice is for  
50 a removing party to allege diversity of citizenship and to specify in its removal documents the factual basis  
51 supporting the allegation that the parties are in fact diverse.

52 [*A Primer on Removal: Don't Leave State Court Without It*, Gregory C. Cook, A. Kelly Brennan;  
53 SOURCE: [http://www.balch.com/files/Publication/992723a2-ea1b-4cb8-9cb8-  
54 01287d8ca796/Presentation/PublicationAttachment/416c40d8-6d9d-4ce0-a4d8-  
55 0a4830a78300/Removal%20Article.pdf](http://www.balch.com/files/Publication/992723a2-ea1b-4cb8-9cb8-01287d8ca796/Presentation/PublicationAttachment/416c40d8-6d9d-4ce0-a4d8-0a4830a78300/Removal%20Article.pdf)]

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<sup>23</sup> *Lamm v. Bekins Van Lines, Co.*, 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)(“To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party’s citizenship.”)(citing *McGovern v. American Airlines, Inc.*, 511 F.2d. 653, 654 (5th Cir. 1975)(per curiam)).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Wenger v. Western Reserve Life Assur. Co.*, 570 F.Supp. 8, 10 (M.D. Tenn. 1983)(citing *Realty Holding Co. v. Donaldson*, 268 U.S. 398, 399 (1925), *Neel v. Pennsylvania Co.*, 157 U.S. 153 (1895)).

<sup>27</sup> See, e.g., *Johnson*, supra, note 19 (remanding case due to removing parties failure to allege citizenship in case removed on diversity jurisdiction grounds and holding allegation of residence was insufficient to evidence citizenship).

<sup>28</sup> *J.C. Whitney & Co. v. Renaissance Software Corp.*, 98 F.Supp.2d. 981 (N.D. Ill. 2000)(“allegations of residence are insufficient to establish diversity jurisdiction”).

<sup>29</sup> *Id.*

<sup>30</sup> *Nasco, Inc. v. Norsworthy*, 785 F.Supp. 707 (M.D. Tenn. 1992). In *Nasco*, the United States District Court for the Middle District of Tennessee remanded an action to state court where the defendants failed to adequately allege citizenship as opposed to residency. *Id.* In *Nasco*, the defendants made the conclusory allegation that complete diversity of citizenship among the parties existed. *Id.* at 709. However, the defendants’ factual assertions related only to the residency, not citizenship. *Id.* The Court remanded the action and stated that “[a]llegations of residence are wholly insufficient for purposes of removal.” *Id.* (quoting *Wenger v. Western Reserve Life Assurance Co. of Ohio*, 570 F.Supp. 8, 10 (M.D. Tenn. 1983)).

Similarly, the United States Court of Appeals for the Eleventh Circuit agrees that the failure to properly list citizenship in a removal petition is fatal to removal and warrants remand. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC*, 374 F.3d. 1020 (11th Cir. 2004)(affirming district court’s order remanding action due to defendant’s failure to properly allege the citizenship of the parties in removal petition); cf. *Ervast v. Flexible Products, Co.*, 346 F.3d. 1007 (refusing to exercise jurisdiction on basis of diversity where defendant failed to plead basis in removal petition).

<sup>31</sup> *Johnson*, supra, note 19.

To eliminate the confusion of the STATUTORY and CONSTITUTIONAL context for citizenship terms in diversity of citizenship cases, we have prepared the following table. It eliminates the confusion by taking both DOMICILE and NATIONALITY into account, and it shows the corresponding authorities from which jurisdiction derives in each case. It is a work in progress subject to continual improvement because of the complexity of researching the subject:

1 **Table 14: Permutations of diversity of citizenship**

#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/laws to be enforced	Notes
	Name	Condition	Name	Condition				
1	State citizen	Domiciled in SAME constitutional "State" as Party 2.	State citizen	Domiciled in SAME constitutional "State" as Party 1.	State has jurisdiction under common law	No jurisdiction	State law only	
2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only in most cases. Federal law if a constitutional tort and remedy is provided by statutes.	Includes constitutional torts pers Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)
3	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)
4	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
5	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	Jurisdiction under 28 U.S.C. §1332(a)(2) .	State law only. No federal law.	Alienage jurisdiction. Cook v. Tait, 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
6	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only. No federal law.	Alienage jurisdiction.
7	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.		Alienage jurisdiction.
8	Territorial citizen	Domiciled in SAME statutory "State" as Party 2.	Territorial citizen	Domiciled in SAME statutory "State" as Party 1	Territory has jurisdiction	None	Territory's laws only. No federal law	
9	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	
10	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)

#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/ laws to be enforced	Notes
	Name	Condition	Name	Condition				
11	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
12	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	No jurisdiction if Party 2 is stateless. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) (Party 2 is a stateless person)		Alienage jurisdiction. Cook v. Tait, 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
13	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	No jurisdiction		Alienage jurisdiction.
14	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	Alienage jurisdiction.

**NOTES:**

1. "State citizen", as used in the above table, is a human being born in a constitutional but not statutory "State" and "residing" there under the Fourteenth Amendment, Section 1. To "reside" as used in the Fourteenth Amendment has been held to mean to be civilly DOMICILED there rather than merely physically present. "Territorial citizen", as used in the above table, is a human being born in a federal territory or a federal corporation created under the laws of Congress.
  - 1.1. It includes 8 U.S.C. §1401 STATUTORY "U.S. citizens" described in 26 C.F.R. §1.1-1(c).
  - 1.2. It includes "non-citizen nationals" from U.S. possessions defined in 8 U.S.C. §1408.
  - 1.3. It includes artificial entities as well, because all federally chartered corporations are deemed to be STATUTORY but not CONSTITUTIONAL citizens of the national government domiciled on federal territory.
2. "Foreign national", as used in the above table, is a human being
  - 2.1. Born in a foreign country. That human was born in neither a CONSTITUTIONAL state of the Union nor a territory or possession of the United States.
  - 2.2. Born in a CONSTITUTIONAL state but domiciled abroad and not engaged in a public office in the national government. Also called a "stateless person" by the U.S. Supreme Court. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989).
3. "American national" as used above means someone born or naturalized in either a constitutional state or a federal territory or possession. American nationals domiciled abroad cannot sue in federal court under diversity of citizenship.

*"Partnerships which have American partners living abroad pose a special problem. In order to be a citizen of a State within the meaning of the diversity statute, a natural person must be both a citizen of the United States and be domiciled within the State." Newman-Green, Inc. v. Alfonso-Larrain, 490 U.S. 826, 828, 109 S.Ct. 2218, 104 L.Ed.2d. 893 (1989). An American citizen domiciled abroad, while being a citizen of the United States is, of course, not domiciled in a particular state, and therefore such a person is "stateless" for purposes of diversity jurisdiction. See id. Thus, American citizens living abroad cannot be sued (or sue) in federal court based on diversity jurisdiction as they are neither "citizens of a State," see 28 U.S.C. §1332(a)(1), nor "citizens or subjects of a foreign state," see id. § 1332(a)(2). See Newman-Green, 490 U.S. at 826, 109 S.Ct. 2218."*

*[Swiger v. Allegheny Energy, Inc., 540 F.3d. 179 (3rd Cir., 2008)]*

4. When determining diversity jurisdiction, the civil or political status of a litigant, including nationality and domicile, is determined by his/her status at the time the suit is filed, not at the time the injury claimed occurred. [Smith v. Sperling, 354 U.S. 91, 93 n.1, 77 S.Ct. 1112, 1113 n.1, 1 L.Ed.2d. 1205 \(1957\).](#)
5. A human being is deemed to be a citizen of the state where she is domiciled. See Gilbert v. David, 235 U.S. 561, 569, [35 S.Ct. 164, 59 L.Ed. 360 \(1915\).](#)
6. A corporation is a citizen both of the state where it is incorporated and of the state where it has its principal place of business. 28 U.S.C. §1332(c). Swiger v. Allegheny Energy, Inc., 540 F.3d. 179 (3rd Cir., 2008).
7. Those not domiciled in a constitutional state, even if physically present there, are not “citizens of the United States” under the auspices of the Fourteenth Amendment, Section 1. Rather, they are “non-resident non-persons” in respect to federal jurisdiction and “nationals of the United States\*\*\* OF AMERICA” who are not statutory “citizens of the United States\*\*\*” identified ANYWHERE in any act of congress, including 8 U.S.C. §1401. This is because the term “reside” in the Fourteenth Amendment, Section 1, has been held to mean DOMICILE and not mere physical presence. See Form #05.006, Section 2.7 for further details.
8. Partnerships and other unincorporated associations, unlike corporations, are not considered "citizens" as that term is used in the diversity statute. [See Carden v. Arkoma Assocs., 494 U.S. 185, 187-92, 110 S.Ct. 1015, 108 L.Ed.2d. 157 \(1990\)](#) (holding that a limited partnership is not a citizen under the jurisdictional statute); see also [Lincoln Prop. Co. v. Roche, 546 U.S. 81, 84 n. 1, 126 S.Ct. 606, 163 L.Ed.2d. 415 \(2005\)](#) ("[F]or diversity purposes, a partnership entity, unlike a corporation, does not rank as a citizen[.]"); [United Steelworkers of Am. v. Bouligny, 382 U.S. 145, 149-50, 86 S.Ct. 272, 15 L.Ed.2d. 217 \(1965\)](#) (holding that a labor union is not a citizen for purposes of the jurisdictional statute); [Great S. Fire Proof Hotel Co. v. Jones, 177 U.S. 449, 454-55, 20 S.Ct. 690, 44 L.Ed. 842 \(1900\)](#) (holding that a limited partnership association, even though it was called a quasi-corporation and declared to be a citizen of the state under the applicable state law, is not a citizen of that state within the meaning of the jurisdictional statute); [Chapman v. Barney, 129 U.S. 677, 682, 9 S.Ct. 426, 32 L.Ed. 800 \(1889\)](#) (holding that although the plaintiff-stock company was endowed by New York law with the capacity to sue, it could not be considered a "citizen" for diversity purposes); 15 James Wm. Moore, Moore's Federal Practice § 102.57[1] (3d ed.2006) [hereinafter Moore's Federal Practice] ("[A] partnership is not a `citizen' of any state within the meaning of the statutes regulating jurisdiction[.]"). Given that partnerships are not citizens for diversity purposes, the Supreme Court has long applied the rule of Chapman v. Barney: that courts are to look to the citizenship of all the partners (or members of other unincorporated associations) to determine whether the federal district court has diversity jurisdiction. See Lincoln Prop. Co., 546 U.S. at 84 n. 1, [126 S.Ct. 606](#); Carden, 494 U.S. at 196-97, [110 S.Ct. 1015](#); Bouligny, 382 U.S. at 151, [86 S.Ct. 272](#); Great S. Fire Proof Hotel, 177 U.S. at 456, [20 S.Ct. 690](#); Chapman, 129 U.S. at 682, [9 S.Ct. 426](#); see also 13B Charles Alan Wright et al., Federal Practice & Procedure § 3630 (2d ed. 1984) ("[W]henver a partnership, a limited partnership ..., a joint venture, a joint stock company, a labor union, a religious or charitable organization, a governing board of an unincorporated institution, or a similar association brings suit or is sued in a federal court, the actual citizenship of each of its members must be considered in determining whether diversity jurisdiction exists."). In Chapman, the Supreme Court, on its own motion, reversed a judgment on the grounds that the federal court did not have jurisdiction over a stock company because the record did not demonstrate that all the partners of the stock company were citizens of a state different than that of the defendant:
9. STATUTORY “citizen of a State” status under 28 U.S.C. §1332(a)(1) is satisfied when a party has a civil DOMICILE in the state in question. Although this statute is limited to federally domiciled parties, it is applied as a matter of common law to constitutional diversity situations without adversely impacting the constitutional rights of the parties, but only if the other party to the suit is NOT a corporation. If the other party IS a corporation, then applying the statute is an injury because it brings a CONSTITUTIONAL citizen down to the same level as a STATUTORY citizen and thereby makes them subject to the laws of Congress.

*“28 U.S.C. §1332(a)(1) creates the federal courts' jurisdiction over actions between "citizens of different States." For a natural person to fall within the provision he must be both (1) a citizen of the United States and (2) a citizen of a particular state. See Scott v. Sandford, 60 U.S. (19 How.) 393, 405-06, 15 L.Ed. 691 (1857); Delaware, L. & W.R. Co. v. Petrowsky, 250 F. 554, 557 (2d Cir.), cert. denied, 247 U.S. 508, 38 S.Ct. 427, 62 L.Ed. 1241 (1918). It is not disputed here that the plaintiff having been naturalized in 1973 is a citizen of the United States. **What is contested is whether in 1976 when his complaint was filed he was a citizen of one of the United States.** The issue is crucial to the plaintiff's claim of jurisdiction under 28 U.S.C. §1332(a)(1) because settled precedent establishes that a citizen of the United States who is not also a citizen of one of the United States may not maintain suit under that section. [Meyers v. Smith, 460 F.Supp. 621 \(D.D.C.1978\)](#); [Kaufman & Broad, Inc. v. Gootrad, 397 F.Supp. 1054 \(S.D.N.Y.1975\)](#); [Garner v. Pearson, 374 F.Supp. 580, 588-90 \(M.D.Fla.1973\)](#); [Hernandez v. Lucas, 254 F.Supp. 901 \(S.D.Tex.1966\)](#); [Clapp v. Stearns & Co., 229 F.Supp. 305 \(S.D.N.Y.1964\)](#); [McClanahan v. Galloway, 127 F.Supp. 929 \(N.D.Cal.1955\)](#); [Alla v. Kornfeld, 84 F.Supp. 823 \(N.D.Ill.1949\)](#); [Hammerstein v.](#)*

1 Lyne, 200 F. 165 (W.D.Mo.1912). Although this doctrine excluding Americans domiciled abroad from the federal courts has been questioned,<sup>71</sup> the plaintiff does not  
2 directly attack it here and we see no reason for upsetting settled law now.

3 **State citizenship for the purpose of the state diversity provision is equated with domicile. The standards for determining domicile in this context are found by resort**  
4 **to federal common law. *Stifel v. Hopkins*, 477 F.2d. 1116, 1120 (6th Cir. 1973); *Ziady v. Curley*, 396 F.2d. 873, 874 (4th Cir. 1968). To establish a domicile of choice**  
5 **a person generally must be physically present at the location and intend to make that place his home for the time at least. See Restatement (Second) of Conflict of**  
6 **Laws §§15, 16, 18 (1971).**"

7 [*Sadat v. Mertes*, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

8 10. 28 U.S.C. §1332(a)(2) is called "alienage jurisdiction". Here is what one court said on this subject:

9 28 U.S.C. §1332(a)(2) vests the district courts with jurisdiction over civil actions between state citizens and citizens of foreign states. This power is sometimes referred  
10 to as alienage jurisdiction. Although the basis for alienage jurisdiction is similar to that over controversies between state citizens, it is founded on more concrete concerns  
11 than the arguably unfounded fears of bias or prejudice by forums in one of the United States against litigants from another of the United States.

12 The dominant considerations which prompted the provision for such jurisdiction appear to have been:

13 (1) Failure on the part of the individual states to give protection to foreigners under treaties; Farrand, "The Framing of the Constitution" 46 (1913); Nevins, "The  
14 American State During and After the Revolution" 644-656 (1924); Friendly, 41 Harvard Law Review 483, 484.

15 (2) Apprehension of entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level. Hamilton, "The  
16 Federalist" No. 80.

17 *Blair Holdings Corp. v. Rubinstein*, 133 F.Supp. 496, 500 (S.D.N.Y.1955). Thus, alienage jurisdiction was intended to provide the federal courts with a form of protective  
18 jurisdiction over matters implicating international relations where the national interest was paramount. See The Federalist No. 80 (A. Hamilton) ("(T)he peace of the  
19 WHOLE ought not to be left at the disposal of a PART. The Union will undoubtedly be answerable to foreign powers for the conduct of its members. And the responsibility  
20 for an injury ought ever to be accompanied with the faculty for preventing it.")<sup>7</sup> Recognizing this obvious national interest in such controversies, not even the proponents  
21 of the abolition of diversity jurisdiction over suits between citizens of the several United States have advocated elimination of alienage jurisdiction. See, e. g., H. Friendly,  
22 Federal Jurisdiction: A General View 149-50 (1973); Rowe, Abolishing Diversity Jurisdiction: Positive Side Effects and Potential for Further Reforms, 92 Harv.L.Rev.  
23 963, 966-68 (1979).

24 **Because alienage jurisdiction is founded on the fear of giving offense to foreign countries, the domicile of the foreigner is irrelevant. Indeed, an alien domiciled in**  
25 **one of the United States is afforded access to the federal courts under 28 U.S.C. §1332(a)(2) even when he sues an American citizen residing in the same state.** See  
26 **C. H. Nichols Lumber Co. v. Franson**, 203 U.S. 278, 27 S.Ct. 102, 51 L.Ed. 181 (1906); *Breedlove v. Nicolet*, 32 U.S. (7 Pet.) 413, 431-32, 8 L.Ed. 731 (1833); *Psinakis*  
27 **v. Psinakis**, 221 F.2d. 418, 422 (3d Cir. 1955); *City of Minneapolis v. Reum*, 56 F. 576 (8th Cir. 1893); *Hagl v. Jacob Stern & Sons*, 396 F.Supp. 779, 782 (E.D.Pa.1975).  
28 See also *DeVries v. Starr*, 393 F.2d. 9, 11 (10th Cir. 1968) (alien domiciled in Spain but a citizen of the Netherlands). The jurisdictional grant in 28 U.S.C. §1332(a)(2),  
29 however, does not establish the federal courts as forums for all lawsuits with an international flavor. **Suits solely between aliens are outside the constitutional grant of**  
30 **judicial power. *Jackson v. Twentyman*, 27 U.S. (2 Pet.) 136, 7 L.Ed. 374 (1829); *Hodgson v. Bowerbank*, 9 U.S. (5 Cranch) 303, 3 L.Ed. 108 (1809). Jurisdiction will**  
31 **not lie if the basis for jurisdiction is the alienage of a person with no nationality. *Shoemaker v. Malaxa*, 241 F.2d. 129 (2d Cir. 1957); *Factor v. Pennington Press, Inc.*,**  
32 **238 F.Supp. 630 (N.D.Ill.1964). And an American citizen domiciled abroad is not by virtue of that fact alone a citizen of a foreign state. *Smith v. Carter*, 545 F.2d. 909**  
33 **(5th Cir.), cert. denied, 431 U.S. 955, 97 S.Ct. 2677, 53 L.Ed.2d. 272 (1977); *Pemberton v. Colonna*, 290 F.2d. 220 (3d Cir. 1961) (per curiam) (affirming 189 F.Supp.**  
34 **430 (E.D.Pa.1960)); *Haggerty v. Pratt Institute*, 372 F.Supp. 760 (E.D.N.Y.1974); *Van der Schelling v. U. S. News & World Report, Inc.*, 213 F.Supp. 756 (E.D.Pa.),**  
35 **aff'd, 324 F.2d. 956 (3d Cir. 1963) (per curiam), cert. denied, 377 U.S. 906, 84 S.Ct. 1166, 12 L.Ed.2d. 177 (1964); *Hammerstein v. Lyne*, 200 F. 165, 171-72**  
36 **(W.D.Mo.1912).**

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<sup>71</sup> See Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 9-10 (1968) (suggesting that Americans abroad might reasonably be deemed foreign subjects); Comment, 19 Wash. & Lee L.Rev. 78, 84-86 (1962) (proposing that a person's domicile and therefore his state citizenship should be deemed to continue until citizenship is established in another of the United States or until American citizenship is abandoned).

1 **The generally accepted test for determining whether a person is a foreign citizen for purposes of 28 U.S.C. §1332(a)(2) is whether the country in which citizenship is**  
2 **claimed would so recognize him.** This is in accord with the principle of international law that "it is the inherent right of every independent nation to determine for itself,  
3 and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship." United States v. Wong Kim Ark, 169 U.S. 649, 668, 18 S.Ct.  
4 456, 464, 42 L.Ed. 890 (1898). See, e. g., Murarka v. Bachrack Bros., 215 F.2d. 547, 553 (2d Cir. 1954) (Harlan, J.) ("It is the undoubted right of each country to  
5 determine who are its nationals, and it seems to be general international usage that such a determination will usually be accepted by other nations"); Blair Holdings  
6 Corp. v. Rubinstein, 133 F.Supp. at 499. See also Restatement (Second) of the Foreign Relations Law of the United States § 26 (1965).

7 Relying on this principle, the plaintiff maintains that notwithstanding his U.S. naturalization, Egypt still regards him as an Egyptian citizen. The evidence in the record  
8 tends to sustain his contention. It is apparently the plaintiff's position that Egypt requires its nationals to obtain its consent to their naturalization in other countries and  
9 even then it may condition its consent so that the emigrant retains his Egyptian nationality despite his naturalization elsewhere. A letter from the Egyptian Consulate  
10 General in New York confirms that the consent of that government is required.<sup>8</sup> Although the plaintiff did obtain the Egyptian government's consent prior to his  
11 naturalization in the United States, that consent was apparently conditioned upon his retaining his Egyptian citizenship. A letter from the Egyptian Minister of Exterior  
12 to the plaintiff states:

13 Greetings, we have the honor to inform you that it has been agreed to permit you to be naturalized with United States Citizenship but retaining  
14 your Egyptian citizenship and this is according to a letter from the Minister of Interior Department of Travel Documents, Immigration and  
15 Naturalization # 608 KH File # 100/41/70, Dated January 24, 1971.

16 Thus, Egypt still regards the plaintiff as one of its citizens notwithstanding its consent to his naturalization in the United States. In 1978, for example, the Egyptian  
17 government issued the plaintiff an Egyptian driver's license and an international driver's license. Both documents show the plaintiff's nationality as Egyptian.

18 **This evidence is sufficient to establish that, despite his naturalization in the United States, the plaintiff is an Egyptian under that country's laws. Consequently, under**  
19 **the ordinary choice of law rule for determining nationality under 28 U.S.C. §1332(a)(2) he would be so regarded for the purpose of determining the district court's**  
20 **jurisdiction over the subject matter.** Thus, the issue squarely presented to this court is whether a person possessing dual nationality, one of which is United States  
21 citizenship,<sup>9</sup> is "a citizen or subject of a foreign state" under 28 U.S.C. §1332(a)(2).

22 Dual nationality is the consequence of the conflicting laws of different nations, Kawakita v. United States, 343 U.S. 717, 734, 72 S.Ct. 950, 961, 96 L.Ed. 1249 (1952),  
23 and may arise in a variety of different ways.<sup>10</sup> The ambivalent policy of this country toward dual nationality is stated in a letter made a part of the record in this case  
24 from the Office of Citizenship, Nationality and Legal Assistance of the Department of State:

25 The United States does not recognize officially, or approve of dual nationality. However, it does accept the fact that some United States citizens may possess another  
26 nationality as the result of separate conflicting laws of other countries. Each sovereign state has the right inherent in its sovereignty to determine who shall be its citizens  
27 and what laws will govern them.

28 The official policy of this government has been to discourage the incidence of dual nationality. See Savorgnan v. United States, 338 U.S. 491, 500, 70 S.Ct. 292, 297, 94  
29 L.Ed. 287 (1950); Warsoff, Citizenship in the State of Israel, 33 N.Y.U.L.Rev. 857 (1958) (detailing efforts of the U.S. government to prevent dual American-Israeli  
30 citizenship). See also Hirabayashi v. United States, 320 U.S. 81, 97-99, 63 S.Ct. 1375, 1384-1385, 87 L.Ed. 1774 (1943). Pursuant to that policy, since 1795 all persons  
31 naturalized are required to swear allegiance to the United States and "to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince,  
32 potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen." 8 U.S.C. § 1448(a)(2). See Savorgnan, 338 U.S. at 500, 70 S.Ct. at 297.  
33 "The effectiveness of this provision is limited, however, for many nations will not accept such a disclaimer as ending their claims over naturalized Americans." Note,  
34 Expatriating the Dual National, 68 Yale L.J. 1167, 1169 n.11 (1959). See, e. g., Coumas v. Superior Court, 31 Cal.2d. 682, 192 P.2d 449 (1948). Thus, dual nationality  
35 has been recognized in fact, albeit reluctantly, by the courts. See Kawakita, 343 U.S. at 723-24, 72 S.Ct. at 955-56:

36 (D)ual nationality (is) a status long recognized in the law. Perkins v. Elg, 307 U.S. 325, 344-349, 59 S.Ct. 884, 894-896, 83 L.Ed. 1320. The concept  
37 of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of  
38 both. The mere fact that he asserts the rights of one citizenship does not without more mean that he renounces the other.

39 Whether a person possessing dual nationality should be considered a citizen or subject of a foreign state within the meaning of 28 U.S.C. §1332(a)(2) is a question of  
40 first impression in the courts of appeals. The two district courts other than the district court below which have addressed the question have reached seemingly different

1 conclusions. In *Aguirre v. Nagel*, 270 F.Supp. 535 (E.D.Mich.1967), the plaintiff, a citizen of the United States and the State of Michigan, sued a Michigan citizen for  
2 injuries sustained when she was hit by the defendant's car. The court correctly ruled that the action was not one between citizens of different states under 28 U.S.C.  
3 §1332(a)(1). Nevertheless, the court did find jurisdiction under 28 U.S.C. §1332(a)(2) because the plaintiff's parents were citizens of Mexico and Mexico regarded her  
4 as a Mexican citizen by virtue of her parentage. The Aguirre court's opinion did no more than determine that the cause fell within the literal language of the statute  
5 without regard to the policies underlying alienage jurisdiction. As a result it has been questioned by the commentators, see 1 Moore's Federal Practice P 0.75(1.-1) at  
6 709.4-.5 (2d ed. 1979); 13 C. Wright, A. Miller, & E. Cooper, *Federal Practice and Procedure* §3621 at 759-60 (1975), and rejected by one other district court in addition  
7 to the court below. See *Raphael v. Hertzberg*, 470 F.Supp. 984 (C.D.Cal.1979).<sup>11</sup>

8 Raphael was decided after the district court's judgment being reviewed here, and, although it does not cite the Eastern District of Wisconsin's opinion, it reaches the same  
9 conclusion. In Raphael, the plaintiff was a British subject who recently had been naturalized in the United States. The plaintiff and the defendant were domiciled in  
10 California. The court rejected the plaintiff's position that his purported dual nationality permitted him access to the federal courts under alienage jurisdiction. In rejecting  
11 the authority of Aguirre, the court noted several possible objections to permitting naturalized Americans to assert their foreign citizenship:

12 To begin with, the holding in Aguirre violates the requirement of complete diversity (*Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435  
13 (1806)) since Aguirre, like the present case, involved opposing parties who were both American citizens and who resided in the same state.  
14 Moreover, where both parties are residents of the state in which the action is brought, there is no reason to expect bias from the state courts.  
15 Finally, so long as the party asserting diversity jurisdiction is an American citizen, there is little reason to fear that a foreign government may be  
16 affronted by a decision adverse to that citizen, even if the American citizen also purports to be a citizen of that foreign nation. See *Blair Holdings*  
17 *Corporation v. Rubenstein*, 133 F.Supp. 496, 500 (S.D.N.Y.1955).

18 **The rule proposed by the plaintiff would give naturalized citizens nearly unlimited access to the federal courts, access which has been denied to native-born citizens.**  
19 **Such favored treatment is unsupported by the policies underlying 28 U.S.C. §1332(a)(2). Finally, a new rule that would extend the scope of § 1332 is particularly**  
20 **undesirable in light of the ever-rising level of criticism of the very concept of diversity jurisdiction.**

21 Although the issue facing the courts in Aguirre and Raphael is the same as the one presented here, the facts in this case are somewhat different. All commentators  
22 addressing the issue have noted the anomaly of permitting an American citizen claiming dual citizenship to obtain access to the federal court under 28 U.S.C. §1332(a)(2)  
23 when suing a citizen domiciled in the same state. See 1 Moore's Federal Practice P 0.75(1-1) at 709.5 (2d ed. 1979):

24 This result is inconsistent with the complete diversity rule of *Strawbridge v. Curtiss*, . . . including the analogous situation of a suit between a citizen of State A and a  
25 corporation chartered in State B with its principal place of business in State A. Both state citizenships of the corporation must be considered and diversity is thus found  
26 lacking.

27 See also 13 C. Wright, A. Miller, & E. Cooper, *Federal Practice and Procedure* §3621 at 759-60 (1975).<sup>12</sup> In the present case, however, the plaintiff was domiciled  
28 abroad when he initiated this action and therefore was not a citizen of any state. Thus, permitting suit under alienage jurisdiction would not run counter to the complete  
29 diversity considerations which arguably should have controlled the decisions in Aguirre and Raphael.<sup>13</sup>

30 The plaintiff seizing upon this factual difference would apparently have this court recognize his dual nationality for purposes of 28 U.S.C. §1332 in much the same way  
31 corporations are regarded as having dual citizenship pursuant to 28 U.S.C. §1332(c). Because in this case, even applying the corporate citizenship analogy, the complete  
32 diversity requirement is satisfied, the plaintiff argues that jurisdiction under 28 U.S.C. §1332(a)(2) attaches. Such an approach, however, may be both too broad and too  
33 narrow and it ignores the paramount purpose of the alienage jurisdiction provision to avoid offense to foreign nations because of the possible appearance of injustice to  
34 their citizens. Imagine, for example, a native-born American, born of Japanese parents, domiciled in the State of California, and now engaged in international trade. A  
35 dispute could arise in which an Australian customer seeks to sue the American for, say, breach of contract in a federal court in California. The native-born American  
36 possibly could claim Japanese citizenship by virtue of his parentage, see, e. g., *Kawakita*, *supra*, *Hirabayashi*, *supra*, as well as his status as a citizen of California and  
37 defeat the jurisdiction of the federal courts because of the absence of complete diversity. Arguably, cases such as this are precisely those in which a federal forum should  
38 be afforded the foreign litigant in the interest of preventing international friction.

39 This hypothetical suggests that the analogy to the dual citizenship of corporations should not be controlling. Instead, the paramount consideration should be whether the  
40 purpose of alienage jurisdiction to avoid international discord would be served by recognizing the foreign citizenship of the dual national. Because of the wide variety of  
41 situations in which dual nationality can arise, see note 10 *supra*, perhaps no single rule can be controlling. **Principles establishing the responsibility of nations under**

international law with respect to actions affecting dual nationals, however, suggest by analogy that ordinarily, as the district court held, only the American nationality of the dual citizen should be recognized under 28 U.S.C. §1332(a).

Under international law, a country is responsible for official conduct harming aliens, for example, the expropriation of property without compensation. See Restatement (Second) of the Foreign Relations Law of the United States §§ 164-214 (1965). It is often said, however, that a state is not responsible for conduct which would otherwise be regarded as wrongful if the injured person, although a citizen of a foreign state, is also a national of the state taking the questioned action. See id. at § 171, comments b & c. This rule recognizes that in the usual case a foreign country cannot complain about the treatment received by one of its citizens by a country which also regards that person as a national. This principle suggests that the risk of "entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level," Blair Holdings Corp. v. Rubinstein, 133 F.Supp. at 500, is slight when an American citizen is also a citizen of another country and therefore he ordinarily should only be regarded as an American citizen for purposes of 28 U.S.C. §1332(a). See 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §3621 at 760 (1975) (risk of foreign country complaining about treatment of dual national is probably minimal); Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 10 n.50 (1968) ("Dual American and foreign citizenship could most simply be dealt with by treating the litigant as an American: . . . fear of foreign embarrassment seems excessive.").

Despite the general rule of nonresponsibility under international law for conduct affecting dual nationals, there are recognized exceptions. One is the concept of effective or dominant nationality. As qualified by the Restatement, this exception provides that a country (respondent state) will be responsible for wrongful conduct against one of its citizens whose dominant nationality is that of a foreign state, that is,

(i) his dominant nationality, by reason of residence or other association subject to his control (or the control of a member of his family whose nationality determines his nationality) is that of the other state and (ii) he (or such member of his family) has manifested an intention to be a national of the other state and has taken all reasonably practicable steps to avoid or terminate his status as a national of the respondent state.

Restatement (Second) of the Foreign Relations Law of the United States § 171(c) (1965). Although, in the ordinary case a foreign country cannot complain about the treatment received by a citizen who is also a national of the respondent state, in certain cases the respondent state's relationship to the person is so remote that the individual is entitled to protection from its actions under international law. Assuming arguendo that a dual national whose dominant nationality is that of a foreign country should be regarded as a "citizen or subject of a foreign state" within the meaning of 28 U.S.C. §1332(a)(2), the record establishes that the plaintiff's Egyptian nationality is not dominant.

Although at the time of the filing of his complaint in 1976 the plaintiff resided in Egypt, his voluntary naturalization in the United States in 1973 indicates that his dominant nationality is not Egyptian.<sup>14</sup> As part of the naturalization process he swore allegiance to the United States and renounced any to foreign states. His actions subsequent to his naturalization evince his resolve to remain a U.S. citizen despite his extended stay abroad. Thus, it cannot be said that he "has taken all reasonably practicable steps to avoid or terminate his status as a national." Restatement (Second) of the Foreign Relations Law of the United States § 171(c)(ii) (1965). The plaintiff registered with the U.S. Embassy during his stays in Lebanon and Egypt. He states that he voted by absentee ballot in the 1976 presidential election. He has insisted that throughout his foreign travels he retained his U.S. citizenship<sup>15</sup> and in fact did not seek employment opportunities that may have been available in Egypt because they might have jeopardized his status as a U.S. citizen. See 8 U.S.C. §1481(a)(4).<sup>16</sup> His actions, therefore, manifest his continued, voluntary association with the United States and his intent to remain an American. Certainly neither he nor the government of Egypt can complain if he is not afforded a federal forum when the same would be denied a similarly situated native-born American.

[. . .]

## VI. Conclusion

Our decision that this suit is not within the jurisdiction of the federal courts does not necessarily mean that it is outside the constitutional definition of the federal judicial power. Compare *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806) with *State Farm Fire & Casualty Co. v. Tashire*, 386 U.S. 523, 530-31, 87 S.Ct. 1199, 1203, 18 L.Ed.2d. 270 (1967) (complete diversity is a statutory, not a constitutional requirement). It merely means that the suit is unauthorized by 28 U.S.C. §1332(a) as we have construed it. The statutory terms "citizens of different States" and "citizens or subjects of a foreign state" are presumably amenable to some congressional expansion consistent with the constitutional limitations on the judicial power if Congress sees the need for such expansion. See *National Mutual Insurance Co. v. Tidewater Transfer Co.*, 337 U.S. 582, 69 S.Ct. 1173, 93 L.Ed. 1556 (1949). The judgment of the district court is Affirmed. [*Sadat v. Mertes*, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

1 For those who doubt the analysis in the preceding table relating to the jurisdiction of federal courts either abroad or in a state  
2 of the Union, consider two similar cases and how they were treated differently and inconsistently by the U.S. Supreme Court:

- 3 1. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) was a case about an American born in a constitutional state,  
4 domiciled in Venezuela, and therefore what they called a “stateless person” who could not be sued in federal court.
- 5 2. Cook v. Tait, 265 U.S. 47 (1924) was about an American domiciled abroad in Mexico but born in a constitutional state  
6 of the Union. Instead of calling him a “stateless person” like they did in Newman-Green v. Alfonso Larrain, 490 U.S.  
7 826 (1989), they instead:
  - 8 2.1. Called him a “citizen of the United States”.
  - 9 2.2. Said they had jurisdiction over the matter, even though he was stateless and immune from federal jurisdiction.
  - 10 2.3. Said their jurisdiction derived from NEITHER his domicile NOR his nationality.
  - 11 2.4. Refused to identify WHERE there jurisdiction came from. There was neither a CONSTITUTIONAL source nor  
12 even a STATUTORY source to derive it from.
  - 13 2.5. Allowed and condoned and even protected Cook to commit the crime of impersonating a STATUTORY “citizen  
14 of the United States” in violation of 18 U.S.C. §911 before he could even invoke their jurisdiction to speak on the  
15 matter. We think Cook was a plant hired by Former President and then Supreme Chief Justice William Howard  
16 Taft specifically to extend his newly ratified 16<sup>th</sup> Amendment to the ENTIRE WORLD rather than just within  
17 federal territory, as it was previous to Cook v. Tait.
- 18 3. Why did they treat two “similarly situated parties” in Cook and Newman-Green completely differently in the context  
19 of their jurisdiction? The answer is:
  - 20 3.1. Money (taxes) was involved, and they wanted an excuse to STEAL it.
  - 21 3.2. In order to STEAL it, they had to allow Cook to CONSENT or VOLUNTEER for the civil status of a Territorial  
22 (8 U.S.C. §1401) citizen, even though he was not one, just in order to get any remedy at all for illegal assessment  
23 and collection by a rogue bureau (I.R.S.) that in fact had no lawful authority to even EXIST and is not even part  
24 of the U.S. Government nor listed under Title 31 of the U.S. Code. See:  

*Origins and Authority of the Internal Revenue Service*, Form #05.005  
<http://sedm.org/Forms/FormIndex.htm>
  - 25 3.3. They knew that Congress could not legislate extraterritorially because of the limitations of the Law of Nations  
26 upon their authority.
  - 27 3.4. They knew that the ONLY way such a bold THEFT could be canonized was for the U.S. Supreme Court, under  
28 the auspices of Chief Justice Taft, to essentially violate the separation of powers by essentially WRITING a new  
29 law, meaning “case law”, that allowed the tax code to reach any place in the entire world to nonresident foreign  
30 domiciled parties.

31 If you want a detailed analysis of the above SCAM, see:

*Federal Jurisdiction*, Form #05.018, Section 4  
<http://sedm.org/Forms/FormIndex.htm>

32 Our most revered founding father predicted the courts would be the source of corruption, as they were above, when he said:

33 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
34 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
35 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
36 ***all power in the hands of that government in which they have so important a freehold estate.**"*  
37 *[Thomas Jefferson: Autobiography, 1821. ME 1:121 ]*

38 *"We all know that permanent judges acquire an esprit de corps; that, being known, **they are liable to be tempted***  
39 ***by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or***  
40 ***legislative;** that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one  
41 side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."  
42 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]**

43 *"It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man,*  
44 *and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps,*  
45 *of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the*  
46 *absence of responsibility, and how can we expect impartial decision between the General government, of which*  
47 *they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear?"*  
48 *[Thomas Jefferson: Autobiography, 1821. ME 1:121 ]*

1 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and  
2 harmless members of the government. Experience, however, soon showed in what way they were to become the  
3 most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and  
4 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and  
5 unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and  
6 little the foundations of the Constitution and working its change by construction before any one has perceived  
7 that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not  
8 made to be trusted for life if secured against all liability to account."  
9 [Thomas Jefferson to A. Coray, 1823. ME 15:486 ]

10 "I do not charge the judges with willful and ill-intentioned error; but honest error must be arrested where its  
11 toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges  
12 should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed,  
13 injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."  
14 [Thomas Jefferson: Autobiography, 1821. ME 1:122 ]

15 "The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of  
16 the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its  
17 own will."  
18 [Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68 ]

19 "It is a misnomer to call a government republican in which a branch of the supreme power [the Federal  
20 Judiciary] is independent of the nation."  
21 [Thomas Jefferson to James Pleasants, 1821. FE 10:198 ]

22 "It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take  
23 on themselves to judge the law as well as the fact. They never exercise this power but when they suspect  
24 partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English  
25 liberty."  
26 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]

27 "The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to  
28 undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination  
29 of a general and special government to a general and supreme one alone. This will lay all things at their feet,  
30 and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'"  
31 [Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297 ]

32 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the  
33 center of all power, it will render powerless the checks provided of one government on another and will become  
34 as venal and oppressive as the government from which we separated."  
35 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332 ]

36 "What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business"  
37 scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the  
38 hands of the General Government!"  
39 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168 ]

40 "It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our  
41 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is  
42 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,  
43 and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the  
44 States and the government be consolidated into one. To this I am opposed."  
45 [Thomas Jefferson to Charles Hammond, 1821. ME 15:331 ]

46 You can read many other wise quotes by Jefferson at:

Thomas Jefferson on Politics and Government  
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>

47 Finally, the following memorandum of law identifies how to successfully challenge federal jurisdiction as a  
48 CONSTITUTIONAL citizen or "state citizen" not domiciled in the STATUTORY "United States"/federal territory:

Federal Enforcement Authority Within States of the Union, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

## 49 10.2 Citizenship in Government Records

### Government Identity Theft

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 The citizenship status of a person is maintained in the Social Security “NUMIDENT” record:

- 2 1. The NUMIDENT record derives from what was filled out on the SSA Form SS-5, Block 5. See:  
3 <http://www.ssa.gov/online/ss-5.pdf>
- 4 2. One’s citizenship status is encoded within the NUMIDENT record using the “CSP code” within the Numident record.  
5 This code is called the “citizenship code” by the Social Security Administration.
- 6 3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the  
7 CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled out with  
8 “Legal Alien Authorized to Work”, which means you are a STATUTORY but not CONSTITUTIONAL alien. This is  
9 consistent with the definition of “individual” found in 26 C.F.R. §1.1441-1(c)(3), which defines the term to include  
10 ONLY STATUTORY “aliens”.
- 11 4. Those who are not STATUTORY “nationals and citizens of the United States\*\*\*” at birth per 8 U.S.C. §1401 or 26  
12 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) have a “CSP code” of B in their NUMIDENT record, which corresponds  
13 with a CSP code of “B”. The comment field of the NUMIDENT record should also be annotated with the following to  
14 ensure that it is not changed during an audit because of confusion on the part of the SSA employee:

15 *“CSP Code B not designated in error-- applicant is an American national with a domicile and residence in a  
16 foreign state for the purposes of the Social Security Act.”*

- 17 5. The local SSA office cannot provide a copy of the NUMIDENT record. Only the central SSA headquarters can  
18 provide it by submitting a Privacy Act request rather than a FOIA using the following resource:

*Guide to Freedom of Information Act*, Social Security Administration  
[http://www.ssa.gov/foia/html/foia\\_guide.htm](http://www.ssa.gov/foia/html/foia_guide.htm)

- 19 6. Information in the NUMIDENT record is shared with:  
20 6.1. The Department of Homeland Security (DHS).  
21 6.2. State Department of Motor Vehicles in verifying SSNs.  
22 6.3. E-Verify.

*About E-Verify*, Form #04.107

<http://sedm.org/Forms/FormIndex.htm>

- 23 7. The procedures for requesting NUMIDENT information using the Freedom of Information Act or Privacy Act are  
24 described in:

*Social Security Program Operations Manual System (P.O.M.S.)*, Section RM 00299.005 Form SSA-L669 Request  
for Evidence in Support of an SSN Application — U.S.-Born Applicant  
<https://secure.ssa.gov/apps10/poms.nsf/lnx/0100299005>

25 Those who are CONSTITUTIONAL but not STATUTORY citizens and who wish to change the citizenship status reflected  
26 in the NUMIDENT record may do so by executing both of the following methods:

- 27 1. Visiting the local Social Security Administration office and getting the clerk to change the record. Bring witnesses in  
28 case they resist.
- 29 2. Sending in the following document:

*Resignation of Compelled Social Security Trustee*, Form #06.002

<http://sedm.org/Forms/FormIndex.htm>

### 30 **10.3 Practical Application: Avoiding Identity Theft and Legal Kidnapping Caused by Confusion of Contexts**

#### 31 **10.3.1 How to Describe Your Citizenship on Government Forms and Correspondence**

32 In the following sections, we will share the results of our collective latest research and how they fit together perfectly in the  
33 overall puzzle. We have concluded the following:

- 34 1. A Citizen of one of the 50 states is a United States\*\*\* citizen per the Fourteenth Amendment and a "national of the  
35 United States\*\*\* of America”.
- 36 2. A Citizen of one of the 50 states is a United States\*\*\* citizen per the Fourteenth Amendment and an "An alien  
37 authorized to work" for the purposes of U.S.C.I.S. Form I-9 so long as he/she maintains a domicile (actual or declared)  
38 in one of the 50 states or outside of the United States\*\*.

1 You will have trouble when you try to explain your citizenship on government forms based on the content of this paper  
2 because:

- 3 1. IRS, SSA, and the Department of State do not put all of the options available for citizenship on their forms.
- 4 2. Most people falsely PRESUME that “United States” as used in the phrase “citizen of the United States” means the  
5 whole country for EVERY enactment of Congress but they won’t expose this presumption.
- 6 3. The use of the term “citizenship” on government forms intentionally confuses “nationality” with “domicile” in an  
7 attempt to make them appear equal, when in fact they are NOT.
- 8 4. Government forms often mix requests for information from multiple titles of the Code and do not distinguish which  
9 title they mean on the form. For instance, “United States” in Title 26 means federal territory (U.S.\*\*\*) while “United  
10 States” in other Titles or in the Constitution itself often means states of the Union (U.S.\*\*\*).

11 We will clarify in the following sections techniques for avoiding the above roadblocks.

### 12 **10.3.1.1 Overview**

13 This section provides some pointers on how to describe your citizenship status on government forms in order to avoid being  
14 confused with someone who has a domicile on federal territory and therefore no Constitutional rights. Below is a summary  
15 of how we recommend protecting yourself from the prejudicial presumptions of others about your citizenship status:

- 16 1. Keep in mind the following facts about all government forms:
  - 17 1.1. Government forms ALWAYS imply the LEGAL/STATUTORY rather than POLITICAL/CONSTITUTIONAL  
18 status of the party in the context of all franchises, including income taxes and social security.
  - 19 1.2. "Alien" on government forms always means a person born or naturalized in a foreign country.
  - 20 1.3. The Internal Revenue Code does NOT define the term “nonresident alien”. The closest thing to a definition is that  
21 found in 26 U.S.C. §7701(b)(1)(B), which defines what it ISN’T, but NOT what it IS. If you look at IRS Form W-  
22 8BEN, Block 3, you can see that there are many different types of entities that can be nonresident aliens, none of  
23 which are EXPRESSLY included in the definition at 26 U.S.C. §7701(b)(1)(B). It is therefore IMPOSSIBLE to  
24 conclude based on any vague definition in the Internal Revenue Code that a specific person IS or IS NOT a  
25 “nonresident alien.”
  - 26 1.4. On tax forms, the term “nonresident alien” is NOT a subset of the term “alien”, but rather a SUPERSET. It includes  
27 both FOREIGN nationals domiciled in a foreign country and also those in Constitutional states of the Union. A  
28 “national of the United States\*\*\*”, for instance, although NOT an “alien” under Title 8 of the U.S. Code, is a  
29 “nonresident alien” under Title 26 of the U.S. Code if engaged in a public office or a “non-resident non-person” if  
30 exclusively PRIVATE and not engaged in a public office. Therefore, a “nonresident alien” is a “word of art”  
31 designed to confuse people, and the fact that uses the word “alien” doesn’t mean it IS an “alien”. This is covered  
32 in:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.7  
<http://sedm.org/Forms/FormIndex.htm>

- 33 2. Anyone who PRESUMES any of the following should promptly be DEMANDED to prove the presumption with legally  
34 admissible evidence from the law. ALL of these presumptions are FALSE and cannot be proven:
  - 35 2.1. That you can trust ANYTHING that either a government form OR a government employee says. The courts say  
36 not only that you CANNOT, but that you can be PENALIZED for doing so. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

- 37 2.2. That nationality and domicile are synonymous.
- 38 2.3. That “nonresident aliens” are a SUBSET of “aliens” within the Internal Revenue Code.
- 39 2.4. That the term “United States” has the SAME meaning in Title 8 of the U.S. Code as it has in Title 26.
- 40 2.5. That a Fourteenth Amendment “citizen of the United States” is equivalent to any of the following:
  - 41 2.5.1. 8 U.S.C. §1401 “national and citizen of the United States”.
  - 42 2.5.2. 26 C.F.R. §1.1-1 “citizen”.
  - 43 2.5.3. 26 U.S.C. §3121(e) “citizen of the United States”.

44 All of the above statuses have similar-sounding names, but they rely on a DIFFERENT definition of “United States”  
45 from that found in the U.S.A. Constitution.

- 46 2.6. That you can be a statutory “taxpayer” or statutory “citizen” of any kind WITHOUT your consent. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

- 1 3. The safest way to describe oneself is to check “Other” for citizenship or add an “Other” box if the form doesn’t have one  
2 and then do one of the following:  
3 3.1. Write in the “Other” box

4 “See attached mandatory Affidavit of Citizenship, Domicile, and Tax Status, Form  
5 #02.001”

6 and then attach the following completed form:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>

- 7 3.2. If you don’t want to include an attachment, add the following mandatory language to the form that you are a:

8 3.2.1. A “Citizen and national of \_\_\_\_\_ (statename)”

9 3.2.2. NOT a statutory “national and citizen of the United States” or “U.S. citizen” per 8 U.S.C. §1401

10 3.2.3. A constitutional or Fourteenth Amendment Citizen.

11 3.2.4. A statutory alien per 26 U.S.C. §7701(b)(1)(A) for the purposes of the federal income tax.

- 12 4. If the recipient of the form says they won’t accept attachments or won’t allow you to write explanatory information on  
13 the form needed to prevent perjuring the form, then send them an update via certified mail AFTER they accept your  
14 submission so that you have legal evidence that they tried to tamper with a federal witness and conspired to commit  
15 perjury on the form.

- 16 5. For detailed instructions on how to fill out the U.S.C.I.S. Form I-9, See:

I-9 Form Amended, Form #06.028

<http://sedm.org/Forms/FormIndex.htm>

- 17 6. For detailed instructions on how to participate in E-Verify for the purposes of PRIVATE employment, see:

About E-Verify, Form #04.107

<http://sedm.org/Forms/FormIndex.htm>

- 18 7. To undo the damage you have done over the years to your status by incorrectly describing your status, send in the  
19 following form and submit according to the instructions provided. This form says that all future government forms  
20 submitted shall have this form included or attached by reference.

Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001

<http://sedm.org/Forms/FormIndex.htm>

- 21 8. Quit using Taxpayer Identifying Numbers (TINs). 20 C.F.R. §422.104 says that only statutory “U.S. citizens” and  
22 “permanent residents” can lawfully apply for Social Security Numbers, both of which share in common a domicile on  
23 federal territory such as statutory “U.S. citizens” and “residents” (aliens), can lawfully use such a number. 26 C.F.R.  
24 §301.6109-1(b) also indicates that “U.S. persons”, meaning persons with a domicile on federal territory, are required to  
25 furnish such a number if they file tax forms. “Foreign persons” are also mentioned in 26 C.F.R. §301.6109-1(b), but  
26 these parties also elect to have an effective domicile on federal territory and thereby become “persons” by engaging in  
27 federal franchises. See:

- 28 8.1. Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013

<http://sedm.org/Forms/FormIndex.htm>

- 29 8.2. Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205-attach this form to  
30 every government form that asks for a Social Security Number or Taxpayer Identification Number. Write in the  
31 SSN/TIN Box (NONE: See attached form #04.205).

<http://sedm.org/Forms/FormIndex.htm>

- 32 8.3. Resignation of Compelled Social Security Trustee, Form #06.002-use this form to quit Social Security lawfully.

<http://sedm.org/Forms/FormIndex.htm>

- 33 9. If you are completing any kind of government form or application to any kind of financial institution other than a tax  
34 form and you are asked for your citizenship status, TIN, or Social Security Number, attach the following form and prepare  
35 according to the instructions provided:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

<http://sedm.org/Forms/FormIndex.htm>

- 36 10. If you are completing and submitting a government tax form, attach the following form and prepare according to the  
37 instructions provided:

Tax Form Attachment, Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

- 38 11. If you are submitting a voter registration, attach the following form and prepare according to the instructions provided:

Voter Registration Attachment, Form #06.003

<http://sedm.org/Forms/FormIndex.htm>

12. If you are applying for a USA passport, attach the following form and prepare according to the instructions provided:

USA Passport Application Attachment, Form #06.007  
<http://sedm.org/Forms/FormIndex.htm>

13. If you are submitting a complaint, response, pleading, or motion to a federal court, you should attach the following form:

Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002  
<http://sedm.org/Litigation/LitIndex.htm>

14. Use as many of the free forms as you can from the page below. They are very well thought out to avoid traps set by the predators who run the American government:

SEDM Forms/Publications Page  
<http://sedm.org/Forms/FormIndex.htm>

15. When engaging in correspondence with anyone in the government, legal, or financial profession about your status that occurs on other than a standard government form, use the following guidelines:

15.1. In the return address for the correspondence, place the phrase “(NOT A DOMICILE OR RESIDENCE)”.

15.2. Entirely avoid the use of the words “citizen”, “citizenship”, “resident”, and “inhabitant”. Instead, prefer the term “non-resident”, and “transient foreigner”.

15.3. Never describe yourself as an “individual” or “person”. 5 U.S.C. §552a(a)(2) says that this entity is a government employee who is a statutory “U.S. citizen” or “resident” (alien). Instead, refer to yourself as a “transient foreigner” and a “nonresident”. Some forms such as IRS form W-8BEN Block 3 have no block for “transient foreigner” or “non-resident NON-person”, in which case modify the form to add that option. See the following for details:

About IRS Form W-8BEN, Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

15.4. Entirely avoid the use of the phrase “United States”, because it has so many different and mutually exclusive meanings in the U.S. code and state law. Instead, replace this phrase with the name of the state you either are physically present within or with “USA” and then define that “USA” includes the states of the Union and excludes federal territory. For instance, you could say “Citizen of California Republic” and then put an asterisk next to it and at the bottom of the page explain the asterisk as follows:

*\* NOT a citizen of the **STATE** of California, which is a corporate extension of the federal government, but instead a sovereign Citizen of the California Republic*

*California Revenue and Taxation Code, Section 6017 defines “State of” as follows:*

*“6017. ‘In this State’ or ‘in the State’ means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.”*

15.5. Never use the word “residence”, “permanent address”, or “domicile” in connection with either the term “United States”, or the name of the state you are in.

15.6. If someone else refers to you improperly, vociferously correct them so that they are prevented from making presumptions that would injure your rights.

15.7. Avoid words that are undefined in statutes that relate to citizenship. Always use words that are statutorily defined and if you can’t find the definition, define it yourself on the form or correspondence you are sending. Use of undefined words encourages false presumptions that will eventually injure your rights and give judges and administrators discretion that they undoubtedly will abuse to their benefit. There isn’t even a common definition of “citizen of the United States” or “U.S. citizen” in the standard dictionary, then the definition of “U.S. citizen” in all the state statutes and on all government forms is up to us! Therefore, once again, whenever you fill out any kind of form that specifies either “U.S. citizen” or “citizen of the United States”, you should be **very** careful to clarify that it means “national” under 8 U.S.C. §1101(a)(21) or you will be “presumed” to be a federal citizen and a “citizen of the United States\*\*\*” under 8 U.S.C. §1401, and this is one of the biggest injuries to your rights that you could ever inflict. Watch out folks! Here is the definition we recommend that you use on any government form that uses these terms that makes the meaning perfectly clear and unambiguous:

**“U.S. \*\*\* citizen” or “citizen of the United States\*\*\*”**: A “National” defined in either 8 U.S.C. §1101(a)(21) who owes their permanent allegiance to the confederation of states called the “United States of America”. Someone who was not born in the federal “United States” as defined in 8 U.S.C. §1101(a)(38) and who is NOT a “citizen of the United States” under 8 U.S.C. §1401.

15.8. Refer them to this pamphlet if they have questions and tell them to do their homework.

- 1 16. Citizenship status in Social Security NUMIDENT record:  
2 16.1. The NUMIDENT record derives from what was filled out on the SSA Form SS-5, Block 5. See:  
3 <http://www.ssa.gov/online/ss-5.pdf>  
4 16.2. One's citizenship status is encoded within the NUMIDENT record using the "CSP code" within the Numident  
5 record. This code is called the "citizenship code" by the Social Security administration.  
6 16.3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the  
7 CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled  
8 out with "Other", which means you are a non-resident. This is consistent with the definition of "individual"  
9 found in 26 C.F.R. §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY "aliens".  
10 16.4. Those who are not STATUTORY "nationals and citizens of the United States\*\*" at birth per 8 U.S.C. §1401 or  
11 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) have a "CSP code" of B in their NUMIDENT record, which  
12 corresponds with a CSP code of "B". The comment field of the NUMIDENT record should also be annotated  
13 with the following to ensure that it is not changed during an audit because of confusion on the part of the SSA  
14 employee:

15 *"CSP Code B not designated in error-- applicant is an American national with a domicile*  
16 *and residence in a foreign state for the purposes of the Social Security Act."*

- 17 16.5. The local SSA office cannot provide a copy of the NUMIDENT record. Only the central SSA headquarters can  
18 provide it by submitting a Privacy Act request rather than a FOIA using the following resource:

Guide to Freedom of Information Act, Social Security Administration  
[http://www.ssa.gov/foia/html/foia\\_guide.htm](http://www.ssa.gov/foia/html/foia_guide.htm)

- 19 16.6. Information in the NUMIDENT record is shared with:  
20 16.6.1. The Department of Homeland Security (DHS).  
21 16.6.2. State Department of Motor Vehicles in verifying SSNs.  
22 16.6.3. E-Verify.

*About E-Verify*, Form #04.107  
<http://sedm.org/Forms/FormIndex.htm>

- 23 16.7. The procedures for requesting NUMIDENT information using the Freedom of Information Act or Privacy Act are  
24 described in:

Social Security Program Operations Manual System (P.O.M.S.), Section RM 00299.005 Form SSA-L669  
Request for Evidence in Support of an SSN Application — U.S.-Born Applicant  
<https://secure.ssa.gov/apps10/poms.nsf/lrx/0100299005>

25 **10.3.1.2 Tabular summary of citizenship status on all federal forms**

26 The table on the next page presents a tabular summary of each permutation of nationality and domicile as related to the major  
27 federal forms and the Social Security NUMIDENT record.

1

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**Table 15: Tabular Summary of Citizenship Status on Government Forms**

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDENT Status	Status on Specific Government Forms			
						<a href="#">Social Security SS-5 Block 5</a>	<a href="#">IRS Form W-8 Block 3</a>	<a href="#">Department of State I-9 Section 1</a>	<a href="#">E-Verify System</a>
1	“national and citizen of the United States** at birth” or “U.S.** citizen” or “Statutory U.S.** citizen”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	CSP=A	”U.S. Citizen”	Can’t use Form W-8	”A citizen of the United States”	See Note 2.
2	“non-citizen national of the United States** at birth” or “U.S.** national”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swains Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408; 8 U.S.C. §1452	CSP=B	”Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer” if PRIVATE “Individual” if PUBLIC officer	”A non-citizen national of the United States**”	See Note 2.
3.1	“U.S.A.*** national” or “state national” or “Constitutional but not statutory citizen”	Constitutional Union state	State of the Union	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	“Other (8 U.S.C. §1101(a)(21))”	“Non-resident NON-person Nontaxpayer”	”A citizen of the United States***. Not a “citizen of the United States**” under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401”	See Note 2.
3.2	“U.S.A.*** national” or “state national” or “Constitutional but not statutory citizen”	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	“Other (8 U.S.C. §1101(a)(21))”	“Non-resident NON-person Nontaxpayer”	”A citizen of the United States***. Not a “citizen of the United States**” under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401”	See Note 2.
3.3	“U.S.A.*** national” or “state national” or “Constitutional but not statutory citizen”	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	“Other (8 U.S.C. §1101(a)(21))”	“Non-resident NON-person Nontaxpayer”	”A citizen of the United States***. Not a “citizen of the United States**” under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401”	See Note 2.

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDEN T Status	Status on Specific Government Forms			
						<a href="#">Social Security SS-5 Block 5</a>	<a href="#">IRS Form W-8 Block 3</a>	<a href="#">Department of State I-9 Section 1</a>	<a href="#">E-Verify System</a>
3.4	Statutory "citizen of the United States**" or Statutory "U.S.** citizen"	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=A	"U.S. Citizen"	Can't use Form W-8	"A citizen of the United States**"	See Note 2.
4.1	"alien" or "Foreign national"	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer" if PRIVATE "Individual" if PUBLIC officer	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.

1

1 **NOTES:**

- 2 1. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory  
3 and possessions and excludes all Constitutional Union states. This is a product of the separation of powers doctrine that  
4 is the heart of the United States Constitution.
- 5 2. E-Verify CANNOT be used by those who are a NOT lawfully engaged in a public office in the U.S. government at the  
6 time of making application. Its use is VOLUNTARY and cannot be compelled. Those who use it MUST have a Social  
7 Security Number or Taxpayer Identification Number and it is ILLEGAL to apply for, use, or disclose said number for  
8 those not lawfully engaged in a public office in the U.S. government at the time of application. See:

*Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number",* Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>

- 9 3. For instructions useful in filling out the forms mentioned in the above table, see:  
10 3.1. Social Security Form SS-5:

*Why You Aren't Eligible for Social Security,* Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

- 11 3.2. IRS Form W-8:

*About IRS Form W-8BEN,* Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

- 12 3.3. U.S.C.I.S. Form I-9:

*I-9 Form Amended,* Form #06.028  
<http://sedm.org/Forms/FormIndex.htm>

- 13 3.4. E-Verify:

*About E-Verify,* Form #04.107  
<http://sedm.org/Forms/FormIndex.htm>

14 **10.3.1.3 Diagrams of Federal Government processes that relate to citizenship**

15 The diagrams at the link below show how your citizenship status is used and verified throughout all the various federal  
16 government programs.

*Citizenship Diagrams,* Form #10.010

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>

17 Knowledge of these processes is important to ensure that all the government's records are properly updated to reflect your  
18 status as:

- 19 1. A Constitutional "Citizen" as mentioned in [Article I, Section 2, Clause 2 of the United States Constitution](#).  
20 2. A Constitutional "citizen of the United States" per the [Fourteenth Amendment](#).  
21 3. A state national under [8 U.S.C. §1101\(a\)\(21\)](#).  
22 4. "Subject to THE jurisdiction" of the CONSTITUTIONAL United States, meaning subject to the POLITICAL and not  
23 LEGISLATIVE jurisdiction of the Constitutional but not STATUTORY "United States".

24 *"This section contemplates two sources of citizenship, and two sources only,-birth and naturalization. The  
25 persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the  
26 jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to  
27 the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of  
28 the Union] political jurisdiction, and owing them [the state of the Union and NOT the national government]  
29 direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S.  
30 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States  
31 at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by  
32 proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is  
33 acquired."*

34 [*U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)*]

- 35 5. With a Social Security NUMIDENT citizenship status of:

1 5.1. OTHER than "CSP=A". Social Security Program Operations Manual System (P.O.M.S.), Section GN 03313.095  
2 indicates that those who are NOT STATUTORY "U.S. citizens" have a CSP code value of OTHER than "A".  
3 See:

*Social Security Program Operations Manual System (P.O.M.S.), Section GN 03313.095, dated 4/27/2009,*  
Exhibit #01.012  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

4 5.2. "CSP=D", which correlates with not a "citizen of the United States\*\*".

5 6. NOT any of the following:

6 6.1. A "U.S. citizen" or "citizen of the United States" on any federal form. All government forms presume the  
7 STATUTORY and not CONSTITUTIONAL context for terms. For an enumeration of all the statuses one can  
8 have and their corresponding status on federal forms, see:

*Citizenship Status v. Tax Status*, Form #10.011, Section 8  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

9 6.2. Statutory "U.S. citizen" per [26 U.S.C. §3121](#)(e), and 26 C.F.R. §1.1-1(c).

10 6.3. Statutory "national and citizen" per [8 U.S.C. §1401](#).

11 6.4. Statutory "national but not citizen of the United States AT BIRTH" per [8 U.S.C. §1408](#).

12 6.5. Statutory "national of the United States" per [8 U.S.C. §1101](#)(a)(22)(B).

13 6.6. Statutory "[U.S. person](#)" per [26 U.S.C. §7701](#)(a)(30). All STATUTORY "[U.S. persons](#)", "[persons](#)", and  
14 "[individuals](#)" within the Internal Revenue Code are government instrumentalities and/or offices within the U.S.  
15 government, and not biological people. This is proven in:

*Why Your Government is Either a Thief or You Are a "Public Officer" for Income Tax Purposes*, Form  
#05.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

16

1 **10.3.1.4 How the corrupt government CONCEALS and OBFUSCATES citizenship information on government**  
2 **forms to ENCOURAGE misapplication of federal franchises to states of the Union**

3 The following key omissions from government forms are deliberately implemented universally by federal agencies as a way  
4 to encourage and even mandate the MISAPPLICATION of federal law to legislatively foreign jurisdictions and to KIDNAP  
5 your legal identity and transport it stealthily and without your knowledge to the District of Criminals:

- 6 1. Not describing WHICH context they are using geographical terms within: CONSTITUTIONAL or STATUTORY.  
7 These two contexts are mutually exclusive.
- 8 2. Refusing to define WHICH of the three "United States" they mean in EACH option presented, as described by the U.S.  
9 Supreme Court in *Hooven and Allison Co. v. Evatt*, 324 U.S. 652 (1945).

10 In addition, the Social Security Administration (S.S.A.) deliberately conceals key information about citizenship in their  
11 Program Operations Manual System (POMS) in order to encourage the misapplication of federal franchises to places they  
12 may not be offered or enforced, which is states of the Union. The POMS is available at:

Social Security Program Operations Manual System (P.O.M.S.) Online  
<https://secure.ssa.gov/apps10/>

13 Here are the obfuscation tactics you will encounter from the SSA:

- 14 1. If you ask the Social Security Administration WHAT all of the valid values are for the CSP code in your NUMIDENT  
15 record, they will pretend like they don't know AND they will refuse to find out.
- 16 2. If you visit a local Social Security Administration office and do demand to see and print out their complete  
17 NUMIDENT records on you, they will resist.
- 18 3. Key sections of the Program Operations Manual System (POMS) within the Records Manual (RM) are omitted from  
19 public view dealing with the meaning of "CSP code" and "IDN" code in their NUMIDENT records.
  - 20 3.1. The "CSP code", according to the SSA POMS, is a "citizenship code". It is defined in POMS RM 00208.001D.4,  
21 which is not available online.
  - 22 3.2. The "IDN code" appears to be an evidence code that synthesizes the CSP and other factors to determine your  
23 exact status. "RM 00202.235, Form SS-5 Evidence (IDN) Codes" describes this code and is not available online.
  - 24 3.3. BOTH POMS RM 00208.001D.4 AND RM 00202.235 sections are "conveniently omitted" from the online  
25 POMS because they are hiding something:

Social Security Program Operations Manual System (P.O.M.S.), Section RM 002: The Social Security Number,  
Policy and General Procedures  
<https://secure.ssa.gov/apps10/poms.nsf/subchapterlist!openview&restricttcategory=01002>

26 If you want something to FOIA for, ask for the POMS sections and any other SSA internal documents that define these codes.  
27 SCUM BAGS!

28 Finally, HERE is how the POMS system describes how to request one's records from the SSA:

Social Security Program Operations Manual System (P.O.M.S.), Section RM 00299.005 Form SSA-L669 Request for  
Evidence in Support of an SSN Application — U.S.-Born Applicant  
<https://secure.ssa.gov/apps10/poms.nsf/lxx/0100299005>

29 **10.3.1.5 The Social Security Administration and Form SS-5**

30 Let us start with SSA Form SS-5, or what would be the nowadays equivalent of an SS-5 -- an agreement entered into as part  
31 of the birth registration process. There are multiple issues here. Each issue must be taken into consideration as this is where  
32 the whole tax snare is initiated. We know from *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898), that a person receives two  
33 conditions at birth which describe his complete legal condition -- nationality/political status, and domicile/civil status. SSA  
34 Form SS-5 is brilliantly constructed to take both of these issues into consideration by virtue of **Block 3 -- BIRTHPLACE**,  
35 and **Block 5 -- CITIZENSHIP**. **Block 3** and **Block 5** work together to paint a complete picture, which can be very unique  
36 depending on many factors. For example, there are American Nationals born in one of the 50 states, or born in Germany, or  
37 Canada. There are foreign nationals born in China or Italy who have since gone through the process of naturalization -- maybe

1 they are domiciled in the United States\*\* or one of the 50 states (United States\*\*\*). There are former American Nationals  
2 who have since expatriated (i.e. surrendered United States\*\*\* nationality). The point is that **Block 3 -- BIRTHPLACE** paints  
3 only part of the picture. The total status is only fully established when an applicable domicile is considered. But most  
4 importantly, the applicable jurisdiction changes depending on whether or not the person in consideration is an American  
5 National or a foreign national. This is key -- and this concept applies to U.S.C.I.S. Form I-9 also!

6 We know that Congress exercises plenary legislative jurisdiction over a foreign "national" occupying ANY portion of the  
7 territory of the United States\* (the nation). The nation has two territorial divisions, United States\*\*, and United States\*\*\*. A  
8 foreign national occupying either territorial subdivision is a LEGAL "alien," NOT TO BE CONFUSED with his status as a  
9 POLITICAL "alien" who may or may not be in the country LEGALLY. What I mean, is that a "legal alien" or an "illegal  
10 alien" are both considered to be a LEGAL "alien" within the context of law that is -- a LEGAL appellation. This is what the  
11 status is communicating. It is simply presenting a LEGAL status that can apply to anyone who happens to be "alien" to the  
12 jurisdiction at issue, whether here legally or not, or possessing a right-to-work status or not. The issue of whether or not the  
13 "alien" is here legally or not then commutes a right-to-work status. Conversely, an American National automatically has a  
14 right-to-work status by virtue of his/her American nationality. But the jurisdiction and the status of the American National is  
15 considered differently because Congress does not have legislative jurisdiction within the 50 states -- only subject matter  
16 jurisdiction. Thus, if an American National establishes a domicile in one of the 50 states, then he too is a LEGAL "alien" . .  
17 . not a POLITICAL "alien," but a LEGAL "alien" domiciled in a territorially foreign legislative jurisdiction with a right-to-  
18 work status commuted through American nationality, which is either commuted through the Fourteenth Amendment (50  
19 states), or an Act of Congress (D.C., Federal possessions, or naturalization). The following examples will show how both  
20 **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP** on SSA Form SS-5 work in tandem to paint the total picture as  
21 the Supreme Court said in *Wong Kim Ark*.

22 In the following examples A - E, I will provide 3 data points, 1. POLITICAL STATUS/NATIONALITY, 2. SS-5 **Block 3--**  
23 **BIRTHPLACE**, 3. CIRCUMSTANCE, and finally, a conclusory civil status 4. SS-5 **Block 5--CITIZENSHIP STATUS**,  
24 which is determined by taking the first three items into consideration collectively.

- 25 A. 1. Mexican National, 2. BIRTHPLACE -- Mexico City, 3. visiting = 4. "Legal Alien Not Allowed to Work"  
26 B. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with an Arizona domicile = 4. "Other "  
27 C. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with a United States\*\* domicile = 4.  
28 "U.S. Citizen"  
29 D. 1. American National, 2. BIRTHPLACE -- American Samoa, 3. work in the U.S.A. with a United States\*\* domicile =  
30 4. "Other"  
31 E. 1. German National, 2. BIRTHPLACE -- Frankfurt, Germany, 3. work in the U.S.A. with a work visa = 4. "Legal  
32 Alien Allowed to Work"

33 Notice how B. and E. have the same civil status, but a different political status. This is not an issue as these differences are  
34 reconciled within the tax system, as a "U.S. person" is a "citizen" or "resident" of the "United States\*\*" with the context of  
35 the "United States" changing depending on the nationality of the "taxpayer."

36 How do I know the above is true? Because the SSA will not issue an SSA Form SS-1042-S to anyone with a CSP Code of  
37 "A" (U.S. Citizen). An SSA Form SS-1042-S is an information return issued to a "nonresident alien" under Title 26 who  
38 receives "United States" sourced payments from the SSA. A "U.S. person" will receive an SSA Form SS-1099R. Furthermore,  
39 if an "employer" sends "wage" information to the SSA, the SSA will then transmit that "wage" information together with the  
40 CSP Code of the "individual" to the IRS. If the IRS receives "wage" information with a CSP Code of "A", and the "taxpayer"  
41 subsequently tries to file a 1040NR, it will be flagged as being an incorrect or fraudulent return-- after all, how can an SS-5  
42 "U.S. Citizen" file a "nonresident alien" tax return? I think they would call this "frivolous." However, if an "individual" has  
43 a CSP Code of "B" ("Legal Alien Allowed To Work") on file with the SSA, a CSP Code "B" will be transmitted with the  
44 "wage" information and the "taxpayer" could file EITHER a 1040 ("resident alien") or a 1040NR ("nonresident alien"), as  
45 both a "resident alien" and a "nonresident alien" would qualify as a "Legal Alien Allowed To Work" for the purposes of the  
46 *Social Security Act*. The **Block 5 -- CITIZENSHIP** status on the SSA Form SS-5 is designed to get people to declare a  
47 federal domicile in the United States\*\*, and thus keep them caged in the "U.S. person" tax status. We know this to be the  
48 case because we know tax status is based on domicile. And since the SSA issues two types of information returns (SSA Form  
49 SS-1099R & SSA Form SS-1042-S), and since SSA will not issue an SSA Form SS-1042-S to an "individual" with a CSP  
50 Code of "A" ("U.S. Citizen"), then we know that the **Block 5 -- CITIZENSHIP** status of "U.S.\*\* Citizen" is not referring to  
51 political citizenship/nationality, but a civil status based partly on the **Block 3 -- BIRTHPLACE**, nationality, AND domicile  
52 . . . precisely as pointed out by the Supreme Court in *Wong Kim Ark*.

1 One of our members who is a state national, armed with the information from this pamphlet, went into the Social Security  
2 Administration office to file an SSA Form SS-5 to change their status from "U.S. citizen" is SSA Form SS-5, Block 5 and  
3 here is the response they got. Their identity shall remain anonymous, but here is their personal experience. They are among  
4 our most informed members and used every vehicle available on our website to prove their position at the SSA office:

5 *On \_\_\_\_\_ I submitted my "Legal Alien Allowed to Work" SSA Form SS-5 modification pursuant to 20 C.F.R.  
6 §422.110(a). I was met with the recalcitrance that one would imagine, and then I "turned it on" in the style that  
7 one can only get from an SEDM education!! I was elevated to the local office manager. I insisted she input my  
8 information into the SSNAP as I have indicated, as no SSA "employee" can practice law on my behalf by providing  
9 me legal advice, mandating my political affiliations, or even sign my SS-5 under penalty of perjury, and that it  
10 was against the law for them to do so. She acknowledged that I was correct and proceeded to try.*

11 *The manager took my information, my passport, disappeared, and then came back about 10 mins later asking for  
12 different ID. "Why . . . is my passport not good enough?" I asked. She said, "Well, the system will not let me input  
13 you as a 'Legal Alien Allowed to Work' with a U.S. Passport as your ID." I told her that my passport was evidence  
14 of nationality and not Block 5 citizenship. She told me I was correct and that "there must be something wrong  
15 with the system." She flat-out told me that Block 5 of the SSA Form SS-5 was NOT an inquiry into nationality --  
16 which we know to be the case. It is also not an inquiry into HOW one obtains nationality. Which means it can  
17 only be a civil status based on domicile within or without the geographical legislative jurisdiction defined as the  
18 "United States\*\*" in 42 U.S.C. §1301(a)(2).*

19 *She came back a time later, telling me they scanned my Form SS-5 as well as all of the documentation that I  
20 brought (case law, diagrams, statutory and regulatory language), and that she had been instructed to send it to  
21 Baltimore (ostensibly by Baltimore) as well as my regional office. She was told that the information I wanted  
22 reflected in my Numident could only be "hard-coded" at the national level, as only they could bypass certain  
23 provisions in the SSNAP that local offices were relegated to adhere to! Well . . . surprise, surprise!!!*

24 *[SOURCE: [https://sedm.org/forums/topic/update-from-a-member-on-how-they-changed-their-ss-5-status-with-](https://sedm.org/forums/topic/update-from-a-member-on-how-they-changed-their-ss-5-status-with-the-social-security-administration/)  
25 [the-social-security-administration/](https://sedm.org/forums/topic/update-from-a-member-on-how-they-changed-their-ss-5-status-with-the-social-security-administration/)]*

### 26 **10.3.1.6 The Department of Homeland Security and Form I-9**

27 U.S.C.I.S. Form I-9 also plays a very important role in protecting the status quo of the tax system. We know that U.S.C.I.S.  
28 Form I-9 has a very narrow application under the *Immigration Reform and Control Act of 1986*, as there are a very few  
29 number of people who would be in a "position" of "employment" in the agricultural section under an executive "department."

30 The Department of Homeland Security administers the *E-Verify* program which receives two sources of data input -- the  
31 Social Security Numident Record, which is what the SSA has on file based on an applicant's SS-5, and the United States  
32 Customs and Immigration Service, which deals with the immigration status of FOREIGN NATIONALS. If U.S.C.I.S. deals  
33 with the immigration status of foreign nationals who are political aliens and *ipso facto* legal aliens only, then there is  
34 absolutely no information with regard to the legal "alien" status of an American National since they are not politically foreign.  
35 Furthermore, the government's regulation of private conduct is repugnant to the Constitution. And since the First Amendment  
36 guarantees the right to freedom of association, neither the SSA nor U.S.C.I.S. can even address or regulate the legal "alien"  
37 status of an American National when he/she chooses a foreign domicile. Since they cannot regulate it, they simply don't  
38 address it -- out of sight, out of mind!!! This has the practical effect of creating a psychological barrier that very few are able  
39 to overcome. After all, the thought process is as follows: "*The E-Verify system does not recognize your declared status,*  
40 *therefore you must be wrong.*" It's absolutely brilliant if I do say so myself. We tell you . . . we admire the craftiness of these  
41 banksters more and more every day!!!

42 U.S.C.I.S. Form I-9 offers the following civil status designations which are determined precisely in the same manner in which  
43 they are determined for the purposes of SSA Form SS-5.

- 44 1. "A citizen of the United States" (this would be someone described by 8 U.S.C. §1401)
- 45 2. "A noncitizen national of the United States\*\*\*", or of the United States\*\* (8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B),  
46 8 U.S.C. §1101(a)(21))
- 47 3. "A lawful permanent resident"
- 48 4. "An alien authorized to work" -- the meaning of which is dependent completely on the applicable definition of "United  
49 States"

50 Now, just like on SSA Form SS-5, status number 4. changes applicability just like 8 U.S.C. §1101(a)(3) can change based on  
51 the meaning of the term "United States" which is used. A political "alien" is going to be "alien" to the political nation called

1 the United States\* and legally "alien" to ALL territory within the political jurisdiction of the nation -- United States\*\* and  
2 United States\*\*\*. However, an American National domiciled in any of the 50 states is legally "alien" to the territorial  
3 subdivision of the United States\* where an Act of Congress is locally applicable, this is otherwise known as United States\*\*  
4 and is comprised of the "States" of 8 U.S.C. §1101(a)(36) and the "outlying possessions of the United States" pursuant to 8  
5 U.S.C. §1101(a)(29). So the civil statuses of Section 1. on U.S.C.I.S. Form I-9 are predicated on BOTH nationality and  
6 domicile -- and again, we see that what the Supreme Court said in *Wong Kim Ark* is true -- both nationality and domicile must  
7 be considered to ascertain the complete legal status of the person in question. Thus, the statuses on U.S.C.I.S. Form I-9 are  
8 determined differently for American Nationals and foreign nationals.

9 Now, here is the rub. Solicitors of U.S.C.I.S. Form I-9 will then take that form and query the DHS *E-Verify* system. If an  
10 American National domiciled in the 50 states correctly declares an I-9 status of "A noncitizen national of the United States\*\*"  
11 commensurate with the "Legal Alien Allowed to Work" status on the SSA Form SS-5 and with the "nonresident alien" status  
12 under Title 26, a non-conclusory response will come back from the DHS *E-Verify* system. Why? **Because DHS and**  
13 **U.S.C.I.S. deal only with LEGAL aliens who are foreign nationals.** The "alien" status of American Nationals falls 100%  
14 outside of the purview of the Federal government. This is why the reference to an A# or Admission# on U.S.C.I.S. Form I-9  
15 says "if applicable." Notice how a U.S. passport is used as evidence of "identity" and "employment" eligibility -- NOT  
16 CITIZENSHIP. Furthermore, the boxed Anti-Discrimination Notice on page 1 of the U.S.C.I.S. Form I-9 instructions states  
17 in bold, all-caps, that an "employer" CANNOT specify which documents an "employee" may submit in the course of  
18 establishing "employment" eligibility.

19 So, why not just state that you are "A citizen of the United States" and then define the United States to mean the United  
20 States\* or the United States\*\*\*? Two reasons: 1. This would be avoiding the dual-element aspect of a person's legal status  
21 as addressed by the Supreme Court under *Wong Kim Ark*, and 2. An "employer" will not accept an IRS Form W-8 a worker  
22 with an I-9 election of "U.S. citizen" -- I know this first-hand.

23 I believe it is safe to say that the vast majority of Americans have snared themselves in the STATUTORY "U.S. person" (26  
24 U.S.C. §7701(a)(30)) tax trap. The Federal government provides the remedy by stating that a person may change personal  
25 information such as citizenship status in the Social Security Numident record by submitting a corrected SSA Form SS-5. This  
26 is detailed in 20 C.F.R. §422.110(a). We also know that the IRS has stated that an "individual" may change the status of  
27 his/her SSN by following the regulatory guidance of 26 C.F.R. §301.6109-1(g)(1)(i). Since we know the IRS deals with  
28 "taxpayers" and NOT non-"taxpayers," there is ONLY one way to change the status of one's SSN with the IRS, and that is to  
29 file the appropriate Forms that a "nonresident alien" "taxpayer" would file -- namely an IRS Forms W-4, W-8ECI or a W-  
30 8BEN with an SSN included. Had a Citizen of the 50 states NEVER declared the "U.S. citizen" federal domicile in the first  
31 place which most have done in the course of obtaining an SSN, filling out a Bank Signature Card (Substitute IRS W-9), and  
32 filing an IRS Form 1040, this "unwrapping oneself" from the damage done would never have to be done, as one would have  
33 always maintained a legislatively foreign status. But a deceived man does not know that he has been deceived. But once he  
34 figures it out, I believe he must follow the method provided by the government to remedy it. The government does provide  
35 the remedy.

36 A Citizen of Florida who wishes to serve his nation in the Armed Forces would obtain an SSN as "Legal Alien Allowed to  
37 Work" file an IRS Form W-4 as a "wage" earner who is in a "position" of "service" within the "department" of Defense, and  
38 file a 1040NR on or before tax day. Then, upon returning to the private-sector, simply provide the private-sector payer with  
39 a modified W-8BEN without the SSN. The Florida Citizen's status on file with the SSA reflects his foreign civil status to the  
40 United States\*\*, and this is further evidenced in his IRS IMF which would identify him as a "nonresident alien" "taxpayer."  
41 All of the evidence the "United States" (non-geographical sense) would otherwise use against a "U.S. person" claiming a  
42 "nonresident alien" status does not exist. In fact, it all supports his sovereign foreign status as an American National and State  
43 Citizen under the Constitution as well as the various Acts of Congress. Additionally, the private-sector payer is indemnified  
44 by the U.S.C.I.S. Form I-9 submission (which isn't really required anyway in the private-sector) and the W-8BEN. There is  
45 not a voluntary W-4 agreement in place pursuant to 26 U.S.C. §3402(p)(3), thus the worker is not part of "payroll," but is  
46 nothing more than a contractor who receives non-taxable personal payments from the company's 'accounts payable' pot of  
47 money. Of course, this "nonresident alien" may of course still be a "taxpayer" due to "United States" sourced payments  
48 received from a military retirement (IRS Form 1099R), and Social Security Payments (if applied for and received, SSA Form  
49 SS-1042-S). Because he is a "nonresident alien," his "United States" sourced payments are of course taxed, but in his private  
50 life, any payment he receives constitutes a foreign estate, the taxation of which must be accomplished through the process of  
51 apportionment pursuant to Art I, Sec 9, Cl 4.

1 Be certain, the SSA Form SS-5, U.S.C.I.S. Form I-9, and the "U.S. Citizen" ruse is designed to box people into a federal  
2 "United States\*\*" domicile. 99.99% of the people don't understand the Fourteenth Amendment or the complexities of civil  
3 status and how it is established based on both nationality and domicile. For this reason, the matrix tax system is protected by  
4 those who feed off of it. The government has provided everyone with the remedy. But it involves many government agencies  
5 and a complete understanding of how information is shared between agencies, what applies when and how, and also knowing  
6 when it doesn't. Furthermore, one has to be able to articulate this to others so that they also feel indemnified in the process.

7 For further information about the subjects in this section, see:

*Developing Evidence of Citizenship and Sovereignty Course*, Form #12.002  
<http://sedm.org/Forms/FormIndex.htm>

### 8 **10.3.1.7 USA Passport**

9 This section deals with describing your status on the USA passport application. We won't go into detail on this subject  
10 because we have a separate document that addresses this subject in detail below:

*Getting a USA Passport as a "state national"*, Form #10.012  
<http://sedm.org/Forms/FormIndex.htm>

### 11 **10.3.2 Answering Questions from the Government About Your Citizenship So As to Protect Your Sovereign Status** 12 **and disallow federal jurisdiction**

13 When a federal officer asks you if you are a "citizen", consider the context! The only basis for him asking this is *federal law*,  
14 because he isn't bound by state law. If you tell him you are a "citizen" or a "U.S. citizen", then indirectly, you are admitting  
15 that you are subject to federal law, because that's what it means to be a "citizen" under federal law! Watch out! Therefore,  
16 as people born in and domiciled within a state of the Union on land that is not federal territory, we need to be very careful  
17 how we describe ourselves on government forms. Below is what we should say in each of the various contexts to avoid  
18 misleading those asking the questions on the forms. In this context, let's assume you were born in California and are  
19 domiciled there. This guidance also applies to questions that officers of the government might ask you in each of the two  
20 contexts as well:

21

1 **Table 16: Describing your citizenship and status on government forms**

#	Question on form	Context	
		State officer or form	Federal officer or form
1	Are you a “citizen”?	Yes. Of California, but not the “State of California”.	No. Not under federal law.
2	Are you a “national”?	Yes. Of California, but not the “State of California”.	Yes. I’m a “national of the United States[***] of America” under <a href="#">8 U.S.C. §1101(a)(21)</a>
3	Are you a “U.S. citizen”	No. I’m a California “citizen” or simply a “national”	No. I’m a California citizen or simply a “national”. I am <i>not</i> a federal “citizen” because I don’t maintain a domicile on federal territory.
4	Are you subject to the political jurisdiction of the United States[**]?	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.
5	Are you subject to the legislative jurisdiction of the United States[**]?	No. I am only subject to the legislative jurisdiction of California but not the “State of California”. The “State of” California is a corporate subdivision of the federal government that only has jurisdiction in federal areas within the state.	No. I am only subject to the laws and police powers of California but not the State of California, and not the federal government, because I don’t maintain a domicile on federal territory subject to “its” jurisdiction.
6	Are you a “citizen of the United States[***]” under the Fourteenth Amendment?	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.

2 Below is a sample interchange from a deposition held by a U.S. attorney against a sui juris litigant who knows his rights and  
 3 his citizenship status. The subject is the domicile and citizenship of the litigant. This dialog helps to demonstrate how to  
 4 keep the discussion focused on the correct issues and to avoid getting too complicated. If you are expecting to be called into  
 5 a deposition by a U.S. attorney, we strongly suggest rehearsing the dialog below so that you know it inside and out:

6 **Questions 1:** Please raise your right hand so you can take the required oath.

7 **Answer 1:** I’m not allowed to swear an oath as a Christian. Jesus forbid the taking of oaths in Matt. 5:33-37. The courts  
 8 have said that I can substitute an affirmation for an oath, and that I can freely prescribe whatever I want to go  
 9 into the affirmation.

10 [8:222] Affirmation: A witness may testify by affirmation rather than under oath. An affirmation ‘is simply a  
 11 solemn undertaking to tell the truth.’ [See FRE 603, Acv. Comm. Notes (1972); FRCP 43(d); and Ferguson v.  
 12 Commissioner of Internal Revenue (5<sup>th</sup> Cir. 1991) 921 F.2d. 488, 489—affirmation is any form or statement  
 13 acknowledging ‘the necessity for telling the truth’

14 [ . . . ]

15 [8:224] ‘Magic words’ not required: A person who objects to taking an ‘oath’ may pledge to tell the truth by any  
 16 ‘form or statement which impresses upon the mind and conscience of a witness the necessity for telling the truth.’  
 17 [See FRE 603, Adv. Comm. Notes (1972)—‘no special verbal formula is required’; United States v. Looper (4th  
 18 Cir. 1969), 419 F.2d. 1405, 1407; United States v. Ward (9th Cir. 1992), 989 F.2d. 1015, 1019]  
 19 [Federal Civil Trials and Evidence (2005), Rutter Group, pp. 8C-1 to 8C-2]

20 **Questions 2:** Please provide or say your chosen affirmation

21 **Answer 2:** Here is my affirmation:  
 22

1           *"I promise to tell the truth, the whole truth, and nothing but the truth. Do not interrupt me at any point in this*  
2 *deposition or conveniently destroy or omit the exhibits I submit for inclusion in the record because you will cause*  
3 *me to commit subornation of perjury in violation of [18 U.S.C. §1622](#) and be guilty of witness tampering in*  
4 *violation of [18 U.S.C. §1512](#). This deposition constitutes religious and political beliefs and speech that are NOT*  
5 *factual and not admissible as evidence pursuant to Federal Rule of Evidence 610 if any portion of it is redacted*  
6 *or removed from evidence or not allowed to be examined or heard in its entirety by the jury or judge. It is ONLY*  
7 *true if the entire thing can be admitted and talked about and shown to the jury or fact finder at any trial that uses*  
8 *it.*

9           *Non-acceptance of this affirmation or refusal to admit all evidence submitted during this deposition into the*  
10 *record by the court shall constitute:*

- 11           1. *Breach of contract (this contract).*
- 12           2. *Compelled association with a foreign tribunal in violation of the First Amendment and in disrespect of the*  
13 *choice of citizenship and domicile of the deponent.*
- 14           3. *Evidence of unlawful duress upon the deponent.*
- 15           4. *Violation of this Copyright/User/Shrink wrap license agreement applying to all materials submitted or*  
16 *obtained herein.*

17           *The statements, testimony, and evidence herein provided impose a license agreement against all who use it. The*  
18 *deposer and the government, by using any portion of this deposition as evidence in a civil proceeding,, also agree*  
19 *to grant witness immunity to the deponent in the case of any future criminal proceeding which might use it*  
20 *pursuant to [18 U.S.C. §6002](#).*

21           *Any threats of retaliation or court sanctions or punishment because of this Affirmation shall also constitute*  
22 *corruptly threatening and tampering with a witness in violation of [18 U.S.C. §1512](#).*

23           *This affirmation is an extension of my right to contract guaranteed under [Article 1](#), Section 10 of the United States*  
24 *Constitution and may not be interfered with by any court of the United States.*

25           *I am appearing here today as a fiduciary, foreign ambassador, minister of a foreign state, and a foreign*  
26 *government, God's government on earth. The ONLY civil laws which apply to this entire proceeding are the laws*  
27 *of my domicile, being God's Kingdom and the Holy Bible New King James Version, pursuant to [Federal Rule of](#)*  
28 *[Civil Procedure 17\(b\)](#) and [Federal Rule of Civil Procedure 44.1](#). The Declaration of Independence says that all*  
29 *just powers of government derive from the consent of the governed, and the ONLY laws that I consent to are those*  
30 *found in the Holy Bible. Domicile is the method of describing the laws that a person voluntarily consents to, and*  
31 *the Bible forbids me to consent to the jurisdiction of any laws other than those found in the Holy Bible.*

32  
33 Questions 3: Where do you live

34 Answer 3: In my body.

35  
36 Question 4: Where does your body sleep at night?

37 Answer 4: In a bed.

38  
39 Question 5: Where is the bed geographically located?

40 Answer 5: On the territory of my Sovereign, who is God. The Bible says that God owns all the Heavens and the Earth, which  
41 leaves nothing for Caesar to rule. See Gen. 1:1, Psalm 89:11-13, Isaiah 45:12, Deut. 10:14. You're trying to  
42 create a false presumption that I have allegiance to you and must follow your laws because I live on your  
43 territory. It's *not* your territory. God is YOUR landlord, and if my God doesn't exist, then the government  
44 doesn't exist either because they are *both* religions and figments of people's imagination. You can't say that  
45 God doesn't exist without violating the First Amendment and disestablishing my religion and establishing your  
46 own substitute civil religion called "government". What you really mean to ask is what is my domicile because  
47 that is the origin of all of your civil jurisdiction over me, now isn't it?  
48

49 Questions 6: Where is your domicile?

50 Answer 6: My domicile establishes to whom I owe exclusive allegiance, and that allegiance is exclusively to God, who is  
51 my *ONLY* King, Lawgiver, and Judge. Isaiah 33:22. The Bible forbids me to have allegiance to anyone but  
52 God or to nominate a King or Ruler to whom I owe allegiance or obedience. See 1 Sam. 8:4-8 and 1 Sam. 12.  
53 Consequently, the only place I can have a domicile is in God's Kingdom on Earth, and since God owns all the  
54 earth, I'm a citizen of Heaven and not any man-made government, which the Bible confirms in Phil. 3:20.  
55 You're trying to recruit me to commit idolatry by placing a civil ruler above my allegiance to God, which is the  
56 worst sin of all documented in the Bible and violates the first four commandments of the Ten Commandments.  
57 The Bible also says that I am a pilgrim and stranger and sojourner on earth who cannot be conformed to the

1 earth, and therefore cannot have a domicile within any man-made government, but only God's government.  
2 Hebrews 11:13, 1 Pet. 2:1, Romans 12:2.

3  
4 Questions 7: Are you a "U.S. citizen"?

5 Answer 7: Which of the three "United States" do you mean? The U.S. Supreme Court identified three distinct definitions  
6 of "United States" in [Hooven and Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)? If there are three different "United  
7 States", then it follows that there are three different types of "U.S. citizens", now doesn't it?

8  
9 Questions 8: You don't know which one of the three are most commonly used on government forms?

10 Answer 8: That's not the point here. You are the moving party and you have the burden of proof. You are the one who  
11 must define exactly what you mean so that I can give you an *unambiguous* answer that is consistent with  
12 prevailing law. I'm not going to do your job for you, and I'm not going to encourage injurious presumptions  
13 about what you mean by the audience who will undoubtedly read this deposition. Presumption is a biblical sin.  
14 See Numbers 15:30, New King James version. I won't sit here and help you manufacture presumptions about  
15 my status that will prejudice my God-given rights.

16  
17 Questions 9: Are you a "resident" of the United States?

18 Answer 9: A "resident" is an alien with a domicile within your territory. I don't have a domicile within any man-made  
19 government so I'm not a "resident" ANYWHERE. I am not an "alien" in relation to you because I was born  
20 here. That makes me a "national" pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) but not a statutory "citizen" as defined in  
21 [8 U.S.C. §1401](#). All statutory citizens are persons born somewhere in the United States and who have a domicile  
22 on federal territory, and I'm NOT a statutory "citizen".

23  
24 Questions 10: What kind of "citizen" are you?

25 Answer 10: I'm not a "citizen" or "resident" or "inhabitant" of any man-made government, and what all those statuses have  
26 in common is domicile within the jurisdiction of the state or forum. I already told you I'm a citizen of God's  
27 Kingdom and not Earth because that is what the Bible requires me to be as a Christian. Being a "citizen" implies  
28 a domicile within the jurisdiction of the government having general jurisdiction over the country or state of my  
29 birth. I can only be a "citizen" of one place at a time because I can only have a domicile in one place at a time.  
30 A human being without a domicile in the place that he is physically located is a transient foreigner, a stranger,  
31 and a stateless person in relation to the government of that place. That is what I am. I can't delegate any of my  
32 God-given sovereignty to you or nominate you as my protector by selecting a domicile within your jurisdiction  
33 because the Bible says I can't conduct commerce with any government and can't nominate a king or protector  
34 over or above me. Rev. 18:4, 1 Sam. 8:4-8 and 1 Sam. 12. The Bible forbids oaths, including perjury oaths,  
35 which means I'm not allowed to participate in any of your franchises or excise taxes, submit any of your forms,  
36 or sign any contracts with you that would cause a surrender of the sovereignty God gave me as his fiduciary  
37 and "public officer". See Matt. 5:33-37. I also can't serve as your "public officer", which is what all of your  
38 franchises do to me, because no man can serve two masters. Luke 16:13. I have no delegated authority from  
39 the sovereign I represent here today, being God, to act as your agent, fiduciary, or public officer, all of which is  
40 what a "taxpayer" is.

41 *"You were bought at a price; **do not become slaves of men** [and remember that government  
42 is made up of men]."*  
43 *[1 Cor. 7:23, Bible, NKJV]*

44 *"We ought to obey God rather than men."*  
45 *[Acts 5:27-29, Bible, NKJV]*

46  
47 Questions 11: Who issued your passport?

48 Answer 11: The "United States *of America*" issued my passport, not the "United States". The Articles of Confederation  
49 identify the United States of America as the confederation of states of the Union, not the government that was  
50 created to serve them called the "United States". See *United States v. Curtiss-Wright Export Corporation*, 299  
51 U.S. 304 (1936). The only thing you need to get a passport is allegiance to "United States" pursuant to [22](#)  
52 [U.S.C. §212](#). The "United States" they mean in that statute isn't defined and it could have one of three different  
53 meanings. Since the specific meaning is not identified, I define "allegiance to the United States" as being  
54 allegiance to the people in the states of the Union and NOT the pagan government that serves them in the District  
55 of Criminals. No provision within the U.S. Code says that I have to be a statutory "U.S. citizen" pursuant to [8](#)  
56 [U.S.C. §1401](#) in order to obtain a passport or that possession of a passport infers or implies that I am a statutory

1 “U.S. citizen”. A passport is *not* proof of citizenship, but only proof of **allegiance**. The only citizenship status  
2 that carries with it exclusively allegiance is that of a “national” but not a “citizen” pursuant to [8 U.S.C.](#)  
3 [§1101\(a\)\(21\)](#). That and **only** that is what I am as far as citizenship. There is no basis to imply or infer anything  
4 more than that about my citizenship.

5 *“...the only means by which an American can lawfully leave the country or return to it - absent a Presidentially*  
6 *granted exception - is with a passport... As a travel control document, **a passport is both proof of identity and***  
7 ***proof of allegiance to the United States.** Even under a travel control statute, however, a passport remains in a*  
8 *sense a document by which the Government vouches for the bearer and for his conduct. ”*  
9 *[Haig v. Agee, [453 U.S. 280](#) (1981)]*

10 **Questions 12:** Are you the “citizen of the United States” described in section 1 of the Fourteenth Amendment?

11 **Answer 12:** The term “United States” as used in the Constitution signifies the states of the Union and excludes federal  
12 territories and possessions.  
13

14 *“The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under*  
15 *that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between*  
16 *citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court*  
17 *of the United States. It was argued that the word 'state,' in that connection, was used simply to denote a distinct*  
18 *political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference*  
19 *to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense*  
20 *of that instrument. **The result of that examination is a conviction that the members of the American confederacy***  
21 ***only are the states contemplated in the Constitution, . . . and excludes from the term the signification attached***  
22 ***to it by writers on the law of nations.'** This case was followed in *Barney v. Baltimore, 6 Wall. 280, 18 L.Ed.*  
23 ***825, and quite recently in Hooe v. Jamieson, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule***  
24 ***was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt***  
25 ***was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a***  
26 ***state in the sense in which that term is used in the Constitution.'** In *Scott v. Jones, 5 How. 343, 12 L.Ed. 181,*  
27 *and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867, it was held that under**  
28 *the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state*  
29 *statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress.”*  
30 *[Downes v. Bidwell, [182 U.S. 244](#) (1901) ]***

31 Therefore, the term “citizen of the United States” as used in section 1 of the Fourteenth Amendment implies a  
32 citizen of one of the 50 states of the Union who was NOT born within or domiciled within any federal territory  
33 or possession.

34 *“The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
35 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
36 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
37 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
38 *public journals. **It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except***  
39 ***as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided***  
40 ***always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.”***  
41 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

42  
43 *“**It is impossible** to construe the words 'subject to the jurisdiction thereof,' in the opening sentence [of the*  
44 *Fourteenth Amendment, Section 1], as less comprehensive than the words 'within its jurisdiction,' in the*  
45 *concluding sentence of the same section; or **to hold that persons 'within the jurisdiction' of one of the states of***  
46 ***the Union are not 'subject to the jurisdiction of the United States[\*\*\*]'** ”*  
47 *[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]*

48 A constitutional citizen, which is what you are describing, is not a statutory “U.S. citizen” pursuant to 8 U.S.C.  
49 §1401 and may not describe himself as a “citizen” of any kind on any federal form. If I have ever done that, I  
50 was in error and you should disregard any evidence in your possession that I might have done such a thing  
51 because now I know that it was wrong.

### 52 **10.3.3 Arguing or Explaining Your Citizenship in Litigation Against the Government**

53 A very common misconception about citizenship employed by IRS and Department of Justice Attorneys in the course of  
54 litigation is the following false statement:

1 "Constitutional citizens born within states of the Union and domiciled there are statutory "citizens of the United  
2 States" pursuant to 8 U.S.C. §1401, the Internal Revenue Code at 26 C.F.R. §1.1-1(c), 26 U.S.C. §911."

3 The reasons why the above is false are explained elsewhere in this document. An example of such false statements is found  
4 in the Department of Justice Criminal Tax Manual (1994), Section 40.05[7]:

5 40.05[7] Defendant Not A "Person" or "Citizen"; District Court Lacks Jurisdiction Over Non-Persons and State  
6 Citizens

7 40.05[7][a] Generally

8 Another popular protester argument is the contention that the protester is not subject to federal law because he  
9 or she is not a citizen of the United States, but a citizen of a particular "sovereign" state. This argument seems  
10 to be based on an erroneous interpretation of 26 U.S.C. §3121(e)(2), which states in part: "The term 'United  
11 States' when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam,  
12 and American Samoa." The "not a citizen" assertion directly contradicts the Fourteenth Amendment, which states  
13 "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the  
14 United States and of the state wherein they reside." The argument has been rejected time and again by the courts.  
15 See *United States v. Cooper*, 170 F.3d. 691, 691(7th Cir. 1999) (imposed sanctions on tax protester defendant  
16 making "frivolous squared" argument that only residents of Washington, D.C. and other federal enclaves are  
17 citizens of United States and subject to federal tax laws); *United States v. Mundt*, 29 F.3d. 233, 237 (6th Cir.  
18 1994) (rejected "patently frivolous" argument that defendant was not a resident of any "federal zone" and  
19 therefore not subject to federal income tax laws); *United States v. Hilgeford*, 7 F.3d. 1340, 1342 (7th Cir. 1993)  
20 (rejected "shop worm" argument that defendant is a citizen of the "Indiana State Republic" and therefore an alien  
21 beyond the jurisdictional reach of the federal courts); *United States v. Gerads*, 999 F.2d. 1255, 1256-57 (8th  
22 Cir. 1993) (imposed \$1500 sanction for frivolous appeal based on argument that defendants were not citizens of  
23 the United States but instead "Free Citizens of the Republic of Minnesota" not subject to taxation); *United States*  
24 *v. Silevan*, 985 F.2d. 962, 970 (8th Cir. 1993) (rejected as "plainly frivolous" defendant's argument that he is not  
25 a "federal citizen"); *United States v. Jagim*, 978 F.2d. 1032, 1036 (9th Cir. 1992) (rejected "imaginative"  
26 argument that defendant cannot be punished under the tax laws of the United States because he is a citizen of the  
27 "Republic" of Idaho currently claiming "asylum" in the "Republic" of Colorado) *United States v. Masat*, 948  
28 F.2d. 923, 934 (5th Cir. 1991); *United States v. Sloan*, 939 F.2d. 499, 500-01 (7th Cir. 1991) ("strange argument"  
29 that defendant is not subject to jurisdiction of the laws of the United States because he is a "freeborn natural  
30 individual" citizen of the State of Indiana rejected); *United States v. Price*, 798 F.2d. 111, 113 (5th Cir. 1986)  
31 (citizens of the State of Texas are subject to the provisions of the Internal Revenue Code).

32 [SOURCE: [http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05\[7\]](http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05[7])]

33 Notice the self-serving and devious "word or art" games and "word tricks" played by the Dept. of Injustice in the above:

- 34 1. They deliberately don't show you the WHOLE definition in 26 U.S.C. §3121(e), which would open up a HUGE can of  
35 worms that they could never explain in a way that is consistent with everything that people know other than the way it  
36 is explained here.
- 37 2. They FALSELY and PREJUDICIALLY "presume" that there is no separation of powers between federal territory and  
38 states of the Union, which is a violation of your rights and Treason punishable by death. The separation of powers is the  
39 very foundation of the Constitution, in fact. See:  

<p><u><a href="http://sedm.org/Forms/FormIndex.htm">Government Conspiracy to Destroy the Separation of Powers</a></u>, Form #05.023 <u><a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></u></p>
--
- 40 3. They deliberately refuse to recognize that the context in which the term "United States" is used determines its meaning.
- 41 4. They deliberately refuse to recognize that there are THREE definitions of the term "United States" according to the U.S.  
42 Supreme Court.
- 43 5. They deliberately refuse to reconcile *which* of the three mutually exclusive and distinct definitions of "United States"  
44 applies in each separate context and WHY they apply based on the statutes they seek to enforce.
- 45 6. They deliberately refuse to recognize or admit that the term "United States" as used in the Constitution includes states  
46 of the Union and excludes federal territory.
- 47 7. They deliberately refuse to apply the rules of statutory construction to determine what is "included" within the definition  
48 of "United States" found in 26 U.S.C. §3121(e)(2). They don't want to admit that the definition is ALL inclusive and  
49 limiting, because then they couldn't collect any tax, even though it is.

50 [TITLE 26](#) > [Subtitle C](#) > [CHAPTER 21](#) > [Subchapter C](#) > § 3121  
51 [§ 3121. Definitions](#)

52 (e) State, United States, and citizen

1 For purposes of this chapter—

2 (1) State

3 **The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,**  
4 **Guam, and American Samoa.** [WHERE are the states of the Union?]

5 (2) United States

6 The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the  
7 Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]

8  
9 **“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s**  
10 **ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition  
11 of the term excludes unstated meanings of that term”); *Colausti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a  
12 rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”); *Western*  
13 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945) ; *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
14 (1935) (*Cardozo, J.*); see also 2A *N. Singer, Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
15 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S.  
16 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include the Attorney  
17 General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”  
18 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

19 **“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.** *Colausti v.*  
20 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed  
21 in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation**  
22 **as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even**  
23 **read it.**  
24 [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

25 **“As a rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”**  
26 [*Colausti v. Franklin*, 439 U.S. 379 (1979), n. 10]

27 Therefore, if you are going to argue citizenship in federal court, we STRONGLY suggest the following lessons learned by  
28 reading the Department of Justice Criminal Tax Manual article above:

29 1. Include all the language contained in the following in your pleadings:

**Rules of Presumption and Statutory Interpretation**, Litigation Tool #01.006  
<http://sedm.org/Litigation/LitIndex.htm>

30 2. If someone from the government asks you whether you are a “citizen of the United States” or a “U.S. citizen”:

31 2.1. Cite the three definitions of the “United States” explained by the Supreme Court and then ask them to identify  
32 which of the three definitions of “U.S.” they mean. Tell them they can choose ONLY one of the definitions.

33 2.1.1. The COUNTRY “United States\*\*”.

34 2.1.2. Federal territory and no part of any state of the Union “United States\*\*\*”

35 2.1.3. States of the Union and no part of federal territory “United States\*\*\*\*”

36 2.2. Ask them WHICH of the three types of statutory citizenship do they mean in Title 8 of the U.S. Code and tell them  
37 they can only choose ONE:

38 2.2.1. 8 U.S.C. §1401 statutory “citizen of the United States\*\*\*”. Born in and domiciled on a federal territory and  
39 possession and NOT a state of the Union.

40 2.2.2. 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B) statutory “national of the United States\*\*”. Born in and  
41 domiciled in American Samoa or Swains Island.

42 2.2.3. 8 U.S.C. §1101(a)(21) state national. Born in and domiciled in a state of the Union and not subject to federal  
43 legislative jurisdiction but only subject to political jurisdiction.

44 2.3. Hand them the following short form printed on double-sided paper and signed by you. Go to section 7 and point  
45 to the “national” status in the diagram. Tell them you want this in the court record or administrative record and that  
46 they agree with it if they can’t prove it wrong with evidence.

**Citizenship, Domicile, and Tax Status Options**, Form #10.003  
<http://sedm.org/Forms/FormIndex.htm>

If you want more details on how to field questions about your citizenship, fill out government forms describing your citizenship, or rebut arguments that you are wrong about your citizenship, we recommend sections 11 through 13 of the following:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

3. If your opponent won't answer the above questions, then forcefully accuse him of engaging in TREASON by trying to destroy the separation of powers that is the foundation of the United States Constitution. Tell them you won't help them engage in treason or undermine the main protection for your constitutional rights, which the Supreme Court said comes from the separation of powers. Then direct them to the following document that proves the existence of such TREASON.

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

4. Every time you discuss citizenship with a government representative, emphasize the three definitions of the "United States" explained by the Supreme Court and that respecting and properly applying these definitions consistently is how we respect and preserve the separation of powers.
5. Admit to being a constitutional "citizen of the United States\*\*\*\*" but not a statutory "citizen of the United States\*\*\*". This will invalidate almost all the case law they cite and force them to expose their presumptions about WHICH "United States" they are trying to corn-hole you into.
6. Emphasize that the context in which the term "United States" is used determines WHICH of the three definitions applies and that there are two main contexts.

*"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?"*

*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]*

6.1. The Constitution: states of the Union and no part of federal territory. This is the "Federal government"

6.2. Federal statutory law: Community property of the states that includes federal territory and possession that is no party of any state of the Union. This is the "National government".

7. Emphasize that you can only be a "citizen" in ONE of the TWO unique geographical places above at a time because you can only have a domicile in ONE of the two places at a time. Another way of saying this is that you can only have allegiance to ONE MASTER at a time and won't serve two masters, and domicile is based on allegiance.

*"domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith, 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges."*

*[Black's Law Dictionary, Sixth Edition, p. 485]*

*"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*

*[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954) ]*

8. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything about which definition of "United States" applies in a given context or which type of "citizen" you are. EVERYTHING must be supported with evidence as we have done here.

*(1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 US 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*

*[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]*

1 9. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the  
2 U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the Union,  
3 and thereby protect your rights:

4 *“The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country*  
5 *substantially two national governments; one to be maintained under the Constitution, with all of its restrictions;*  
6 *the other to be maintained by Congress outside the independently of that instrument, by exercising such powers*  
7 *[of absolutism] as other nations of the earth are accustomed to.. **I take leave to say that, if the principles thus***  
8 ***announced should ever receive the sanction of a majority of this court, a radical and mischievous change in***  
9 ***our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded***  
10 ***and protected by a written constitution into an era of legislative absolutism.. It will be an evil day for American***  
11 ***liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional***  
12 ***jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of***  
13 ***the principles of the Constitution.**”*  
14 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

- 15 10. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to  
16 Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they  
17 have admitted to by their omission in denying.  
18 11. Focus on WHICH “United States” is implied in the definitions within the statute being enforced.  
19 12. Avoid words that are not used in statutes, such as “state citizen” or “sovereign citizen” or “natural born citizen”, etc.  
20 because they aren’t defined and divert attention away from the core definitions themselves.  
21 13. Rationally apply the rules of statutory construction so that your opponent can’t use verbicide or word tricks to wiggle  
22 out of the statutory definitions with the word “includes”. See:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

- 23 14. State that all the cases cited in the Criminal Tax Manual are inapposite, because:  
24 14.1. You aren’t arguing whether you are a “citizen of the United States”, but whether you are a STATUTORY “citizen  
25 of the United States”.  
26 14.2. They don’t address the distinctions between the statutory and constitutional definitions nor do they consistently  
27 apply the rules of statutory construction.  
28 15. Emphasize that a refusal to stick with the legal definitions and include only what is expressly stated and not “presume”  
29 or read anything into it that isn’t there is an attempt to destroy the separation of powers and engage in a conspiracy  
30 against your Constitutionally protected rights.

31 *“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our*  
32 *government of laws with a judicial oligarchy.”*  
33 *[Senator Sam Ervin, during Watergate hearing]*  
34

35 *“When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose*  
36 *their freedom.”*  
37 *[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]*

38 If you would like a more thorough treatment of the subject covered in this section, we recommend section 5.1 of the following:

Flawed Tax Arguments to Avoid, Form #08.004  
<http://sedm.org/Forms/FormIndex.htm>

39 **10.3.4 Federal court statutory remedies for those who are “state nationals” injured by government**

40 State nationals domiciled in a constitutional state have RIGHTS protected by the constitution. Statutory “citizens” domiciled  
41 on federal territory have only PRIVILEGES. If you are a state national who is being COMPELLED to illegally impersonate  
42 a public officer called a STATUTORY “citizen”, the following remedies are provided to protect your INALIENABLE  
43 CONSTITUTIONAL RIGHTS as a state national from being converted into STATUTORY PRIVILEGES.

- 44 1. If you are “denied a right or privilege as a national of the United States\*” then you can sue under 8 U.S.C. §1503(a)  
45 and 8 U.S.C. §1252. See Hassan v. Holder, Civil Case No 10-00970 and Raya v. Clinton, 703 F.Supp.2d. 569 (2010).  
46 Under this statute:

1 1.1. 8 U.S.C. §1408 “non-citizen nationals of the United States\*\*” in American Samoa and Swain’s Island would sue  
2 for deprivation of a PRIVILEGE.

3 1.2. State nationals domiciled outside the statutory “United States” but physically present on federal territory could  
4 sue for deprivation of a constitutional right.

5 2. If you are a “national of the United States\*\*” who is victimized by acts of international or domestic terrorism, you can  
6 sue under 18 U.S.C. §2333. See also Boim v. Quranic Literacy Institute, 340 F.Supp.2d. 885 (2004).

7 All the above cases cited refer to people born in constitutional states as "nationals of the United States" under Title 8 of the  
8 U.S. Code. Therefore, they protect BOTH non-citizen nationals under 8 U.S.C. §1408 and state nationals domiciled outside  
9 the federal zone and in a state of the Union.

## 10 **11. FRANCHISE Identity Theft**

11 The following subsections will not discuss the subject of franchises in detail. They will merely show how you are illegally  
12 and coercively signed up for them. If you want detailed background on citizenship terms and contexts, please refer to the  
13 following free memorandum of law on our site:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

14 The following subsections were derived from the following document on our site:

*Proof That There Is a “Straw Man”*, Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>

### 15 **11.1 How most people are fraudulently deceived into thinking they are the Straw Man**

16 *“[J]udicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our  
17 government of laws with a judicial oligarchy.”*  
18 *[Senator Sam Ervin, during Watergate hearing]*

19 *“The wicked man does deceptive work,  
20 But to him who sows righteousness will be a sure reward.  
21 As righteousness leads to life,  
22 So he who pursues evil pursues his own death.  
23 Those who are of a perverse heart are an abomination to the Lord,  
24 But such as are blameless in their ways are a delight.  
25 Though they join forces, the wicked will not go unpunished;  
26 But the posterity of the righteous will be delivered.”*  
27 *[Prov. 11:18-21, Bible, NKJV]*

28 *“Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful.”*  
29 *[Samuel Johnson Rasselas, 1759]*

30 *“Beware lest anyone cheat you through philosophy and empty deceit, according to the tradition of men, according  
31 to the basic principles of the world, and not according to Christ.”*  
32 *[Colossians 2:8, Bible, NKJV]*

33 Deceptive “word of art” definitions within the Internal Revenue Code are the main vehicle for deceiving most people that  
34 they are the “public officer”, “person”, “individual”, or straw man that is the subject of government statutes.

35 *“WORDS OF ART. The vocabulary or terminology of a particular art or science, and especially those expressions  
36 which are idiomatic or peculiar to it. See Cargill v. Thompson, 57 Minn. 534, 59 N.W. 638.”*  
37 *[Black’s Law Dictionary, Fourth Edition, p. 1779]*

38 The following “terms” form the heart of the deception:

39 1. “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10). The District of Columbia. Nowhere within Internal  
40 Revenue Code, Subtitle A, the income tax, is there found a definition of the term “United States” that expressly includes  
41 any state of the Union.

- 1 2. “State” as defined in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d). A territory or possession of the United States and  
2 NOT a state of the Union. All states of the Union are “foreign” with respect to federal legislative jurisdiction.
- 3 3. “trade or business” as defined in 26 U.S.C. §7701(a)(26). A “public office” within the U.S. government.
- 4 4. “employee” as defined in 26 U.S.C. §3401(c) and 26 C.F.R. §31.3401(c)-1 and 26 U.S.C. §6331(a). A government  
5 “public officer” or instrumentality.
- 6 5. “employer” as defined in 26 U.S.C. §3401(d). A “person” who has “employees”.
- 7 6. “income” as defined in 26 U.S.C. §643(b). Means the earnings of a trust or estate and NOT a natural being.
- 8 7. “individual” as defined in 5 U.S.C. §552a(a)(2) and 26 C.F.R. §1.1441-1(c)(3) . Means a person domiciled or resident  
9 on federal territory and not within the exclusive or general jurisdiction of any state of the Union.

10 Most people do not read the law, which means that they aren’t aware of the above definitions. Those who take the time to  
11 read the law are usually met by the following downright fraudulent tactics by the government:

- 12 1. They are told that the definition employs the word “includes” and that this word authorizes them to add ANYTHING  
13 they want to the definition, including things that do not expressly appear in the law itself. This is HOGWASH!

14 ***“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s***  
15 ***ordinary meaning.*** *Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition*  
16 *of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a*  
17 *rule, `a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western*  
18 *Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96*  
19 *(1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152,*  
20 *and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S.*  
21 *943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney*  
22 *General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”*  
23 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

24 ***“Expressio unius est exclusio alterius.*** *A maxim of statutory interpretation meaning that **the expression of one***  
25 ***thing is the exclusion of another.*** *Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
26 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
27 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***  
28 ***inferred.*** *Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
29 *of a certain provision, other exceptions or effects are excluded.”*  
30 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

- 31 2. If they are in court and cite the statutory definition, the opposing government attorney will say:

32 “Objection: Calls for a legal conclusion.”

33 This too is hogwash, because in the context of a tax trial, the Declaratory Judgments Act, 28 U.S.C. §2201(a) forbids the  
34 judge or the government in general from making such a declaration of fact.

- 35 3. They will rely upon an expert or government employee. The ONLY thing upon which one can rely is the law in a society  
36 of law and not men.

37 ***“The government of the United States has been emphatically termed a government of laws, and not of men. It***  
38 *will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested*  
39 *legal right.”*  
40 *[Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)]*

- 41 3.1. All that federal prosecutors and judges prove by parading “men” in front of the jury instead of reading the law itself  
42 is that they want to destroy the very foundation of our rights and liberty in this country, which is the rule of law,  
43 and replace it with an imperial judicial monarchy of men. The result is that they turn our country into what God  
44 calls “an abomination”.

45 *“One who turns his ear from hearing the law [God’s law or man’s law], even his prayer is an abomination.”*  
46 *[Prov. 28:9, Bible, NKJV]*

47 *“But this crowd that does not know [and quote and follow and use] the law is accursed.”*  
48 *[John 7:49, Bible, NKJV]*

49 *“Salvation is far from the wicked, For they do not seek Your [God’s] statutes.”*  
50 *[Psalm 119:155, Bible, NKJV]*

1 3.2. No amount of grandstanding and salesmanship by an “expert” can add ANYTHING to the definitions clearly  
2 appearing in the statutes. The courts cannot WRITE law, which means that they can’t ADD to what appears in the  
3 law in order to enlarge their jurisdiction. It is a violation of the separation of powers for a court to write or rewrite  
4 law. The making of law is a political question and courts may not lawfully entertain political questions. Bringing  
5 experts in to write or rewrite or extend the law simply turns the court into a perpetual constitutional convention or  
6 legislative body that subjectively decides what THEY and not the Sovereign People want. Below is what the U.S.  
7 Supreme Court ruled on this important question:

8 *But, fortunately for our freedom from political excitements in judicial duties, this court can never with*  
9 *propriety be called on officially to be the umpire in questions merely political. The adjustment of these*  
10 *questions belongs to the people and their political representatives, either in the State or general government.*  
11 *These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by*  
12 *inclination, or prejudice or compromise, often. Some of them succeed or are defeated even by public policy alone,*  
13 *or mere naked power, rather than intrinsic right. There being so different tastes as well as opinions in politics,*  
14 *and especially in forming constitutions, some people prefer foreign models, some domestic, and some neither,*  
15 *while judges, on the contrary, for their guides, have fixed constitutions and laws, given to them by others and not*  
16 *provided by themselves. And those others are no more Locke than an Abbe Sieyes, but the people. Judges, for*  
17 *constitutions, must go to the people of their own country, and must [48 U.S. 52] merely enforce such as the people*  
18 *themselves, whose judicial servants they are, have been pleased to put into operation.*

19 *Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament*  
20 *of judges would be that, in such an event, all political privileges and rights would, in a dispute among the*  
21 *people, depend on our decision finally. We would possess the power to decide against, as well as for, them, and,*  
22 *under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much*  
23 *perverted, if not entirely prostrated.* But, allowing the people to make constitutions and unmake them, allowing  
24 their representatives to make laws and unmake them, and without our interference as to their principles or policy  
25 in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered  
26 by the State or the Union, commence their functions and may decide on the rights which conflicting parties can  
27 legally set up under them, rather than about their formation itself. *Our power begins after theirs ends.*  
28 *Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights*  
29 *beneath them, rather than disputed points in making them. We speak what is the law, jus dicere, we speak or*  
30 *construe what is the constitution, after both are made, but we make, or revise, or control neither. The disputed*  
31 *rights beneath constitutions already made are to be governed by precedents, by sound legal principles, by*  
32 *positive legislation, clear contracts, moral duties, and fixed rules; they are per S.E. questions of law, and are*  
33 *well suited to the education and habits of the bench.* But the other disputed points in making constitutions,  
34 depending often, as before shown, on policy, inclination, popular resolves and popular will and arising not in  
35 respect to private rights, not what is meum and tuum, but in relation to politics, they belong to politics, and they  
36 are settled by political tribunals, and are too dear to a people bred in the school of Sydney and Russel for them  
37 ever to intrust their final decision, when disputed, to a class of men who are so far removed from them as the  
38 judiciary, a class also who might decide them erroneously, as well as right, and if in the former way, *the*  
39 *consequences might not be able to be averted except by a revolution, while a wrong decision by a political*  
40 *forum can often be peacefully corrected by new elections or instructions in a single month; and if the people,*  
41 *in the distribution of powers under the constitution, should ever think of making judges supreme arbiters in*  
42 *political controversies when not selected by nor, frequently, amenable to them nor at liberty to follow such*  
43 *various considerations in their judgments as [48 U.S. 53] belong to mere political questions, they will dethrone*  
44 *themselves and lose one of their own invaluable birthrights; building up in this way -- slowly, but surely -- a*  
45 *new sovereign power in the republic, in most respects irresponsible and unchangeable for life, and one more*  
46 *dangerous, in theory at least, than the worst elective oligarchy in the worst of times.* Again, instead of controlling  
47 the people in political affairs, *the judiciary in our system was designed rather to control individuals, on the one*  
48 *hand, when encroaching, or to defend them, on the other, under the Constitution and the laws, when they are*  
49 *encroached upon.* And if the judiciary at times seems to fill the important station of a check in the government, it  
50 is rather a check on the legislature, who may attempt to pass laws contrary to the Constitution, or on the executive,  
51 who may violate both the laws and Constitution, than on the people themselves in their primary capacity as  
52 makers and amenders of constitutions.  
53 [*Luther v. Borden, 48 U.S. 1 (1849)*]

54 4. They will cite an IRS publication, which the IRS itself says is untrustworthy.

55 *"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their*  
56 *advisors... While a good source of general information, publications should not be cited to sustain a position."*  
57 [*Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)*]

58 Below are some of the most prevalent mistakes that people make who allow themselves to be deceived into “volunteering”  
59 (e.g. “voluntary compliance”) to represent the straw man as a public officer or government employee without compensation  
60 using words of art:

1. They will PRESUME that the terms used on government forms have their ordinary meaning instead of the meaning defined in the law itself.
2. They will PRESUME that the word “United States” as used in federal statutes includes any part of the exclusive jurisdiction of a state.
3. They will not even realize that they are making presumptions and not question or investigate what they read on government forms or in government publications.
4. They do not realize that all presumptions which impair constitutionally protected rights are a tort and are impermissible in any court of law.

(1) [8:4993] **Conclusive presumptions affecting protected interests:**

*A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [Federal Civil Trials and Evidence (2006), Rutter Group, paragraph 8:4993, p. 8K-34]*

5. They will look at the word “individual” and PRESUME that it means them. All terms within federal law, according to the courts themselves, are to be construed as limited to the place where the government has general legislative powers. The federal government DOES NOT have general jurisdiction within states of the Union because of the separation of powers doctrine:

**“The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L.R. 12 Ch. Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch [E.G. DECEIVE]. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.”**  
[American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358]

**“It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.”**  
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

**“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”**  
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

All of the above PRESUMPTIONS are what lead to most of the evil, deceit, and slavery. The root of ALL of them is the love of YOUR money and stuff by politicians, who would sell their soul for the almighty dollar and the power that possessing it gives them over you:

*“For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows.”*  
[1 Tim. 6:10, Bible, NKJV]

We have written an exhaustive legal memorandum which describes why presumption violates God’s law, violates due process of law, and may not lawfully be employed against anyone protected by the United States Constitution.

**Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017**  
<http://sedm.org/Forms/FormIndex.htm>

1 If you would like to know more about how the craft of lawyers, which is words, is systematically abused to deliberately  
2 deceive, enslave, and injure people, and how to defend yourself against such dishonest tactics see:

- 3 1. Legal Deception, Propaganda, and Fraud, Form #05.014-proves that the purpose of law is to delegate authority, and  
4 that it cannot serve that essential function if the definition of words is left to the subjective discretion of a judge who is  
5 a “taxpayer”.  
6 <http://sedm.org/Forms/FormIndex.htm>
- 7 2. Reasonable Belief About Income Tax Liability, Form #05.007-proves that everything a government prosecutor can or  
8 would rely on to rebut the definitions clearly shown in the Internal Revenue Code is UNTRUSTWORTHY according to  
9 the courts themselves.  
10 <http://sedm.org/Forms/FormIndex.htm>
- 11 3. Great IRS Hoax, Form #11.302, Sections 3.9.1 through 3.9.28  
12 <http://sedm.org/Forms/FormIndex.htm>

## 13 **11.2 Abuse of Franchises by the Government**

### 14 **11.2.1 Most government franchises are offered as “unconscionable contracts” with unjust and usurious terms**

15 The only reason that most government franchises are allowed by the average American to be ILLEGALLY abused to make  
16 slaves into everyone is because most of them “grant” to the applicant something that most people would regard as absolutely  
17 essential for their livelihood or life. For instance, below are the main franchises most people are illegally compelled to  
18 participate in, along with a description of the illegal duress by a corrupted government or third parties that perpetuates them:

- 19 1. Driver Licenses: Most people regard driver licenses as essential because they need to be able to get to work and feed  
20 themselves and their family.
  - 21 1.1. Only those using the public roadways for hire on federal territory can be compelled to have or to use driver  
22 licensing or registration. All others are “volunteers”.
  - 23 1.2. Police illegally enforce statutes that require driver licenses against those not using the public roadways for hire or  
24 not on federal territory, and they threaten those using registered vehicles with confiscation if the operator does not  
25 get a license.
  - 26 1.3. Out of fear do people obtain licenses to avoid having their cars confiscated.
- 27 2. Savings/Investment Accounts: Most people regard the safety of money in their savings and investment accounts as  
28 important, because they need to be able to pay their bills. If they can’t pay their bills, they might lose their house and  
29 all the equity in their house because of default on the mortgage.
  - 30 2.1. Banks and financial institutions illegally compel the use of the WRONG withholding forms and the illegal use of  
31 a Social Security Number on all withholding documents as a precondition of opening accounts, because they  
32 believe the LIES of the IRS on the subject. Even though the courts continue to insist that you CANNOT trust  
33 anything the IRS or government says or writes, they believe it anyway and injure their workers in the process  
34 with fraudulent withholding documents.
  - 35 2.2. Because the account is enumerated, it illegally becomes subject to statutory levy and effectively becomes a  
36 PUBLIC account in which the government has equity interest.
  - 37 2.3. People pay taxes because they will lose the deposit in their account through the threat of ILLEGAL levy. The  
38 levy is illegal because the withholding paperwork is FRAUDULENT and the compulsion from the financial  
39 institution is what made it fraudulent to begin with..
- 40 3. Private Employment: Most people regard the ability to be paid at their job as essential because they need to be able to  
41 pay their bills and support their families. Loss of a job could cause one to lose their home and their equity in the home  
42 due to mortgage default.
  - 43 3.1. Employers illegally compel the use of the WRONG withholding forms and the use of a Social Security Number  
44 on all withholding documents as a precondition of hiring, because they believe the LIES of the IRS and tax  
45 professionals on the subject. Even though the courts continue to insist that you CANNOT trust anything the IRS  
46 or government says or writes, they believe it anyway and injure their workers in the process with fraudulent  
47 withholding documents.
  - 48 3.2. Because workers are illegally enumerated and the tax status in the company records is FALSE and  
49 FRAUDULENT, their earnings illegally becomes subject to statutory levy and effectively becomes a PUBLIC  
50 account in which the government has equity interest.

1 3.3. People pay taxes because they will lose the deposit in their account through the threat of ILLEGAL levy. The  
2 levy is illegal because the withholding paperwork is FRAUDULENT and the compulsion from the otherwise  
3 private employer is what made it fraudulent to begin with..

4 If you would like to know why items 2 and 3 above are ILLEGAL and even CRIMINALLY administered by most banks and  
5 private companies, see:

*Federal and State Tax Withholding Options for Private Employers*, Form #09.001  
<http://sedm.org/Forms/FormIndex.htm>

6 The common denominator of all the above three franchises is that the only reason most people participate is out of fear created  
7 through ILLEGAL and CRIMINAL enforcement by a corrupt de facto government and their fascist corporate co-conspirators.  
8 Because most Americans are legally ignorant and often relatively poor:

- 9 1. Most people do not know how to fight the corruption and therefore falsely believe they must comply.
- 10 2. Most people cannot afford to hire an attorney to fight the corruption that they can't fight on their own, and the high  
11 cost of the fight exceeds the economic benefit to winning. In a sense, exorbitant legal fees become an indirect "bill of  
12 attainder" or penalty against those who fight the illegal franchise enforcement.
- 13 3. Even those who can afford an attorney have the problem that the attorney has a conflict of allegiance, in which is first  
14 duty is to the court. With that conflict of allegiance, attorneys are loath to fight the government because they may lose  
15 their license to practice and starve to death.

16 Of course, there is a way to remedy the above, but the ONLY way is for the average American to learn the law, and to  
17 vociferously defend his rights in court WITHOUT being able to be effectively GAGGED by an attorney license. This would  
18 bypass the cost and conflict of interest of attorneys and guarantee a more just result. A small minority of Americans,  
19 unfortunately, are equipped or motivated sufficiently to take this route.

20 For the average American who either can't or won't learn the law, we end up with a situation where the above franchises in  
21 effect become "unconscionable contracts" in which there at least "appears" to be no way out without significant loss of  
22 money, time, or property of one kind or another. It is the fear of losing these things that keeps most people needlessly  
23 compliant, even if their compliance is illegal and sometimes even CRIMINAL in nature. This compliance, in fact, is a product  
24 of what we refer to as "international terrorism" by a corrupted legal profession. The states of the Union are, in effect,  
25 independent nations for a civil jurisdiction, and yet they refuse to enforce that role because they get illegal "kickbacks" from  
26 the federal mafia to continue the illegal enforcement. Below is the definition of "unconscionable contract":

27 *"UNCONSCIONABLE CONTRACT. One which no sensible man not under delusion, duress, or in distress would*  
28 *make, and such as no honest and fair man would accept. Franklin Fire Ins. Co. v. Noll, 115 Ind.App. 289, 58*  
29 *N.E.2d. 947, 949, 950."*  
30 *[Black's Law Dictionary, Fourth Edition, p. 397]*

31 *"UNCONSCIONABLE BARGAIN. An unconscionable bargain or contract is one which no man in his senses, not*  
32 *under delusion, would make, on the one hand, and which no fair and honest man would accept, on the other.*  
33 *Hume v. U. S., 10 S.Ct. 134, 132 U.S. 406, 33 L.Ed. 393; Edler v. Frazier, 174 Iowa 46, 156 N.W. 182, 187; Hall*  
34 *v. Wingate, 159 Ga. 630, 126 S.E. 796, 813; 2 Ves. 125; 4 Bouv. Inst. n. 3848."*  
35 *[Black's Law Dictionary, Fourth Edition, p. 1694]*

36 If you look over all the biblical franchises, they all had the following elements in common:

- 37 1. They were offered by a government or a ruler to the people being ruled.
- 38 2. They involved the need for property that was critical or important to survival or a "normal" lifestyle. That "property"  
39 could be a piece of paper, a license, or a privilege to use some form of government property such as a public roadway.
- 40 3. The need for this property or its importance is so great, that people would give up most anything to get it.
- 41 4. The thing demanded by the covetous government or ruler in exchange for the property or privilege required is to  
42 become a "subject", servant, and slave of the government whom they can demand just about ANYTHING from. In  
43 other words, there are NO CONSTITUTIONAL LIMITS on the behavior of the government in relation to those who  
44 are party to the franchise.

45 The above "scheme" to destroy your rights has already been legally defined by the Beast itself as communism. Here is that  
46 definition:

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### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

3 *The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and*  
4 *a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy*  
5 *to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by*  
6 *the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in*  
7 *collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges*  
8 *[including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the*  
9 *Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by*  
10 *the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through*  
11 *public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to*  
12 *the electorate at large for approval or disapproval, the policies and programs of the Communist Party are*  
13 *secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise “codes”,*  
14 *Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal*  
15 *Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman*  
16 *Trafficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike*  
17 *members of political parties, members of the Communist Party are recruited for indoctrination [in the public*  
18 *FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are*  
19 *organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the*  
20 *assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks*  
21 *to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon*  
22 *that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and*  
23 *gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its*  
24 *operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its*  
25 *activities, and its dedication to the proposition that the present constitutional Government of the United States*  
26 *ultimately must be brought to ruin by any available means, including resort to; force and violence for using*  
27 *income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve*  
28 *and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the*  
29 *security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via*  
30 *identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information*  
31 *returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE*  
32 *government publications and statements that the government is not accountable for the accuracy of, Form*  
33 *#05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form*  
34 *#05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party*  
35 *should be outlawed*

36 Finally, the U.S. Supreme Court has held that the above mechanism for essentially DESTROYING rights guaranteed by the  
37 Constitution is itself unconstitutional:

38 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed*  
39 *by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional*  
40 *rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S. 649, 644, or*  
41 *manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."*  
42 *[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

43 A thing called the “Unconstitutional Conditions Doctrine” of the U.S. Supreme Court is useful in ensuring that constitutional  
44 rights are not manipulated out of existence by enforcing franchises in places they may not even be lawfully offered. It is this  
45 tension between franchises, and the Unconstitutional Conditions Doctrine that explains why we say that franchises may not  
46 lawfully be offered outside of federal territory NOT protected by the Constitution.

### 47 **11.2.2 Why all the government’s franchises are administered UNJUSTLY and FRAUDULENTLY**

48 We don’t necessarily object in principle to franchises. Private companies use them all the time and they work quite well and  
49 are JUSTLY administered. Take McDonald’s, which is an international franchise, for instance. The thing we object to about  
50 government franchises is not their use, but their FRAUDULENT AND MALICIOUS ABUSE. Here are a few examples of  
51 why government franchises are FRAUDULENTLY and MALICIOUSLY abused:

- 52 1. Franchise “codes” are consistently and maliciously MISREPRESENTED by both the government and the legal  
53 profession as “law” or “public law” that applies equally to EVERYONE, rather than more correctly as:
  - 54 1.1. Private law.
  - 55 1.2. A “compact”.
  - 56 1.3. Having the “force of law” and thereby ACTIVATING only upon the express consent of those who are subject to  
57 it.

1 2. The government and the IRS are not held EQUALLY accountable for telling the public the WHOLE or complete truth  
2 about the voluntary nature of the franchise and your right NOT to volunteer or NOT be penalized for NOT  
3 volunteering. Instead, they effectively LIE to the public with impunity while at the same time hypocritically requiring  
4 everything we send THEM to be signed under penalty of perjury and them being able to penalize us if we follow their  
5 example and lie. See:

*Federal Courts and the IRS' Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or For  
Following Its Own Written Procedures*, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

- 6 3. Corrupt judges (who are also franchisees with a criminal conflict of interest) sometimes refuse to allow non-franchisees  
7 to invoke the protections of the constitution or the common law when they are victimized by illegal franchise  
8 enforcement against non-franchisees, which itself is treason punishable by death per 18 U.S.C. §2381.
- 9 4. Corrupted governments illegally and criminally abuse sovereign immunity to destroy or undermine challenges to the  
10 unlawful enforcement of the franchise against non-franchisees. For instance, they dismiss challenges based on the  
11 common law or the constitution when the officers of the de facto government are civilly sued for injuries they cause  
12 illegally enforcing the franchise against non-participants. We believe that ANY and EVERY franchise offered by the  
13 government should be treated as PRIVATE business activity BEYOND the core purposes of government and which  
14 cannot be protected by sovereign immunity. Otherwise, politicians or governments who love money and will do or say  
15 ANYTHING to get it will always abuse franchises in the ways described here to the point where they will eventually  
16 gobble up any and every PRIVATE right and destroy and undermine the very purpose of establishing government to  
17 being with, which is the protection of PRIVATE rights.
- 18 5. A corrupted government doesn't fully disclose that participation is VOLUNTARY in all their forms publications and  
19 every time you talk to them or litigate rights under the franchise. They do this because if they did, they would have to  
20 address HOW to un-volunteer and NO ONE in their right mind would volunteer. And when you call them on it, they  
21 claim ignorance to preserve their "plausible deniability" for their CRIMES.
- 22 6. The legislation implementing the franchise refuses to disclose that the statutory "person", "taxpayer", "citizen",  
23 "driver", "spouse", or "licensee" can ONLY be created through YOUR express consent in some form.
- 24 7. A corrupted government buries the remedies so deeply in the law and makes them so complex and exasperating to  
25 implement that most people avoid a remedy for illegal enforcement of the franchise against non-franchisees.
- 26 8. Public schools deliberately dumb down the average populace on teaching the law, thus forcing the average American to  
27 hire a prohibitively expensive lawyer for hundreds of dollars an hour to get a remedy for illegal franchise enforcement.
- 28 9. Lawyers litigating against the government are all licensed by the same government and if they do take their fiduciary  
29 duty to their clients seriously, will end up disbarred and on the street because they took stolen look out of the mouth of  
30 the judge and his employer. Thus, there is little or no incentive or reason for them to faithfully execute the laws and  
31 enforce the remedies available to non-franchisees.
- 32 10. Corrupted government actors routinely refuse their constitutional duty to protect those from ILLEGAL  
33 GOVERNMENT ENFORCEMENT of the franchise against those who choose NOT to volunteer, and yet they  
34 CONTINUE to use the word "voluntary" to describe those who participate. This is FRAUD.
- 35 11. The government forms and applications for the franchise refuse to provide a STATUS declaration OTHER than a  
36 franchisee for people who don't want to volunteer. For instance, IRS Form W-8BEN has a block for entity type, but  
37 the closest thing they have on the form is an "individual", and all individuals are public officers in the government per  
38 5 U.S.C. §2105(a). They don't provide a status option such as "nonresident nontaxpayer" or "private human being".
- 39 12. When criminal complaints are filed against those such as banks and private companies who compel people to fill out  
40 application or withholding forms that only apply to franchisees, the corrupted government refuses their constitutional  
41 duty to prosecuted such CRIMES. This type of abuse is called "selective enforcement" for personal gain. Thus, they  
42 have turned the PUBLIC trust into a SHAM trust that only benefits or protects THEM and THEIR interests at everyone  
43 else's expense. The public be DAMNED!
- 44 13. Those who run franchise courts such as U.S. Tax Court (Article 1 court) and the U.S. District Courts (Article IV court  
45 on tax matters), when confronted with a dispute over income taxes involving those who do not consent to be  
46 franchisees called statutory "taxpayers" per 26 U.S.C. §7701(a)(14) have a constitutional duty to dismiss the case and  
47 say they have no jurisdiction, and to enjoin the illegal enforcement activity by the I.R.S. In practice, they refuse this  
48 constitutional duty by:
- 49 13.1. Calling the non-franchisee "frivolous".
- 50 13.2. Penalizing the non-franchisee.
- 51 13.3. Falsely stating that the Anti-Injunction Act, 26 U.S.C. §7421, applies to EVERYONE, when in fact it can only  
52 lawfully apply to statutory "taxpayers". Any other approach results in the destruction of all PRIVATE rights and  
53 a massive violation of the Bill of Rights and conspiracy against rights.

1 13.4. Quoting IRRELEVANT case law that only pertains to “taxpayers” or residents of federal territory and against  
2 them. This is an abuse of case law for political purposes and accomplishes the legal effect of identity theft and  
3 kidnapping against the innocent nontaxpayer party. That identity theft and kidnapping occurs because all law is  
4 prima facie territorial and quoting territorial law against a nonresident is an act of international terrorism and  
5 kidnapping.

6 14. Federal judges and even juries hearing franchise cases usually have a criminal and financial conflict of interest in  
7 violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455, thus making due process IMPOSSIBLE. The  
8 foundation of due process is a completely impartial decision maker, impartial witnesses, and an impartial jury.

9 14.1. Judges, jurors, and witnesses are almost all “taxpayers” and therefore subject to I.R.S. illegal enforcement and  
10 terrorism if they don’t rule in favor of the government and against innocent non-franchisees.

11 14.2. Federal prosecutors MANUFACTURE criminal conflicts of interest in the jurors during tax trials by telling jurors  
12 that if John Doe doesn’t pay his “fair share”, then THEY will have pick up HIS bill.

13 15. Those NOT engaged in franchise activities are illegally and fraudulently prosecuted for failure to obtain a license. For  
14 instance, those not engaged in the use of the roadways for hire are prosecuted for “driving without a license”. The duty  
15 to obtain a license can only be imposed upon:

16 15.1. Those lawfully engaged in public officers in the government. AND

17 15.2. Domiciled on federal territory at the time...AND

18 Otherwise, a violation of the Thirteenth Amendment and Fifth Amendment has occurred and the government is  
19 STEALING from the innocent non-franchisee.

20 16. A fiat currency system, which we call the Federal Reserve Counterfeiting Franchise, makes it virtually impossible to  
21 rule justly and truthfully on franchise issues because they would reduce government revenues and cause the  
22 government to most likely become insolvent. See:

*The Money Scam*, Form #05.041

<http://sedm.org/Forms/FormIndex.htm>

23 If all of the above defects in government/public franchises were eliminated and every government application for a franchise  
24 specifically said you have a right NOT to volunteer and that they would PROTECT your right to not volunteer, the vast  
25 majority of objections we have to government franchises would be eliminated and they would be treated just like any and  
26 every other PRIVATE franchise. It is a maxim of the common law, in fact, that they MUST do this and they absolutely refuse  
27 to do this:

28 *Invito beneficium non datur.*

29 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
30 *considered as assenting. Vide Assent.*

31 *Quilibet potest renunciare juri pro se inducto.*

32 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
33 *Inst. n. 83.*

34 [*Bouvier’s Maxims of Law, 1856, SOURCE:*

35 <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

36 The main thing we object to is that our system of law and government is based on absolute equality and equal treatment, and  
37 that franchises are abused to:

- 38 1. Maliciously destroy that equality and equal protection.
- 39 2. Make you subservient to the government without just compensation that only YOU determine.
- 40 3. Create a state-sponsored religion that worships men, governments, and civil rulers. The elimination of THAT religion  
41 and the inequality that protects and perpetuates it all we seek. See:

*Socialism: The New American Civil Religion*, Form #05.016

<http://sedm.org/Forms/FormIndex.htm>

### 42 **11.2.3 Compelled participation in franchises against those civilly domiciled outside the exclusive jurisdiction of the** 43 **government offering the franchise is an act of INTERNATIONAL TERRORISM**

44 We allege that any and every attempt to enforce franchises outside the exclusive civil jurisdiction of any government  
45 constitutes an act of INTERNATIONAL terrorism. Keep in mind that the states themselves are identified as no less than  
46 “nations”, and hence any attempt by an extraterritorial force to enforce within their borders is INTERNATIONAL in  
47 nature:

1 "The States between each other are sovereign and independent. They are distinct and separate sovereignties,  
2 except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to**  
3 **be nations, with all their rights, and under all their national obligations, and with all the rights of nations in**  
4 **every particular;** except in the surrender by each to the common purposes and objects of the Union, under the  
5 Constitution. The rights of each State, when not so yielded up, remain absolute."  
6 [[Bank of Augusta v. Earle, 38 U.S. \(13 Pet.\) 519, 10 L.Ed. 274 \(1839\)](#)]

7 Terrorism is legally defined as follows:

8 "**Terrorism:** political violence: violence or the threat of violence, especially bombing, kidnapping, and  
9 assassination, carried out for political purposes  
10 [[Microsoft® Encarta® 2008. © 1993-2007 Microsoft Corporation](#)]

11 "**terrorist:** somebody using violence for political purposes: somebody who uses violence, especially bombing,  
12 kidnapping, and assassination, to intimidate others, often for political purposes  
13 [[Microsoft® Encarta® 2008. © 1993-2007 Microsoft Corporation](#)]

14 So a terrorist is someone who uses violence, or threats of violence to the life, liberty, or property against those not consenting  
15 to said violence as a means of POLITICALLY influencing the target of the threat. The tools for threatening people include  
16 kidnapping. The legal profession accomplishes the equivalent of such kidnapping by removing the civil identity of a person  
17 domiciled OUTSIDE their jurisdiction to a foreign jurisdiction by the following means:

- 18 1. Using FALSE presumptions about the meaning of definitions or what is "included" in the definitions. We call this  
19 "unconstitutional eminent domain by presumption" and without compensation. See the following for exhaustive  
20 evidence of this criminal extortion technique and its unconstitutional nature:

[Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction](#), Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

- 21 2. Using the ORDINARY or GENERAL meaning of geographical words and yet REFUSING to allow the statutory or  
22 SPECIFIC meaning to be discussed in the context of the SPECIFIC thing being enforced.

23 "*Dolus versatur generalibus. **A deceiver deals in generals.** 2 Co. 34."*

24 "*Fraus latet in generalibus. **Fraud lies hid in general expressions.**"*

25 *Generale nihil certum implicat. **A general expression implies nothing certain.** 2 Co. 34.*

26 *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is***  
27 ***concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78.*  
28 [[Bouvier's Maxims of Law, 1856](#)];

29 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>

- 30 3. Interfering with efforts by the falsely accused party to define the meaning of terms on any or all government forms they  
31 submit. This is especially true of geographical terms.  
32 4. Using "words of art" to break down the separation of civil powers between the national government and the states, to  
33 unconstitutionally place them under the control of the national government.  
34 5. Abusing the word "includes" to exercise what the U.S. Supreme Court calls "arbitrary control" in adding WHATEVER  
35 THEY WANT to the definitions of words. This tactic is thoroughly rebutted in:

[Legal Deception, Propaganda, and Fraud](#), Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

36 After federal statutory law has unlawfully been imposed extraterritorially against those domiciled outside the statutory  
37 "United States", meaning federal territory, they then use franchises to unlawfully impose "duties" against people, thus  
38 implementing involuntary servitude in violation of the Thirteenth Amendment prohibition against involuntary servitude. And  
39 if the person objects to the involuntary servitude, they FRAUDULENTLY institute civil penalties against them for refusing  
40 to associate themselves with a franchise status such as "taxpayer", "citizen", "U.S. citizen", "person", or "individual". The  
41 result is the following crimes by GOVERNMENT terrorists:

- 42 1. **Tampering with a witness.** 18 U.S.C. §1512. All government forms and testimony in court constitutes "testimony of a  
43 protected witness". Any attempt to penalize said witness directly interferes with truthful testimony and makes their  
44 testimony given under the influence of said duress inadmissible as evidence. This is especially true if the penalty is

1 authorized ONLY against a franchisee called a statutory “taxpayer” and the witness is NOT a statutory “taxpayer” and  
2 cannot lawfully be DECLARED or PRESUMED to be a “taxpayer” by the judge because of 28 U.S.C. §2201(a).

3 *Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether*  
4 *or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) This*  
5 *Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions*  
6 *brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the*  
7 *instant action. See 28 U.S.C. § 2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)*  
8 *(affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).*  
9 *Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.*  
10 *[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]*

- 11 2. Criminal coercion.
- 12 3. Harassing or threatening communication. This includes all collection notices connected with the illegal penalty. All  
13 such activity is also usually chargeable as “stalking” under state law.
- 14 4. Unlawful simulation of legal process. All legal proceedings against non-franchisees and “nontaxpayers” such as  
15 administrative summons, “notices of levy”, etc. constitute unlawful “simulation of legal process” punishable by  
16 imprisonment.
- 17 5. Bribing public officers or jurors. 18 U.S.C. §201. All those receiving federal “benefits” derived from the “tax” at  
18 issue in any tax prosecution are being bribed to rule against those who are NOT “taxpayers”.
- 19 6. Influencing or injuring officer or juror. 18 U.S.C. §1503. All those receiving federal “benefits” derived from the “tax”  
20 at issue in any tax prosecution are being bribed to rule against those who are NOT “taxpayers”. Prosecutors typically  
21 warn jurors that “their share” of the tax burden will go up if they DON’T convict an innocent nontaxpayer defendant.
- 22 7. Solicitation to obtain appointive public office. 18 U.S.C. §211. Innocent nontaxpayer defendants are told that if they  
23 plead guilty to being a public officer called a statutory “taxpayer” and pay whatever the government wants, then they  
24 will get a reduced sentence or no sentence. The payment they make is a BRIBE to receive the “benefits” of the office,  
25 which include reduced sentence, and the elimination of criminal harassment by the government mafia “protection  
26 racket”.

27 All the above tactics not only amount to acts of international terrorism, but they also violate the ONLY mandate in the USA  
28 constitution to protect the states from invasion, because the chief invaders is the de facto U.S. government mafia itself.

29 *United States Constitution*  
30 *Article 4, Section 4.*

31 *The United States shall guarantee to every State in this Union a Republican Form of Government, and shall*  
32 *protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the*  
33 *Legislature cannot be convened) against domestic Violence.*

34 Likewise, franchises are POLITICALLY administered against only those who are POLITICAL officers or PUBLIC officers.  
35 All franchise courts are in the Executive Branch and hence, they act POLITICALLY if they act against those who are  
36 OUTSIDE the government or are NOT lawfully serving in public offices. This form of POLITICAL activity disguised to  
37 LOOK like legal activity but which cannot become LAW for non-franchisees, is the foundation of what “terrorism” itself is:  
38 To influence people POLITICALLY using threats that LOOK legal but in fact are NOT for those who are not consenting  
39 franchisees.

40 Even the Wikipedia Encyclopedia itself recognizes that false accusations of government that YOU are a terrorist itself  
41 constitutes “terrorism” as legally defined:

42 *The word "terrorism" is politically and emotionally charged,<sup>72</sup> and this greatly compounds the difficulty of*  
43 *providing a precise definition. Studies have found over 100 definitions of "terrorism"<sup>7374</sup>. The concept of*

<sup>72</sup> Hoffman, Bruce "Inside Terrorism" Columbia University Press 1998 ISBN 0-231-11468-0. p. 32. See review in The [New York Times Inside Terrorism](#).

<sup>73</sup> Record, Jeffrey (December 2003). "Bounding the Global War on Terrorism". Strategic Studies Institute (SSI). <http://www.strategicstudiesinstitute.army.mil/pdf/files/pub207.pdf>. Retrieved 2009-11-11. "The views expressed in this report are those of the author and do not necessarily reflect the official policy or position of the Department of the Army, the Department of Defense, or the U.S. Government. This report is cleared for public release; distribution is unlimited."

<sup>74</sup> Schmid, Alex, and Jongman, Albert. Political Terrorism: A new guide to actors, authors, concepts, data bases, theories and literature. Amsterdam ; New York : North-Holland ; New Brunswick: Transaction Books, 1988.

1 terrorism may itself be controversial as it is often used by state authorities to delegitimize political or other  
2 opponents,<sup>75</sup> and potentially legitimize the state's own use of armed force against opponents (such use of force  
3 may itself be described as "terror" by opponents of the state).<sup>76,77</sup>  
4 [Wikipedia topic: Terrorism, 5/29/2011;  
5 SOURCE: <http://en.wikipedia.org/wiki/Terrorism>]

6 **Remember:** There are only two types of REAL governments: government by consent and terrorist governments. What we  
7 have now is a terrorist government that has transformed itself from a protector to a protection racket and organized crime  
8 syndicate which is directed behind the scenes by a secret financial elite of special interests. The early Romans spread their  
9 worldwide empire by the same techniques. When they wanted to capture and conquer a city or a state without violence, they  
10 would place guards on all the main roads in and out. They would embargo the city or state from all commerce and turn the  
11 ability to conduct commerce into a franchise and a privilege, and force the inhabitants to pay tribute to Caesar in order to  
12 restore their ability to support themselves and travel freely. Then they would make everyone in the city turn in all their gold  
13 and silver as tribute. A small portion of it would be given back, all of which was melted down and re-minted with Caesar's  
14 image on it. It was nonviolent commercial and legal conquest, but still conquest.

15 ***"TRIBUTE.** Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common*  
16 *feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally.*  
17 *Like deportation, its purpose was to weaken a hostile state. **Deportation aimed at depleting the man-power. The***  
18 ***aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the***  
19 ***conqueror's own revenues** and to acquire commodities in short supply in his own country. As an instrument of*  
20 *administration it was one of the simplest ever devised: the subjugated country could be made responsible for the*  
21 *payment of a yearly tribute. **Its non-arrival would be taken as a sign of rebellion, and an expedition would then***  
22 ***be sent to deal with the recalcitrant.** This was probably the reason for the attack recorded in Gn. 14.*  
23 *[New Bible Dictionary, Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;*  
24 *InterVarsity Press: Downers Grove]*

25 The only thing new in the world is the history you do not know. The reason you do not know it is that the same corporate  
26 and elite special interests who oppress you and use their franchises to destroy equal protection and your rights also run the  
27 public schools and the media and decide what they want you to know. All they want are good little corporate, tax-paying  
28 whores and drones who don't ask any questions and keep the plunder flowing into their checking account so they don't have  
29 to pay their fair share, which is really the only share that the Constitution can or does lawfully authorize: franchise/excise  
30 taxes upon corporate privileges. Congress is only supposed to be able to tax what it creates and it didn't create human beings  
31 (God did), but it did create federal corporation franchises and can and should tax ONLY them.

32 ***"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909, in the***  
33 ***Sixteenth Amendment, and in the various revenue acts subsequently passed. Southern Pacific Co. v. Lowe,***  
34 ***247 U.S. 330, 335; Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219.** After full consideration, this Court*  
35 *declared that income may be defined as gain derived from capital, from labor, or from both combined, including*  
36 *profit gained through sale or conversion of capital. Stratton's Independence v. Howbert, 231 U.S. 399, 415; Doyle*  
37 *v. Mitchell Brothers Co., 247 U.S. 179, 185; Eisner v. Macomber, 252 U.S. 189, 207. And that definition has been*  
38 *adhered to and applied repeatedly. See, e.g., Merchants' L. & T. Co. v. Smietanka, supra; 518; Goodrich v.*  
39 *Edwards, 255 U.S. 527, 535; United States v. Phellis, 257 U.S. 156, 169; Miles v. Safe Deposit Co., 259 U.S. 247,*  
40 *252-253; United States v. Supplee-Biddle Co., 265 U.S. 189, 194; Irwin v. Gavitt, 268 U.S. 161, 167; Edwards v.*  
41 *Cuba Railroad, 268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be*  
42 *given controlling weight. Eisner v. Macomber, supra, 206. [271 U.S. 175]"*  
43 *[Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926)]*

#### 44 **11.2.4 Franchises are abused to UNLAWFULLY create statutory government "employees" or "officers"**<sup>78</sup>

<sup>75</sup> [http://articles.sfgate.com/2001-10-28/opinion/17622543\\_1\\_terrorism-robespierre-la-terreur](http://articles.sfgate.com/2001-10-28/opinion/17622543_1_terrorism-robespierre-la-terreur). Retrieved 2010-01-11. "For the next 150 years the word "terrorism" L.Ed. a double life – a justifiable political strategy to some an abomination to others"

<sup>76</sup> [http://articles.sfgate.com/2001-10-28/opinion/17622543\\_1\\_terrorism-robespierre-la-terreur](http://articles.sfgate.com/2001-10-28/opinion/17622543_1_terrorism-robespierre-la-terreur). Retrieved 2010-01-11. "For the next 150 years the word "terrorism" L.Ed. a double life – a justifiable political strategy to some an abomination to others"

<sup>77</sup> Elysa Gardner (2008-12-25). "[Harold Pinter: Theater's singular voice falls silent](http://www.usatoday.com/life/theater/news/2008-12-25-pinter_N.htm)". USA Today. [http://www.usatoday.com/life/theater/news/2008-12-25-pinter\\_N.htm](http://www.usatoday.com/life/theater/news/2008-12-25-pinter_N.htm). Retrieved 2010-01-11. "In 2004, he earned the prestigious Wilfred Owen prize for a series of poems opposing the war in Iraq. In his acceptance speech, Pinter described the war as "a bandit act, an act of blatant state terrorism, demonstrating absolute contempt for the concept of international law.""

<sup>78</sup> Adapted with permission from the *Great IRS Hoax*, Form #11.302, Section 5.2.5, ver. 4.38, found at: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

1 "All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and  
2 simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate  
3 the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry  
4 and capital into competition with those of any other man or order of men. The sovereign is completely  
5 discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions,  
6 and for the proper performance of which no human wisdom or knowledge could ever be sufficient: the duty of  
7 superintending the industry of private people."  
8 [Adam Smith, [An Inquiry into the Nature and Causes of the Wealth of Nations](#) (1776)]

9 The U.S. Supreme Court has held many times that the ONLY purpose for lawful, constitutional taxation is to collect revenues  
10 to support ONLY the machinery and operations of the government and its "employees". This purpose, it calls a "public use"  
11 or "public purpose":

12 "The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching directly  
13 or indirectly to all classes of the people. **It was said by Chief Justice Marshall, in the case of *McCulloch v.***  
14 ***Md.*, 4 *Wheat.* 431, that the power to tax is the power to destroy.** A striking instance of the truth of the proposition  
15 is seen in the fact that the existing tax of ten per cent, imposed by the United States on the circulation of all other  
16 banks than the National Banks, drove out of existence every \*state bank of circulation within a year or two after  
17 its passage. This power can be readily employed against one class of individuals and in favor of another, so as  
18 to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the  
19 uses for which the power may be exercised.

20 To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow  
21 it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery  
22 because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under  
23 legislative forms.

24 Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or  
25 property of a citizen by government for the use of the nation or State.' 'Taxes are burdens or charges imposed  
26 by the Legislature upon persons or property to raise money for public purposes.' Cooley, *Const. Lim.*, 479.

27 Coulter, J., in *Northern Liberties v. St. John's Church*, 13 Pa.St. 104 says, very forcibly, 'I think the common  
28 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the  
29 government for the purposes of carrying on the government in all its machinery and operations—that they are  
30 imposed for a public purpose.' See, also *Pray v. Northern Liberties*, 31 Pa.St., 69; *Matter of Mayor of N.Y.*, 11  
31 *Johns.*, 77; *Camden v. Allen*, 2 *Dutch.*, 398; *Sharpless v. Mayor*, supra; *Hanson v. Vernon*, 27 *Ia.*, 47; *Whiting v.*  
32 *Fond du Lac*, supra."  
33 [[Loan Association v. Topeka](#), 20 *Wall.* 655 (1874)]  
34

35 "A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the  
36 support of the government. The word has never thought to connote the expropriation of money from one group  
37 for the benefit of another."  
38 [[U.S. v. Butler](#), 297 *U.S.* 1 (1936)]

39 Black's Law Dictionary defines the word "public purpose" as follows:

40 "Public purpose. In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the  
41 objects for which, according to settled usage, the government is to provide, from those which, by the like usage,  
42 are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax,  
43 police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or  
44 welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for  
45 instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public money  
46 generally means such an activity as will serve as benefit to community as a body and which at same time is directly  
47 related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 *Tenn.* 503, 387 *S.W.2d.* 789, 794.

48 The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be  
49 levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow;  
50 the essential requisite being that a public service or use shall affect the inhabitants as a community, and not  
51 merely as individuals. A public purpose or public business has for its objective the promotion of the public  
52 health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents  
53 within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote  
54 such public purpose or public business."  
55 [Black's Law Dictionary, Sixth Edition, p. 1231, *Emphasis added*]

56 A related word defined in Black's Law Dictionary is "public use":

1 **Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For  
2 condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not  
3 confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which  
4 condemnation is sought and, as long as public has right of use, whether exercised by one or many members of  
5 public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power*  
6 *Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.*

7 Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent  
8 domain, means a use concerning the whole community distinguished from particular individuals. But each and  
9 every member of society need not be equally interested in such use, or be personally and directly affected by it;  
10 if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County, 262*  
11 *U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186.* The term may be said to mean public usefulness, utility, or advantage,  
12 or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but  
13 must be in common, and not for a particular individual. The use must be a needful one for the public, which  
14 cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be  
15 taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences,  
16 changing conceptions of scope and functions of government, and other differing circumstances brought about by  
17 an increase in population and new modes of communication and transportation. *Katz v. Brandon, 156 Conn.*  
18 *521, 245 A.2d. 579, 586.*

19 See also *Condemnation; Eminent domain.*  
20 [*Black's Law Dictionary, Sixth Edition, p. 1232*]

21 Black's Law Dictionary also defines the word "tax" as follows:

22 "**Tax:** A charge by the government on the income of an individual, corporation, or trust, as well as the value  
23 of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.

24 A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a  
25 payment exacted by legislative authority. In *re Mytinger, D.C.Tex. 31 F.Supp. 977, 978, 979.* **Essential**  
26 **characteristics of a tax are that it is NOT A VOLUNTARY**  
27 **PAYMENT OR DONATION, BUT AN ENFORCED**  
28 **CONTRIBUTION, EXACTED PURSUANT TO**  
29 **LEGISLATIVE AUTHORITY.** *Michigan Employment Sec. Commission v. Patt, 4*  
30 *Mich.App. 228, 144 N.W.2d. 663, 665. ...*  
31 [*Black's Law Dictionary, Sixth Edition, p. 1457*]

32 So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the following  
33 criteria:

- 34 1. The money must be used ONLY for the support of government.
- 35 2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
- 36 3. The money must go toward a "public purpose" rather than a "private purpose".
- 37 4. The monies paid cannot be described as wealth transfer between two people or classes of people within society
- 38 5. The monies paid cannot aid one group of private individuals in society at the expense of another group, because this  
39 violates the concept of equal protection of law for all citizens found in section 1 of the Fourteenth Amendment.

40 If the monies demanded by government do not fit all of the above requirements, then they are being used for a "private"  
41 purpose and cannot be called "taxes" or "taxation", according to the Supreme Court. Actions by the government to enforce  
42 the payment of any monies that do not meet all the above requirements can therefore only be described as:

- 43 1. Theft and robbery by the government in the guise of "taxation"
- 44 2. Government by decree rather than by law
- 45 3. Tyranny
- 46 4. Socialism
- 47 5. Mob rule and a tyranny by the "have-nots" against the "haves"
- 48 6. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both  
49 of them can conspire to deprive you of your property.
- 50 7. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the  
51 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it

1 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even  
2 legally liable for.

- 3 8. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 4 9. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 5 10. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,  
6 and idiotic IRS letters that refuse to justify why government thinks we are "liable".
- 7 11. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal enforcement  
8 actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in receipt of the  
9 proceeds of illegal extortion.
- 10 12. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal  
11 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate  
12 in the federal donation program identified under subtitle A of the I.R.C.
- 13 13. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist "nontaxpayers" to rejoin the ranks of other peons who pay  
14 taxes they aren't demonstrably liable for, which amount to slavery.
- 15 14. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one's personal time responding to frivolous IRS notices and  
16 pay taxes on my labor that I am not liable for.

17 The U.S. Supreme Court has further characterized all efforts to abuse the tax system in order to accomplish "wealth transfer"  
18 as "political heresy" that is a denial of republican principles that form the foundation of our Constitution, when it issued the  
19 following strong words of rebuke. Incidentally, the case below also forms the backbone of reasons why the Internal Revenue  
20 Code can never be anything more than private law that only applies to those who volunteer into it:

21 *"The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of*  
22 *conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they*  
23 *[the government] cannot change innocence [a "nontaxpayer"] into guilt [a "taxpayer"]; or punish innocence*  
24 *as a crime [criminally prosecute a "nontaxpayer" for violation of the tax laws]; or violate the right of an*  
25 *antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State,*  
26 *Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained; would,*  
27 *\*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments."*  
28 *[Calder v. Bull, 3 U.S. 386 (1798)]*

29 We also cannot assume or suppose that our government has the authority to make "gifts" of monies collected through its  
30 taxation powers, and especially not when paid to private individuals or foreign countries because:

- 31 1. The Constitution DOES NOT authorize the government to "gift" money to anyone within states of the Union or in foreign  
32 countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of such funds  
33 produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to subsidize it and  
34 yet not derive any personal benefit whatsoever for it.
- 35 2. The Supreme Court identifies such abuse of taxing powers as "robbery in the name of taxation" above.

36 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its taxing  
37 powers into only two distinct classes. We also emphasize that every tax collected and every expenditure originating from the  
38 tax paid MUST fit into one of the two categories below:  
39  
40

1 **Table 17: Two methods for taxation**

#	Characteristic	Public use/purpose	Private use/purpose
1	<b>Authority for tax</b>	U.S. Constitution	Legislative fiat, tyranny
2	<b>Monies collected described by Supreme Court as</b>	Legitimate taxation	“Robbery in the name of taxation” (see <i>Loan Assoc. v. Topeka</i> , above)
3	<b>Money paid only to following parties</b>	Federal “employees”, contractors, and agents	Private parties with no contractual relationship or agency with the government
4	<b>Government that practices this form of taxation is</b>	A righteous government	A THIEF
5	<b>This type of expenditure of revenues collected is:</b>	Constitutional	Unconstitutional
6	<b>Lawful means of collection</b>	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	<b>Tax system based on this approach is</b>	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	<b>Government which identifies payment of such monies as mandatory and enforceable is</b>	A righteous government	A lying, thieving government that is deceiving the people.
9	<b>When enforced, this type of tax leads to</b>	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	<b>Lawful subjects of Constitutional, federal taxation</b>	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	<b>Tax system based on</b>	Private property VOLUNTARILY donated to a public use by its exclusive owner	All property owned by the state, which is FALSELY PRESUMED TO BE EVERYTHING. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

2 If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent  
3 with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of  
4 federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation  
5 received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government.  
6 Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S.  
7 Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based  
8 on Republican principles. This means that you cannot participate in any of the following federal social insurance programs  
9 WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting  
10 that your government is a thief and a robber that is abusing its taxing powers:

- 11 1. Subtitle A of the Internal Revenue Code. I.R.C. §§1, 32, and 162 all confer privileged financial benefits to the participant  
12 which constitute federal “employment” compensation.
- 13 2. Social Security.
- 14 3. Unemployment compensation.
- 15 4. Medicare.

16 An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above programs  
17 as “federal personnel”, which means federal “employees”. To wit:

18 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)

1 [§552a. Records maintained on individuals](#)

2 (a) Definitions.— For purposes of this section—

3 (13) the term “Federal personnel” means officers and employees of the Government of the United States,  
4 members of the uniformed services (including members of the Reserve Components), **individuals entitled to**  
5 **receive immediate or deferred retirement benefits under any retirement program of the Government of the**  
6 **United States (including survivor benefits).**

7 The “individual” they are talking about above is further defined in 5 U.S.C. §552a(a)(2) as follows:

8 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
9 [§552a. Records maintained on individuals](#)

10 (a) Definitions.— For purposes of this section—

11 (2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent  
12 residence;

13 The “citizen of the United States” they are talking about above is based on the statutory rather than constitutional definition  
14 of the “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the  
15 two preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and  
16 Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition  
17 of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private human beings,  
18 because Congress cannot legislate for them. Notice the use of the phrase “private business” in the U.S. Supreme Court ruling  
19 below:

20 *“The individual may stand upon his constitutional rights as a citizen. **He is entitled to carry on his private***  
21 ***business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty***  
22 ***to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may***  
23 ***tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the***  
24 ***protection of his life and property.** His rights are such as existed by the law of the land long antecedent to the  
25 organization of the State, and can only be taken from him by due process of law, and in accordance with the  
26 Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property  
27 from arrest or seizure except under a warrant of the law. **He owes nothing to the public [including so-called**  
28 **“taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.**”  
29 [Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]*

30 The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for private  
31 persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

32 *“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*  
33 *recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a*  
34 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*  
35 *Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the***  
36 ***Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized***  
37 ***men.**”*  
38 [Olmstead v. United States, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also Washington v. Harper,  
39 [494 U.S. 210](#) (1990)]

**QUESTIONS FOR DOUBTERS:** If you aren’t a federal “employee” as a person participating in Social Security and the Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal Regulations under parts 400-499, entitled “Employee’s Benefits”? See for yourself:  
<https://www.law.cornell.edu/cfr/text/20>

40 Another very important point to make here is that the purpose of nearly all federal law is to regulate “public conduct” rather  
41 than “private conduct”. Congress must write laws to regulate and control every aspect of the behavior of its employees so  
42 that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect.  
43 Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private  
44 citizens in the conduct of their private lives. Federal law cannot apply to the private sector at large because the Thirteenth  
45 Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can’t use, or  
46 in this case “abuse” the authority of law to impose ANY kind of duty against anyone in the private sector except possibly the  
47 responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

1 For the commandments, "You shall not commit adultery," "You shall not murder," "You shall not steal," "You  
2 shall not bear false witness," "You shall not covet," and if there is any other commandment, are all summed up  
3 in this saying, namely, "You shall love your neighbor as yourself."

4 **Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which**  
5 **is to avoid hurting your neighbor and thereby love him].**  
6 **[Romans 13:9-10, Bible, NKJV]**  
7

8 "Do not strive with a man without cause, **if he has done you no harm.**"  
9 [Prov. 3:30, Bible, NKJV]

10 Thomas Jefferson, our most revered founding father, summed up this singular duty of government to LEAVE PEOPLE  
11 ALONE and only interfere or impose a "duty" using the authority of law when and only when they are hurting each other in  
12 order to protect them and prevent the harm when he said:

13 "With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing  
14 more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall**  
15 **leave them otherwise free** to regulate their own pursuits of industry and improvement, and shall not take from  
16 the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the  
17 circle of our felicities."  
18 [Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

19 The U.S. Supreme Court confirmed this view, when it ruled:

20 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes  
21 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*  
22 *v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v. Bowman*, [190 U.S.](#)  
23 [127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see,  
24 e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United States v. Guest*, [383 U.S. 745](#)  
25 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been  
26 questioned."  
27 [*City of Boerne v. Flores, Archbishop of San Antonio*, [521 U.S. 507](#) (1997)]

28 What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your private life.  
29 This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control every aspect  
30 of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social  
31 engineering". Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of  
32 reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A  
33 of the Internal Revenue Code, which would "appear" to regulate the private conduct of all human beings in states of the  
34 Union, in fact:

- 35 1. Only applies to "public employees", "public offices", and federal instrumentalities in the official conduct of their  
36 duties on behalf of the municipal corporation located in the District of Columbia, which [4 U.S.C. §72](#) makes the "seat  
37 of government".
- 38 2. Does not CREATE any new public offices or instrumentalities within the national government, but only regulates the  
39 exercise of EXISTING public offices lawfully created through Title 5 of the U.S. Code. The IRS abuses its forms to  
40 unlawfully CREATE public offices within the federal government. In payroll terminology, this is called "creating  
41 fictitious employees", and it is not only quite common, but highly illegal and can get private workers FIRED on the  
42 spot if discovered.
- 43 3. Regulates PUBLIC and not PRIVATE conduct and therefore does not pertain to private human beings.
- 44 4. Constitutes a franchise and a "benefit" within the meaning of 5 U.S.C. §552a. Tax "refunds" and "deductions", in fact,  
45 are the "benefit", and 26 U.S.C. §162 says that all those who take deductions MUST, in fact, be engaged in a public  
46 office within the government, which is called a "trade or business":

47 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
48 [§ 552a. Records maintained on individuals](#)

49 (a) Definitions.— For purposes of this section—

50 (12) the term "**Federal benefit program**" means **any program administered or funded by the Federal**  
51 **Government, or by any agent or State on behalf of the Federal Government, providing cash or in-kind**  
52 **assistance in the form of payments, grants, loans, or loan guarantees to individuals;** . . .

1 5. Has the job of concealing all the above facts in thousands of pages and hundreds of thousands of words so that the  
2 average American is not aware of it. That is why they call it the “code” instead of simply “law”: Because it is private  
3 law you have to volunteer for and an “encryption” and concealment device for the truth. Now we know why former  
4 Treasury Secretary Paul O’Neil called the Internal Revenue Code “9500 pages of gibberish” before he quit his job in  
5 disgust and went on a campaign to criticize government.

6 The I.R.C. therefore essentially amounts to a part of the job responsibility and the “employment contract” of EXISTING  
7 “public employees”, “public officers”, and federal instrumentalities. This was also confirmed by the House of  
8 Representatives, who said that only those who take an oath of “public office” are subject to the requirements of the personal  
9 income tax. See:

10 <http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

11 The total lack of authority of the government to regulate or tax private conduct explains why, for instance:

- 12 1. The vehicle code in your state cannot be enforced on PRIVATE property. It only applies on PUBLIC roads owned by  
13 the government
- 14 2. The family court in your state cannot regulate the exercise of unlicensed and therefore PRIVATE CONTRACT  
15 marriage. Marriage licenses are a franchise that make those applying into public officers. Family court is a franchise  
16 court and the equivalent of binding arbitration that only applies to fellow statutory government “employees”.
- 17 3. City conduct ordinances such as those prohibiting drinking by underage minors only apply to institutions who are  
18 licensed, and therefore PUBLIC institutions acting as public officers of the government.

19 Within the Internal Revenue Code, those legal “persons” who work for the government are identified as engaging in a “public  
20 office”. A “public office” within the Internal Revenue Code is called a “trade or business”, which is defined below. We  
21 emphasize that engaging in a privileged “trade or business” is the main excise taxable activity that in fact and in deed is what  
22 REALLY makes a person a “taxpayer” subject to the Internal Revenue Code, Subtitle A:

23 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

24 *“The term ‘trade or business’ includes the performance of the functions of a [public office](#).”*

25 Below is the definition of “public office”:

26 Public office

27 *“Essential characteristics of a ‘public office’ are:*

28 *(1) Authority conferred by law,*

29 *(2) Fixed tenure of office, and*

30 *(3) Power to exercise some of the sovereign functions of government.*

31 *(4) Key element of such test is that “officer is carrying out a sovereign function”.*

32 *(5) Essential elements to establish public position as ‘public office’ are:*

33 *(a) Position must be created by Constitution, legislature, or through authority conferred by legislature.*

34 *(b) Portion of sovereign power of government must be delegated to position,*

35 *(c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.*

36 *(d) Duties must be performed independently without control of superior power other than law, and*

37 *(e) Position must have some permanency.”*

38 *[Black’s Law Dictionary, Sixth Edition, p. 1230]*

39 Those who are fulfilling the “functions of a public office” are under a legal, fiduciary duty as “trustees” of the “public trust”,  
40 while working as “volunteers” for the “charitable trust” called the “United States Government Corporation”, which we  
41 affectionately call “U.S. Inc.”:

42 *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
43 exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>79</sup>*

44 **Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level  
45 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under  
46 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain**

<sup>79</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

1 from a discharge of their trusts. <sup>80</sup> That is, a public officer occupies a fiduciary relationship to the political  
2 entity on whose behalf he or she serves. <sup>81</sup> and owes a fiduciary duty to the public. <sup>82</sup> It has been said that the  
3 fiduciary responsibilities of a public officer cannot be less than those of a private individual. <sup>83</sup> Furthermore,  
4 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
5 and undermine the sense of security for individual rights is against public policy.<sup>84</sup>  
6 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

7 “U.S. Inc.” is a federal corporation, as defined below:

8 “Corporations are also of all grades, and made for varied objects; all governments are corporations, created by  
9 usage and common consent, or grants and charters which create a body politic for prescribed purposes; but  
10 whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of  
11 power, they are all governed by the same rules of law, as to the construction and the obligation of the  
12 instrument by which the incorporation is made. One universal rule of law protects persons and property. It is  
13 a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all  
14 persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst.  
15 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing  
16 of protection as other persons, and their corporate property secured by the same laws which protect that of  
17 individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a  
18 principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal  
19 government, by the amendments to the constitution.”  
20 [Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]  
21

22 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
23 [PART VI - PARTICULAR PROCEEDINGS](#)  
24 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
25 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
26 [Sec. 3002. Definitions](#)

27 (15) “United States” means -  
28 (A) a Federal corporation;  
29 (B) an agency, department, commission, board, or other entity of the United States; or  
30 (C) an instrumentality of the United States.

31 Those who are acting as “public officials” for “U.S. Inc.” have essentially donated their formerly private property to a “public  
32 use”. In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people, most of  
33 whom, do not wish to participate and who would quit if offered an informed choice to do so.

34 “My son, if sinners [socialists, in this case] entice you,  
35 **Do not consent [do not abuse your power of choice]**  
36 If they say, “Come with us,  
37 Let us lie in wait to shed blood [of innocent "nontaxpayers"];  
38 Let us lurk secretly for the innocent without cause;  
39 Let us swallow them alive like Sheol,  
40 And whole, like those who go down to the Pit:  
41 **We shall fill our houses with spoil [plunder];**  
42 Cast in your lot among us,  
43 **Let us all have one purse [share the stolen LOOT]"--**

<sup>80</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>81</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>82</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>83</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>84</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 *My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government*  
2 *FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a*  
3 *"U.S. citizen"1.*  
4 *Keep your foot from their path;*  
5 *For their feet run to evil,*  
6 *And they make haste to shed blood.*  
7 *Surely, in vain the net is spread*  
8 *In the sight of any bird;*  
9 ***But they lie in wait for their own blood.***  
10 ***They lurk secretly for their own lives.***  
11 ***So are the ways of everyone who is greedy for gain [or unearned government benefits];***  
12 ***It takes away the life of its owners."***  
13 *[Proverbs 1:10-19, Bible, NKJV]*

14 Below is what the U.S. Supreme Court says about those who have donated their private property to a "public use". The  
15 ability to volunteer your private property for "public use", by the way, also implies the ability to UNVOLUNTEER at any  
16 time, which is the part no government employee we have ever found is willing to talk about. I wonder why....DUHHHHH!:

17 *"Men are endowed by their Creator with certain unalienable rights,-life, liberty, and the pursuit of happiness;"*  
18 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property for income] which a***  
19 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
20 ***to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, **that*****  
21 ***if he devotes it to a public use, he gives to the public a right to control that***  
22 ***USE; and third, that whenever the public needs require, the public may take it upon payment of due***  
23 ***compensation.***  
24 *[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]*

25 Any legal person, whether it be a natural person, a corporation, or a trust, may become a "public office" if it volunteers to do  
26 so. A subset of those engaging in such a "public office" are federal "employees", but the term "public office" or "trade or  
27 business" encompass much more than just government "employees". In law, when a legal "person" volunteers to accept the  
28 legal duties of a "public office", it therefore becomes a "trustee", an agent, and fiduciary (as defined in [26 U.S.C. §6903](#))  
29 acting on behalf of the federal government by the operation of private contract law. It becomes essentially a "franchisee" of  
30 the federal government carrying out the provisions of the franchise agreement, which is found in:

- 31 1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.
- 32 2. The Social Security Act, which is found in Title 42 of the U.S. Code.

33 If you would like to learn more about how this "trade or business" scam works, consult the authoritative article below:

[The "Trade or Business" Scam, Form #05.001](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

34 If you would like to know more about the extreme dangers of participating in all government franchises and why you destroy  
35 ALL your Constitutional rights and protections by doing so, see:

- 36 1. SEDM Liberty University, Section 4: Avoiding Government Franchises and Licenses  
37 <http://sedm.org/LibertyU/LibertyU.htm>
- 38 2. Authorities on "franchise"  
39 <http://famguardian.org/TaxFreedom/CitesByTopic/franchise.htm>

40 The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in the "trade or  
41 business" franchise:

42 **Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)**

43 *You must obtain and enter a U.S. taxpayer identification number (TIN) for:*

- 44 • Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in the  
45 United States.

Engaging in a “trade or business” therefore implies a “public office”, which makes the person using the number into a “public officer” who has donated his formerly private time and services to a “public use” and agreed to give the public the right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code, Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the equivalent of a “license number” to act as a “public officer” for the federal government, who is a fiduciary or trustee subject to the plenary legislative jurisdiction of the federal government pursuant to [26 U.S.C. §7701\(a\)\(39\)](#), [26 U.S.C. §7408\(d\)](#), and [Federal Rule of Civil Procedure 17\(b\)](#), regardless of where he might be found geographically, including within a state of the Union. The franchise agreement governs “choice of law” and where it’s terms may be litigated, which is the District of Columbia, based on the agreement itself.

Now let’s apply what we have learned to your employment situation. God said you cannot work for two companies at once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

*“No one can serve two masters [god and government, or two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”*  
*[Luke 16:13, Bible, NKJV. Written by a tax collector]*

Everything you make while working for your slave master, the federal government, is their property over which you are a fiduciary and “public officer”.

“THE” + “IRS” = “THEIRS”

A federal “public officer” has no rights in relation to their master, the federal government:

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, [480 U.S. 709, 723](#) (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] [392 U.S. 273, 277-278](#) (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, [330 U.S. 75, 101](#) (1947); Civil Service Comm’n v. Letter Carriers, [413 U.S. 548, 556](#) (1973); Broadrick v. Oklahoma, [413 U.S. 601, 616-617](#) (1973).”*  
*[Rutan v. Republican Party of Illinois, [497 U.S. 62](#) (1990)]*

Your existence and your earnings as a federal “public officer” and “trustee” and “fiduciary” are entirely subject to the whim and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

*“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL.”*  
*[Alexander Hamilton, [Federalist Paper No. 79](#)]*

You will need an “exemption” from your new slave master specifically spelled out in law to justify anything you want to keep while working on the federal plantation. The 1040 return is a profit and loss statement for a federal business corporation called the “United States”. You are in partnership with your slave master and they decide what scraps they want to throw to you in your legal “cage” AFTER they figure out whatever is left in financing their favorite pork barrel project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of irresponsibility and surety?

The IRS Form W-4 therefore essentially amounts to a federal employment application. It is your badge of dishonor and a tacit admission that you can’t or won’t trust God and yourself to provide for yourself. Instead, you need a corrupted “protector” to steal money from your neighbor or counterfeit (print) it to help you pay your bills and run your life. Furthermore, if your private employer forced you to fill out the W-4 against your will or instituted any duress to get you to fill it out, such as threatening to fire or not hire you unless you fill it out, then he/she is:

- 1 1. Acting as an employment recruiter for the federal government.
- 2 2. Recruiting you into federal slavery in violation of the Thirteenth Amendment, and [42 U.S.C. §1994](#).
- 3 3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you don't want and don't need.
- 4
- 5 4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).
- 6 5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation of
- 7 [18 U.S.C. §1956](#).

8 The higher ups at the IRS probably know the above, and they certainly aren't going to tell private employers or their  
 9 underlings the truth, because they aren't going to look a gift horse in the mouth and don't want to surrender their defense of  
 10 "plausible deniability". They will NEVER tell a thief who is stealing for them that they are stealing, especially if they don't  
 11 have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil can  
 12 rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty to  
 13 correct it or become an "accessory after the fact" in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most hated  
 14 by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

15 *"As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so*  
 16 ***righteousness towards men is a branch of true religion, for he is not a godly man that is not honest**, nor can he*  
 17 *expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in commerce.***  
 18 ***A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-servants] in***  
 19 ***dealing with any person [within the public], which are all an abomination to the Lord, and render those***  
 20 ***abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It is an affront***  
 21 ***to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the protector of. Men***  
 22 ***[in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money***  
 23 ***to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit,***  
 24 ***Hos. 12:7, 8. But they are not the less an abomination to God, who will be the avenger of those that are***  
 25 ***defrauded by their brethren. 2. **Nothing is more pleasing to God than fair and honest dealing, nor more*****  
 26 ***necessary to make U.S. and our devotions acceptable to him: A just weight is his delight.** He himself goes by a*  
 27 *just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein*  
 28 *followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater*  
 29 *abomination to God."*  
 30 *[Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]*

31 The Bible also says that those who participate in this kind of "commerce" with the government are practicing harlotry and  
 32 idolatry. The Bible book of Revelation describes a woman called "Babylon the Great Harlot".

33 *"And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten*  
 34 *horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and pearls,*  
 35 *having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her forehead a*  
 36 *name was written:*  
 37 *MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE*  
 38 *EARTH.*  
 39 *I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw*  
 40 *her, I marveled with great amazement."*  
 41 *[Rev. 17:3-6, Bible, NKJV]*

42 This despicable harlot is described below as the "woman who sits on many waters".

43 *"Come, I will show you the judgment of the great harlot [Babylon the Great Harlot] who sits on many waters,*  
 44 *with whom the kings of the earth [politicians and rulers] committed fornication, and the inhabitants of the earth*  
 45 *were made drunk [indulged] with the wine of her fornication."*  
 46 *[Rev. 17:1-2, Bible, NKJV]*

47 These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast  
 48 and who have made it their false, man-made god and idol:

49 *"The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues."*  
 50 *[Rev. 17:15, Bible, NKJV]*

51 The Beast is then defined in Rev. 19:19 as "the kings of the earth", which today would be our political rulers:

1                    *“And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who*  
2 *sat on the horse and against His army.”*  
3 *[Rev. 19:19, Bible, NKJV]*

4     Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary  
5     defines “commerce” as “intercourse”:

6                    *“**Commerce**. ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or*  
7 *inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the*  
8 *instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it*  
9 *is carried on...”*  
10 *[Black’s Law Dictionary, Sixth Edition, p. 269]*

11    If you want your rights back people, you can’t pursue government employment in the context of your private job. If you do,  
12    the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

13                    *And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest*  
14 *you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities. Render*  
15 *to her just as she rendered to you, and repay her double according to her works; in the cup which she has mixed,*  
16 *mix double for her. In the measure that she glorified herself and lived luxuriously, in the same measure give her*  
17 *torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow, and will not see sorrow.’*  
18 *Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned*  
19 *with fire, for strong is the Lord God who judges her.*  
20 *[Rev. 18:4-8, Bible, NKJV]*

21    In summary, it ought to be very clear from reading this section then, that:

- 22    1. It is an abuse of the government’s taxing power, according to the U.S. Supreme Court, to pay public monies to private  
23    persons or to use the government’s taxing power to transfer wealth between groups of private individuals.
- 24    2. Because of these straight jacket constraints of the use of “public funds” by the government, the government can only  
25    lawfully make payments or pay “benefits” to persons who have contracted with them to render specific services that are  
26    authorized by the Constitution to be rendered.
- 27    3. The government had to create an intermediary called the “straw man” that is a public office or agent within the  
28    government and therefore part of the government that they could pay the “benefit” to in order to circumvent the  
29    restrictions upon the government from abusing its powers to transfer wealth between private individuals.
- 30    4. The straw man is a “public office” within the U.S. government. It is a creation of Congress and an agent and fiduciary  
31    of the government subject to the statutory control of Congress. It is therefore a public entity and not a private entity  
32    which the government can therefore lawfully pay public funds to without abusing its taxing powers.
- 33    5. Those who sign up for government contracts, benefits, franchises, or employment agree to become surety for the straw  
34    man or public office and agree to act in a representative capacity on behalf of a federal corporation in the context of all  
35    the duties of the office pursuant to Federal Rule of Civil Procedure 17(b).
- 36    6. Because the straw man is a public office, you can’t be compelled to occupy the office. You and not the government set  
37    the compensation or amount of money you are willing to work for in order to consensually occupy the office. If you  
38    don’t think the compensation is adequate, you have the right to refuse to occupy the office by refusing to connect your  
39    assets to the office using the de facto license number for the office called the Taxpayer Identification Number.

40    If you would like to know more about why Subtitle A of the Internal Revenue Code only applies to federal instrumentalities  
41    and payments to or from the federal government, we refer you to the free memorandum of law below:

<p>Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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#### 42    **11.2.4.1     “Public Office” v. “Public Officer”**

43    Every lawful “public office” requires all of the following elements to be lawfully exercised:

- 44    1. A name, specific legal “person”, or title associated with the office. In the case of federal franchises, THAT name is your  
45    all caps birth name and it is identified in Federal Rule of Civil Procedure 17(d) as follows. Note that they MAY be  
46    addressed by their title, but in the case of most franchises, they are addressed by their all caps name, which is also called  
47    an “idemsonans”.

(d) Public Officer's Title and Name.

A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the court may order that the officer's name be added.

[SOURCE: [http://www.law.cornell.edu/rules/frcp/rule\\_17](http://www.law.cornell.edu/rules/frcp/rule_17)]

We call this public officer “fiction of law” the “straw man”. Here is the definition of “fiction of law” for your edification:

**“Fiction of law.** An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. **An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false,** but not impossible. Ryan v. Motor Credit Co., 30 N.J.Eq. 531, 23 A.2d. 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal fiction.”  
[Black’s Law Dictionary, Sixth Edition, p. 623]

2. The “office”, which has specific duties and powers conferred by law and which are authorized to be exercised only in a specific place.
3. The “officer”, who is the human being who fills the office. This human being has voluntarily agreed, under contract, being the franchise agreement, to serve as surety for all the actions of the office, including those that are unlawful.
4. A specific period of performance in which the office is lawfully occupied and active with the specific officer who is authorized to occupy it.
5. Public property under the custody or control of the office. This is confirmed by the definition of “public officer”:

**“Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public,** or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
[Black’s Law Dictionary, Fourth Edition, p. 1235]

When the office is lawfully occupied, a fiduciary duty is established against the officer which is owed to the public at large:

**“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>85</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. <sup>86</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. <sup>87</sup> and owes a fiduciary duty to the public. <sup>88</sup> It has been said that the**

<sup>85</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>86</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>87</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>88</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

*fiduciary responsibilities of a public officer cannot be less than those of a private individual.*<sup>89</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>90</sup>  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

Many people confuse the **office** with the **officer** and they are not the same. Some important points on this subject:

1. The “public office” is:

- 1.1. A “corporation sole” artificial person that is wholly owned by the federal government and incorporated under the laws of the United States\*\*.
- 1.2. A STATUTORY but not CONSTITUTIONAL “citizen” and “resident” of the United States\*\* since incorporated under the laws of the United State\*\*.

*“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only.”*  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

- 1.3. Domiciled in the District of Columbia pursuant to 4 U.S.C. §72 and Federal Rule of Civil Procedure 17(b).
- 1.4. The franchisee to whom has been granted special powers to exercise some portion of the sovereign functions of the government for the benefit of the public. Receipt of this power is what makes this corporation into a “public office” and a part of the government. This sovereign function power is referred to as “functions of a public office” in the I.R.C. under 26 U.S.C. §7701(a)(26).
- 1.5. The “taxpayer” under the I.R.C. as defined in 26 U.S.C. §7701(a)(14). The “public office” becomes the statutory “taxpayer” from its privileged activity of “the functions of a public office”.
- 1.6. The franchisee to whom other government franchises have been granted. Typically these would include: “Social Security”, “Driver”, “Voter”, etc.
- 1.7. A creation of the government and part of the government. That government is a corporation per 28 U.S.C. §3002(15)(A) and all corporations are statutory “citizens” and “residents” of the place they were incorporated and ONLY of that place:
- 1.8. An officer of the federal corporation called “United States” and defined in 28 U.S.C. §3002(15)(A). This officer is also described as a “person” in 26 U.S.C. §6671(b) and 7343:

[TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
[§ 6671. Rules for application of assessable penalties](#)

(b) Person defined

*The term “person”, as used in this subchapter, **includes an officer or employee of a [federal and not state] corporation**, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
[§ 7343. Definition of term “person”](#)

*The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

- 1.9. A “public trust”. The public servant is the trustee, the Constitution is the trust document, the beneficiaries are our posterity, and the corpus of the trust is the public property under the management and control of the office.

*Executive Order 12731*  
*“Part 1 -- PRINCIPLES OF ETHICAL CONDUCT*

<sup>89</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>90</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1                   "Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the  
2 integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental  
3 principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

4                   "**(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and  
5 ethical principles above private gain.**"

6  
7                   **TITLE 5--ADMINISTRATIVE PERSONNEL**  
8                   **CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS**  
9                   **PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE**  
10                  **BRANCH--Table of Contents**  
11                  **Subpart A--General Provisions**  
12                  **Sec. 2635.101 Basic obligation of public service.**

13                  (a) Public service is a public trust.

14                  Each employee has a responsibility to the United States Government and its citizens to place loyalty to the  
15 Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete  
16 confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles  
17 of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in  
18 supplemental agency regulations.

19                  2. The "officer" occupying the public office:

- 20                  2.1. Is a human being and a separate legal person from the office he or she occupies.  
21                  2.2. Is not the franchisee called "taxpayer".  
22                  2.3. Is voluntary surety for the actions of the "taxpayer"/"public office".  
23                  2.4. Is the proxy/agent through which the "public office" acts.  
24                  2.5. Provides consciousness and hence, "life" to the office. The "public office" dies when it losses consciousness.  
25                  2.6. Operates in a public capacity, subject to federal civil law, while on official duty, and in a private capacity, not  
26                  subject to federal civil law, while off official duty.  
27                  2.7. Is protected by official immunity so long as he/she/it stays within the bounds of his expressly delegated authority  
28                  as described by law.  
29                  2.8. Waives official immunity and becomes personally liable for a tort if he/she/it exceeds the bounds of his lawfully  
30                  delegated authority.

31                  Now let's apply the above concepts to the income tax, which is a franchise tax upon public offices served within the federal  
32 government. The activity subject to indirect/excise/privilege tax is a "trade or business", which is defined as "the functions  
33 of a public office" within 26 U.S.C. §7701(a)(26). IRS forms that address the citizenship and residence of the submitter  
34 relate to the "public officer" and not the office he or she occupies. The office can have a different domicile or residence than  
35 the officer.

36                  **EXAMPLE:** For instance, a Congressman who lives outside of the District of Columbia and commutes daily to work inside  
37 the Beltway is a nonresident of the "United States" engaged in a public office. "United States" is defined at 26 U.S.C.  
38 §7701(a)(9) and (a)(10) to include the District of Columbia and exclude states of the Union. Therefore, the states of Maryland  
39 and Virginia that surround the District of Columbia would not be part of the "United States" described in the I.R.C. As such,  
40 the Congressman is a "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) but not an "individual" or "nonresident alien individual"  
41 (26 C.F.R. §1.1441-1(c)(3) ) who has earnings from a "trade or business", which is a public office. 4 U.S.C. §72 says that  
42 office can only lawfully be exercised by the public officer, which is himself, within the District of Columbia and NOT  
43 elsewhere. Therefore, any earnings from the office originating from within the District of Columbia become taxable only at  
44 the point when the Congressmen goes temporarily abroad under 26 U.S.C. §911 and avails himself of the benefits of a tax  
45 treaty. In relation to the foreign country and the tax treaty, he is an alien and therefore an "individual" and therefore pays  
46 income tax on earnings during the time he was abroad pursuant to 26 U.S.C. §871. He doesn't owe any tax on earnings while  
47 not abroad under 26 U.S.C. §871, because he can't be either an "individual" or an "alien" under Title 26 while he is physically  
48 located anywhere in America.

49                  The only thing the feds can tax is constitutionally foreign commerce, including imports and exports and earnings in foreign  
50 countries. They can't tax domestic transactions within a state:

1 *"The States, after they formed the Union, continued to have the same range of taxing power which they had*  
2 *before, barring only duties affecting exports, imports, and on tonnage. 2 Congress, on the other hand, to lay*  
3 *taxes in order 'to pay the Debts and provide for the common Defence and general Welfare of the United States',*  
4 *Art. 1, Sec. 8, U.S.C.A.Const., can reach every person and every dollar in the land with due regard to*  
5 *Constitutional limitations as to the method of laying taxes."*  
6 *[Graves v. People of State of New York, 306 U.S. 466 (1939)]*

7  
8 *"The difficulties arising out of our dual form of government and the opportunities for differing opinions*  
9 *concerning the relative rights of state and national governments are many; **but for a very long time this court***  
10 ***has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their***  
11 ***political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation*  
12 *upon the power which springs from the bankruptcy clause. United States v. Butler, supra."*  
13 *[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513; 56 S.Ct. 892 (1936)]*

14  
15 *"Thus, Congress having power to regulate commerce with foreign nations, and among [but not WITHIN] the*  
16 *several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to*  
17 *pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great*  
18 *and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of*  
19 *which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

20 *But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this*  
21 *commerce and trade Congress has **no power of regulation nor any direct control.** This power belongs **exclusively***  
22 *to the States. **No interference by Congress with the business of citizens transacted within a State is warranted***  
23 ***by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the***  
24 ***legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of the*  
25 *State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in*  
26 *the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must*  
27 *impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and*  
28 *thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*  
29 ***Congress cannot authorize a trade or business [including public offices] within a State in order to tax it."***  
30 *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]*

#### 31 **11.2.4.2 Deliberately confusing who the "taxpayer" is to facilitate MISREPRESENTING the nature of the tax**

32 There is a lot of confusion even among seasoned tax professionals about WHO exactly is the "taxpayer" and how does one  
33 lawfully become a "taxpayer". This confusion is deliberate, because the activity or subject of the tax is carefully concealed  
34 and obfuscated to disguise the nature of the Internal Revenue Code, Subtitles A and C as an excise tax upon public offices  
35 within the government. The purpose of this confusion and obfuscation is to facilitate misrepresenting the income tax as a  
36 direct, unapportioned, unavoidable tax, even though it is not.

37 Pursuant to 26 U.S.C. §7701(a)(14), "taxpayer" is defined as:

38 *"The term "taxpayer" means any person subject to any internal revenue tax."*

39 The statutory "taxpayer" is the person who incurs the tax liability. The activity subject to excise taxation is engaging in a  
40 "trade or business", which is defined as "the functions of a public office". So the "taxpayer" must be whoever performs "the  
41 functions of a public office". The "public office" and not the "public officer" performs the privileged activity of "the functions  
42 of a public office". A "public office" may be a natural person or an artificial person. But for the case of the "taxpayer"  
43 public office, the office is an artificial corporate entity created by the government. A "public office", in the form of either a  
44 natural person or artificial person, is capable of action itself. But in the case of an artificial person, all actions of the office  
45 are performed through agents of the office on behalf of the office. An agent of the public office, while on official duty  
46 representing the office, does not act in his own-right but instead acts on behalf of the public office. Therefore all such actions  
47 of the public officer while on official duty representing the office are legally the actions of the office and not of the "public  
48 officer" himself as a private person. Only if a "public officer" acts outside of his authority does the "public officer" stop  
49 representing the "public office"/government and acts in his own right. Therefore, the "public office" and not the "public  
50 officer" performs "the functions of a public office" and is the "taxpayer". Other reasons for the "public office" but not the  
51 "public officer" being the "taxpayer" include:

1. Since the power to tax is the power to destroy, the government can only tax those things which it creates, which are corporations and public offices. The Government did not create human beings and therefore cannot tax human beings.
2. Domicile more than anything else determines tax liability. The “public office” but not the “public officer” is the statutory “citizen” / “resident” with a domicile in the federal zone. In most cases, the “public officer” is a constitutional citizen of the United States\*\*\* domiciled in a state of the Union. Therefore it is the “public office” and not the “public officer” who incurs the tax liability.
3. The “public office” is the person to whom the power to perform “the functions of a public office” is granted.

Key to understanding how the franchise contract or agreement works to usurp power from the private U.S.A. “nationals” domiciled in a state of the Union and to break down the separation of powers between the federal zone and the states of the Union is to understand the legal implications of the agency relationship that is formed between the “public office” and the “public officer”. All powers of the government, or of any other artificial person such as a corporation, are exercised by the government/corporate person only through the expressly authorized (by law) agents/contractors of the government/corporate person. Although the agent/contractor may physically perform the action, from a legal point of view, it is the government/corporate person who is acting. Likewise, in a legal proceeding, you can appear in court as “Pro se”, representing yourself as a franchisee called an attorney at law”, or you can appear as “Sui juris” of your own right; not under a legal disability or power of another. As “Pro se”, although you are physically appearing, the court legally recognizes only a franchisee/“public office” called “attorney at law” appearing on your behalf and representing you the private human being. To go one step further, if you appear “Pro se” AND provide an SSN, then although you are physically appearing, the court legally recognizes only a franchisee called “attorney at law” appearing on behalf and representing NOT you the private person, BUT the “public office”. This is how the courts can refer to the person appearing as the “taxpayer” and legally be correct in doing so. As “Sui juris”, you are physically there of your own right as the sovereign human being. Sovereign people act of their own right and not under the legal disability or power of another as a representative of the other person. Everything that a human being does of their own right is legally the action of that same human being. An SSA Form SS-5 submitter becomes a “public servant”/“employee” of the government and the “public officer” representing the “public office” ILLEGALLY created when the SSA Form SS-5 was submitted. The “public officer” has an agency type relationship with the “public office”. While on official duty, you, the “public officer”, are not acting of your own right as a sovereign human being but instead, are acting on behalf of the “public office”, representing the “public office”. All actions that you may physically perform while on official duty are legally the actions of the “public office that you represent as the “public officer”/agent of the office.

Below is a summary illustrating the agency relationship that exists between the “public office” and “public officers” as it pertains to income taxes. This illustration will hopefully help our readers to understand what really happens in implementing and enforcing the tax ILLEGALLY upon the WRONG parties, which includes ALL parties domiciled within constitutional states of the Union.

1. The government puts out false propaganda that is designed to trick most people into falsely thinking that the I.R.C. is positive and positive law that applies to everyone, that everyone is a “taxpayer” and that everyone must sign up for Social Security Insurance.
2. A human being that was born in and is domiciled in a state of the Union is bamboozled into unlawfully submitting an SSA form SS-5 application for an SSN. The SSA Form SS-5, Internal Revenue Code, Subtitle A of the U.S.C., and Title 42 of the U.S. Code form the franchise agreement that you just consented to. By consenting to the franchise agreement, the agreement becomes **private** law that pertains to you ONLY, making you subject to it.
3. The government unlawfully accepts your application for an SSN. It is unlawful because only those domiciled in the federal zone, where no rights exist, who already hold a public office in the federal government may apply for an SSN.
4. The government unlawfully creates a public office in the federal government as a corporation sole artificial entity wholly owned by the government, incorporated under the laws of the federal zone. Creation of the “public office” is unlawful because the I.R.C. regulates and adds benefits to existing “public offices” only; but no authority exists to create the new “public office” that they created for you to fill. All corporations are “citizens” and “residents” of the jurisdiction of the laws under which it was incorporated. Therefore, the de facto “public office”, as an incorporated person, is the “citizen” and “resident” of the federal zone since it is incorporated under the laws of the federal zone.
5. The franchise agreement contains a partnership agreement between you and the public office in which you agree to fill and represent the “public office” and you agree to be surety for all actions of the “public office”. The “public office” and “public officer”, as parties to the partnership agreement, are the legal “persons” in the franchise agreement. You, as a human being, now operate in two capacities: While on official duty representing the “public office as the “public officer” you are operating in a public capacity as a “public servant”, acting on behalf of the “public office” rather than of your own right; While off official duty, you operate in a private capacity, acting of your own-right as a private

1 person. You are on official duty whenever you are involved with an activity that is associated with an SSN.  
2 Although any actions of the “public officer” while on official duty are physically perform by the “public officer”, since  
3 the actions are performed on behalf of the “public office” they legally become the actions of the “public office” rather  
4 than the “public officer”.

- 5 6. The franchise agreement also contains a “trust indenture”, making the “public officer” also a trustee of the “public  
6 trust”
- 7 7. The government assigns an SSN to the “public office” and forwards the number to the “public office”, addressed to  
8 your home mailing address in your care as the representative of the “public office”. The SS card, and any other  
9 correspondence between the IRS or the SSA and the “public office”, is always addressed to the ALL CAP rendition of  
10 your Christian name and always includes the SSN. Whenever you receive any correspondence addressed to the ALL  
11 CAP rendition of your Christian name with the SSN, the addressee is always the “public office” and not you as a  
12 private human being. The SS card with the SSN on it is the first public property to come into your possession and  
13 under your management as the “public officer” representing the “public office” and/or the “trustee” of the “public  
14 trust”.
- 15 8. Private employers in the private sector are falsely told by the IRS that they must get an SSN from all of their workers.  
16 Therefore, their application form for employment with the company will always include an IRS Form W-4 for the  
17 applicant to provide an SSN to the company. Due to pressure from the IRS, private sector companies will usually  
18 pressure and intimidate all applicants, including those born and domiciled in a state of the Union who are not  
19 participating in the SS program, to provide an SSN.
- 20 9. If a job applicant provides an SSN to the company then the applicant is not the human being who submitted the  
21 application but instead is the “public office” acting through the human being, who is also the “public officer”  
22 representing and acting on behalf of the “public office”. Later, if the job is awarded to the applicant, the “public  
23 office” becomes the worker for the company, not you the human being, who works for and represents the “public  
24 office” as the “public officer”. Each day that you report to the private company to work, you are there not of your own  
25 right but instead on behalf of the “public office”. The “public office” has contracted with the private company and  
26 you work for the “public office”. Therefore the earnings from the company are the earnings of the “public office” and  
27 not yours as the human being who physically does the work.
- 28 10. It is the duty of the public officer, like any other agent or trustee, although not declared by express statues, to faithfully  
29 account for and pay over to the proper authorities all moneys which may come into his hands upon the public account,  
30 and the performance of this duty may be enforced by proper action against the officer himself, or against those who  
31 have become sureties for the faithful discharge of his duties. See *A Treatise on the Law of Public Offices and Officers*,  
32 Floyd Russell Mechem, 1890, p. 609, §909.
- 33 11. As a “public officer” and surety for the “public office, you discharge your duty to account and pay to the proper  
34 authorities all earnings that are associated with the SSN by filing an income tax form. In filing the income tax form  
35 you can claim the tax benefits of the “public office” such as a “tax exclusion”, “tax credits”, and “tax deductions” to  
36 reduce the amount of tax owed. Any outstanding tax due by the “public office” is paid from the earnings of the  
37 “public office”. Any remaining earnings of the “public office” is then given to the “public officer” as compensation  
38 for acting as the “public officer”.

#### 39 **11.2.4.3 Legal Requirements for Occupying a “Public Office”**

40 The subject of exactly what constitutes a “public office” within the meaning described in 26 U.S.C. §7701(a)(26) is not  
41 defined in any IRS publication we could find. The reason is quite clear: the “trade or business” scam is the Achilles Heel of  
42 the IRS fraud and both the IRS and the Courts are loath to even talk about it because there is nothing they can defend  
43 themselves with other than unsubstantiated presumption created by the abuse of the word “includes” and certain key “words  
44 of art”. In the face of such overwhelming evidence of their own illegal and criminal mis-enforcement of the tax codes, silence  
45 or omission in either admitting it or prosecuting it can only be characterized as FRAUD on a massive scale, in fact:

46 *“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left*  
47 *unanswered would be intentionally misleading.”*  
48 *[U.S. v. Prudden, 424 F.2d. 1021 (5<sup>th</sup> Cir. 1970)]*  
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50 *“Silence can be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left*  
51 *unanswered would be intentionally misleading. . . We cannot condone this shocking behavior by the IRS. Our*  
52 *revenue system is based on the good faith of the taxpayer and the taxpayers should be able to expect the same*  
53 *from the government in its enforcement and collection activities.”*  
54 *[U.S. v. Tweel, 550 F.2d. 297, 299 (5<sup>th</sup> Cir. 1977)]*

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“Silence is a species of conduct, and constitutes an implied representation of the existence of the state of facts in question, and the estoppel is accordingly a species of estoppel by misrepresentation. When silence is of such a character and under such circumstances that it would become a fraud upon the other party to permit the party who has kept silent to deny what his silence has induced the other to believe and act upon, it will operate as an estoppel.”  
[Carmine v. Bowen, 64 A. 932 (1906)]

8 The “duty” the courts are talking about above is the fiduciary duty of all those serving in public offices in the government, and that fiduciary duty was created by the oath of office they took before they entered the office. Therefore, those who want to know how they could lawfully be classified as a “public officer” will have to answer that question completely on their own, which is what we will attempt to do in this section.

12 We begin our search with a definition of “public office” from Black’s Dictionary:

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*Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
[Black’s Law Dictionary, Fourth Edition, p. 1235]*

26 Black’s Law Dictionary Sixth Edition further clarifies the meaning of a “public office” below:

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*“Essential characteristics of a ‘public office’ are:*

- (1) Authority conferred by law,*
- (2) Fixed tenure of office, and*
- (3) Power to exercise some of the sovereign functions of government.*

*Key element of such test is that “officer is carrying out a sovereign function. Spring v. Constantino, 168 Conn. 563, 362 A.2d. 871, 875. Essential elements to establish public position as ‘public office’ are:*

*Position must be created by Constitution, legislature, or through authority conferred by legislature.  
Portion of sovereign power of government must be delegated to position,  
Duties and powers must be defined, directly or implied, by legislature or through legislative authority.  
Duties must be performed independently without control of superior power other than law, and  
Position must have some permanency.”*

*[Black’s Law Dictionary, Sixth Edition, p. 1230]*

40 American Jurisprudence Legal Encyclopedia further clarifies what a “public office” is as follows:

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*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>91</sup> **Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.**<sup>92</sup> **That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.**<sup>93</sup> **and owes a fiduciary duty to the public.**<sup>94</sup> **It has been said that the***

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<sup>91</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>92</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>93</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>94</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa)

1 *fiduciary responsibilities of a public officer cannot be less than those of a private individual.*<sup>95</sup> Furthermore,  
2 *it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence*  
3 *and undermine the sense of security for individual rights is against public policy.*<sup>96</sup>  
4 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

5 Based on the foregoing, one *cannot* be a “public officer” if:

- 6 1. There is not a statute or constitutional authority that specifically creates the office. All “public offices” can only be  
7 created through legislative authority.
- 8 2. Their duties are not specifically and exactly enumerated in some Act of Congress.
- 9 3. They have a boss or immediate supervisor. All duties must be performed INDEPENDENTLY.
- 10 4. They have anyone but the law and the courts to immediately supervise their activities.
- 11 5. They are serving as a “public officer” in a location NOT specifically authorized by the law. The law must create the  
12 office and specify exactly where it is to be exercised. 4 U.S.C. §72 says ALL public offices of the federal and national  
13 government MUST be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by  
14 law.
- 15 6. Their position does not carry with it some kind of fiduciary duty to the “public” which in turn is documented in and  
16 enforced by enacted law itself.
- 17 7. The beneficiary of their fiduciary duty is other than the “public”. Public service is a public trust, and the beneficiary of  
18 the trust is the public at large and not any one specific individual or group of individuals. See 5 C.F.R. §2635.101(b)  
19 and Executive Order 12731.

20 All public officers must take an oath. The oath, in fact, is what creates the fiduciary duty that attaches to the office. This is  
21 confirmed by the definition of "public official" in Black's Law Dictionary:

22 *A person who, upon being issued a commission, taking required oath, enters upon, for a fixed tenure, a position called an*  
23 *office where he or she exercises in his or her own right some of the attributes of sovereign he or she serves for benefit of*  
24 *public. Macy v. Heverin, 44 Md.App. 358, 408 A.2d. 1067, 1069. The holder of a public office though not all persons in*  
25 *public employment are public officials, because public official's position requires the exercise of some portion of the*  
26 *sovereign power, whether great or small. Town of Arlington v. Bds. of Conciliation and Arbitration, Mass., 352 N.E.2d.*  
27 *914.*  
28 [Black's Law Dictionary, Sixth Edition, p. 1230]

29 The oath for United States federal and state officials was prescribed in the very first enactment of Congress on March 4, 1789  
30 as follows:

31 *Statutes at Large, March 4, 1789*  
32 *1 Stat. 23-24*

33 *SEC. 1. Be it enacted by the Senate and [Home of] Representatives of the United States of America in Congress assembled,*  
34 *That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the*  
35 *form following, to wit : " I, A, B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the*  
36 *United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one*  
37 *member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker*  
38 *of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution*  
39 *of the said House, and to the clerk: and in case of the absence of any member from the service of either House, at the time*  
40 *prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to*  
41 *take his seat.*

42 *SEC. 2. And he it further enacted, That at the first session of Congress after every general election of Representatives, the*  
43 *oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and*  
44 *by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who*  
45 *shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer*  
46 *the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and in any future*

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864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting  
authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>95</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434  
N.E.2d. 325.

<sup>96</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May  
28, 1996).

1 case of a **President of the Senate**, who shall not have taken the said oath or affirmation, the same shall be administered to  
2 him by any one of the members of the Senate.

3 SEC. 3. And be it further enacted, That **the members of the several State legislatures**, at the next sessions of the said  
4 legislatures, respectively, and **all executive and judicial officers of the several States, who have been heretofore chosen or**  
5 **appointed**, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall,  
6 within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be  
7 administered by any person authorized by the law of the State, in which such office shall be holden, to administer oaths. And  
8 **the members of the several State legislatures, and all executive and judicial officers of the several States**, who shall be  
9 chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective  
10 offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the  
11 State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required  
12 to be taken, shall cause a re- cord or certificate thereof to be made, in the same manner, as, by the law of the State, he or  
13 they shall be directed to record or certify the oath of office.

14 SEC. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United  
15 States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the  
16 person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such  
17 officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective  
18 oaths of office.

19 SEC. 5. And be it further enacted, That the **secretary of the Senate**, and **the clerk of the House of Representatives** for the  
20 time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words  
21 following, to wit : "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the  
22 United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office,  
23 to the best of my knowledge and abilities."

24 Based on the above, the following persons within the government are "public officers":

- 25 1. Federal Officers:
- 26 1.1. The President of the United States.
  - 27 1.2. Members of the House of Representatives.
  - 28 1.3. Members of the Senate.
  - 29 1.4. All appointed by the President of the United States.
  - 30 1.5. The secretary of the Senate.
  - 31 1.6. The clerk of the House of Representatives.
  - 32 1.7. All district, circuit, and supreme court justices.
- 33 2. State Officers:
- 34 2.1. The governor of the state.
  - 35 2.2. Members of the House of Representatives.
  - 36 2.3. Members of the Senate.
  - 37 2.4. All district, circuit, and supreme court justices of the state.

38 At the federal level, all those engaged in the above "public offices" are statutorily identified in 26 U.S.C. §2105. Consistent  
39 with this section, what most people would regard as ordinary common law employees are not included in the definition. Note  
40 the phrase "an officer AND an individual":

41 [TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)  
42 [§ 2105. Employee](#)

43 (a) For the purpose of this title, "employee", except as otherwise provided by this section or when specifically  
44 modified, means **an officer and an individual** who is—

45 (1) appointed in the civil service by one of the following acting in an official capacity—

- 46 (A) the President;
- 47 (B) a Member or Members of Congress, or the Congress;
- 48 (C) a member of a uniformed service;
- 49 (D) an individual who is an employee under this section;
- 50 (E) the head of a Government controlled corporation; or
- 51 (F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

1 (2) engaged in the performance of a Federal function under authority of law or an Executive act; and  
2 (3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the  
3 performance of the duties of his position.

4 Within the military, only commissioned officers are “public officers”. Enlisted or NCOs (Non-Commissioned Officers) are  
5 not.

6 Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch,  
7 including Court Officials, Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, and etc.,  
8 before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with 5 U.S.C.  
9 §3331, “Oath of office.” State Officials are also required to meet this same obligation, according to State Constitutions and  
10 State statutory law.

11 All oaths of office come under 22 C.F.R., Foreign Relations, Sections §§92.12 - 92.30, and all who hold public office come  
12 under 8 U.S.C. §1481 “Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof;  
13 presumptions.”

14 Under Title 22 U.S.C., Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In  
15 order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General  
16 as a foreign principle.

17 The Oath of Office requires the public officials in his/her foreign state capacity to uphold the constitutional form of  
18 government or face consequences, according to 10 U.S.C. §333, “Interference with State and Federal law”

19 *The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures*  
20 *as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or*  
21 *conspiracy, if it—*

22 *(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or*  
23 *class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured*  
24 *by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or*  
25 *immunity, or to give that protection; or*

26 *(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under*  
27 *those laws.*

28 *In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the*  
29 *laws secured by the Constitution.*

30 Willful refusal action while serving in official capacity violates 18 U.S.C. §1918, “Disloyalty and asserting the right to strike  
31 against the Government”

32 *Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the*  
33 *Government of the United States or the government of the District of Columbia if he—*

34 *(1) advocates the overthrow of our constitutional form of government;*

35 *(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of*  
36 *government;*

37 *shall be fined under this title or imprisoned not more than one year and a day, or both.*

38 AND violates 18 U.S.C. §1346:

39 *TITLE 18 > PART 1 > CHAPTER 63 § 1346. Definition of “scheme or artifice to defraud*

40 *” For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to*  
41 *deprive another of the intangible right of honest services.*

42 The “public offices” described in 26 U.S.C. §7701(a)(26) within the definition of “trade or business” are ONLY public offices  
43 located in the District of Columbia and not elsewhere. To wit:

1 [TITLE 4 > CHAPTER 3 > § 72](#)  
2 [§ 72. Public offices; at seat of Government](#)

3 All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,  
4 except as otherwise expressly provided by law.  
5 [SOURCE: <https://www.law.cornell.edu/uscode/text/4/72>]

6 The only provision of any act of Congress that we have been able to find which authorizes “public offices” outside the District  
7 of Columbia as expressly required by law above, is 48 U.S.C. §1612, which authorizes enforcement of the Internal Revenue  
8 Code within the U.S. Virgin Islands. To wit:

9 [TITLE 48 > CHAPTER 12 > SUBCHAPTER V > § 1612](#)  
10 [§ 1612. Jurisdiction of District Court](#)

11 (a) Jurisdiction

12 *The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States. **The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands.** Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States attorney for the Virgin Islands, notwithstanding the provisions of section 1617 of this title.*

23 There is NO PROVISION OF LAW that would similarly extend public offices or jurisdiction to enforce any provision of the  
24 Internal Revenue Code to any place within the exclusive jurisdiction of any state of the Union, because Congress enjoys NO  
25 LEGISLATIVE JURISDICTION THERE.

26 *“It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**”*  
27  
28 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

30 *“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”*  
31  
32 [Ashton v. Cameron County Water Improvement District No. 1, [298 U.S. 513](#), 56 S.Ct. 892 (1936)]

36 By law then, no “public office” may therefore be exercised OUTSIDE the District of Columbia except as “expressly provided  
37 by law”, including privileged or licensed activities such as a “trade or business”. This was also confirmed by the U.S.  
38 Supreme Court in the License Tax Cases, when they said:

39 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

44 *But very different considerations apply to the **internal commerce or domestic trade** of the States. Over this commerce and trade Congress has **no power of regulation nor any direct control.** This power belongs **exclusively** to the States. **No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*

1 Congress cannot authorize a trade or business within a  
2 State in order to tax it."

3 [*License Tax Cases*, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

4 Since Internal Revenue Code, Subtitle A is a tax on “public officers”, which is called a “trade or business”, then the tax can  
5 only apply to those domiciled within the statutory but not constitutional “United States\*\*” (federal territory), *wherever they*  
6 *are physically located* to include states of the Union, but only if they are serving under oath in their official capacity as “public  
7 officers”.

8 **“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit**  
9 **or sojourn, is an adequate basis for taxation, including income, property, and death taxes.** Since the Fourteenth  
10 Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally**  
11 **reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously**  
12 **includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of  
13 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration  
14 being a tax on realty laid by the state in which the realty is located.”  
15 [*Miller Brothers Co. v. Maryland*, 347 U.S. 340 (1954)]

16 Another important point needs to be emphasized, which is that those working for the federal government, while on official  
17 duty, are representing a federal corporation called the “United States”, which is domiciled in the District of Columbia.

18 [TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.](#)  
19 [TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE](#)  
20 [PART VI - PARTICULAR PROCEEDINGS](#)  
21 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
22 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)

23 [Sec. 3002. Definitions](#)

24 (15) **“United States” means -**

25 (A) **a Federal corporation;**

26 (B) **an agency, department, commission, board, or other entity of the United States; or**

27 (C) **an instrumentality of the United States.**  
28

29 Federal Rule of Civil Procedure 17(b) says that the capacity to sue and be sued civilly is based on one’s domicile:

30 [IV. PARTIES > Rule 17.](#)

31 [Rule 17. Parties Plaintiff and Defendant: Capacity](#)

32 (b) *Capacity to Sue or be Sued.*

33 **Capacity to sue or be sued is determined as follows:**

34 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

35 **(2) for a corporation[the “United States”, in this case, or its officers on official duty representing the**  
36 **corporation], by the law under which it was organized [laws of the District of Columbia]; and**

37 **(3) for all other parties, by the law of the state where the court is located, except that:**

38 (A) **a partnership or other unincorporated association with no such capacity under that state's law may sue**  
39 **or be sued in its common name to enforce a substantive right existing under the United States Constitution**  
40 **or laws; and**

41 (B) **28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue**  
42 **or be sued in a United States court.**

43 [SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

44 Government employees, including “public officers”, while on official duty representing the federal corporation called the  
45 “United States”, maintain the character of the entity they represent and therefore have a legal domicile in the statutory but  
46 not constitutional “United States\*\*” (federal territory) within the context of their official duties. The Internal Revenue Code  
47 also reflects this fact in 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d):

48 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
49 [§ 7701. Definitions](#)

50 (a) *When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
51 *thereof—*

1 (39) Persons residing outside United States

2 If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial  
3 district, such citizen or resident **shall be treated as residing in the District of Columbia for purposes of any**  
4 **provision of this title** relating to—

5 (A) jurisdiction of courts, or

6 (B) enforcement of summons

7  
8 [TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408](#)  
9 [§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions](#)

10 (d) Citizens and residents outside the United States

11 If any citizen or resident of the United States does not reside in, and does not have his principal place of business  
12 in, any United States judicial district, such citizen or resident **shall be treated for purposes of this section as**  
13 **residing in the District of Columbia.**

14 Kidnapping and transporting the legal identity of a person domiciled outside the District of Columbia in a foreign state, which  
15 includes states of the Union, is illegal pursuant to [18 U.S.C. §1201](#). Therefore, the only people who can be legally and  
16 involuntarily “kidnapped” by the courts based on the above two provisions of statutory law are those who individually consent  
17 through private contract to act as “public officials” in the execution of their official duties. The fiduciary duty of these “public  
18 officials” is further defined in the I.R.C. as follows, and it is only by an oath of “public office” that this fiduciary duty can  
19 lawfully be created:

20 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
21 [§ 6671. Rules for application of assessable penalties](#)

22 (b) Person defined

23 The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or  
24 employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
25 **respect of which the violation occurs.**

26  
27 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
28 [§ 7343. Definition of term “person”](#)

29 The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or  
30 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect  
31 of which the violation occurs.

32 We remind our readers that there is no liability statute within Subtitle A of the I.R.C. that would create the duty documented  
33 above, and therefore the ONLY way it can be created is by the oath of office of the “public officers” who are the subject of  
34 the tax in question. This was thoroughly described in the following article:

[There’s No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes](http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm), Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm>

35 The existence of fiduciary duty of “public officers” is therefore the ONLY lawful method by which anyone can be prosecuted  
36 for an “omission”, which is a thing they didn’t do that the law required them to do. It is otherwise illegal and unlawful to  
37 prosecute anyone under either common law or statutory law for a FAILURE to do something, such as a FAILURE TO FILE  
38 a tax return pursuant to [26 U.S.C. §7203](#). Below is an example of where the government gets its authority to prosecute  
39 “taxpayers” for failure to file a tax return, in fact:

40 “I. DUTY TO ACCOUNT FOR PUBLIC FUNDS  
41 § 909. In general.-

42 **It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to**  
43 **faithfully account for and pay over to the proper authorities all moneys which may come into his hands upon**

1 the public account, and the performance of this duty may be enforced by proper actions against the officer  
2 himself, or against those who have become sureties for the faithful discharge of his duties.”

3 [A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 609, §909;  
4 SOURCE: <http://books.google.com/books?id=g-J9AAAAIAAJ&printsec=titlepage>]

5 In addition to the above, every attorney admitted to practice law in any state or federal court is described as an “officer of the  
6 court”, and therefore ALSO is a “public officer”:

7 Attorney at law. An advocate, counsel, or official agent employed in preparing, managing, and trying cases in  
8 the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him. In re  
9 Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.

10 In English law. A public officer belonging to the superior courts of common law at Westminster. who conducted  
11 legal proceedings on behalf of others. called his clients, by whom he was retained; he answered to the solicitor  
12 in the courts of chancery, and the proctor of the admiralty, ecclesiastical, probate, and divorce courts. An attorney  
13 was almost invariably also a solicitor. It is now provided by the judicature act. 1873, 8 87. that solicitors.  
14 Attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which is by that act  
15 transferred to the high court of justice or the court of appeal, shall be called “solicitors of the supreme court.”  
16 Wharton.

17 [Black’s Law Dictionary, Fourth Edition, p. 164]

18  
19 ATTORNEY AND CLIENT, Corpus Juris Secundum Legal Encyclopedia Volume 7, Section 4

20  
21 His [the attorney’s] first duty is to the courts and the public, not to the client, and wherever the duties to his client  
22 conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the  
23 latter.

24 [7 Corpus Juris Secundum (C.J.S.), Attorney and Client, §4 (2003)]

25 Executive Order 12731 and 5 C.F.R. §2635.101(a) furthermore both indicate that “public service is a public trust”:

26 Executive Order 12731  
27 “Part I -- PRINCIPLES OF ETHICAL CONDUCT

28 “Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the  
29 integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental  
30 principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

31 **“(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and**  
32 **ethical principles above private gain.**

33  
34 TITLE 5--ADMINISTRATIVE PERSONNEL  
35 CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS  
36 PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE  
37 BRANCH--Table of Contents  
38 Subpart A--General Provisions  
39 Sec. 2635.101 Basic obligation of public service.

40 (a) Public service is a public trust. Each employee has a responsibility to the United States Government and  
41 its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that  
42 every citizen can have complete confidence in the integrity of the Federal Government, each employee shall  
43 respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing  
44 standards contained in this part and in supplemental agency regulations.

45 The above provisions of law imply that everyone who works for the government is a “trustee” of “We the People”, who are  
46 the sovereigns they serve in the public. In law, EVERY “trustee” is a “fiduciary” of the Beneficiary of the trust within which  
47 he serves:

48 “TRUSTEE. The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or  
49 power is vested, under an express or implied agreement [e.g. PRIVATE LAW or CONTRACT] to administer  
50 or exercise it for the benefit or to the use of another called the cestui que trust. Pioneer Mining Co. v. Ty berg,  
51 C.C.A.Alaska, 215 F. 501, 506, L.R.A.1915B, 442; Kaehn v. St. Paul Co-op. Ass’n, 156 Minn. 113, 194 N.W. 112;  
52 Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48. Person who holds title to res and administers it for others’  
53 benefit. Reinecke v. Smith, Ill., 53 S.Ct. 570, 289 U.S. 172, 77 L.Ed. 1109. In a strict sense, a “trustee” is one  
54 who holds the legal title to property for the benefit of another, while, in a broad sense, the term is sometimes  
55 applied to anyone standing in a fiduciary or confidential relation to another, such as agent, attorney, bailee,  
56 etc. State ex rel. Lee v. Sartorius, 344 Mo. 912, 130 S.W.2d. 547, 549, 550. “Trustee” is also used In a wide and

perhaps inaccurate sense, to denote that a person has the duty of carrying out a transaction, in which he and another person are interested, in such manner as will be most for the benefit of the latter, and not in such a way that he himself might be tempted, for the sake of his personal advantage, to neglect the interests of the other. In this sense, directors of companies are said to be "trustees for the shareholders." Sweet. [Black's Law Dictionary, Fourth Edition, p. 1684]

An example of someone who is NOT a "public officer" is a federal worker on duty and who is not required to take an oath. These people may think of themselves as employees in an ordinary and not statutory sense and even be called employees by their supervisor or employer, but in fact NOT be the statutory "employee" defined in 5 U.S.C. §2105(a). Remember that 5 U.S.C. §2105(a) defines a STATUTORY "employee" as "**an officer and an individual**" and you don't become an "officer" in a statutory sense unless and until you take a Constitutional oath. Almost invariably, such workers also have some kind of immediate supervisor who manages and oversees and evaluates his activities pursuant to the position description drafted for the position he fills. He may be a "trustee" and he may have a "fiduciary duty" to the public as a "public servant", but he isn't an "officer" or "public officer" unless and until he takes an oath of office prescribed by law. A federal worker, however, can become a "public office" by virtue of any one or more of the following purposes that we are aware of so far:

1. Being elected to political office.
2. Being appointed to political office by the President or the governor of a state of the Union.

A "public office" is not limited to a human being. It can also extend to an entire entity such as a corporation. An example of an entity that is a "public office" in its entirety is a federally chartered bank, such as the original Bank of the United States described in *Osborn v. United States*, in which the U.S. Supreme Court identified the original and first Bank of the United States, a federally chartered bank corporation created by Congress, as a "public office":

**All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals.** Can any public office be created, or does one exist, the performance of which may, with propriety, be assigned to this association [or trust], when incorporated? If such office exist, or can be created, then the company may be incorporated, that they may be appointed to execute such office. Is there any portion of the public business performed by individuals upon contracts, that this association could be employed to perform, with greater advantage and more safety to the public, than an individual contractor? If there be an employment of this nature, then may this company be incorporated to undertake it.

**There is an employment of this nature.** Nothing can be more essential to the fiscal concerns of the nation, than an agent of undoubted integrity and established credit, with whom the public moneys can, at all times, be safely deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the country, who possesses the means of making advances of money to the government upon any exigency, and who is under a legal obligation to make such advances. For these purposes the association would be an agent peculiarly suitable and appropriate. [ . . . ]

The mere creation of a corporation, does not confer political power or political character. So this Court decided in *Dartmouth College v. Woodward*, already referred to. If I may be allowed to paraphrase the language of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural person performing the same business would be. If, then, a natural person, engaged in the trade of banking, should contract with the government to receive the public money upon deposit, to transmit it from place to place, without charging for commission or difference of exchange, and to perform, when called upon, the duties of commissioner of loans, would not thereby become a public officer, how is it that this artificial being, created by law for the purpose of being employed by the government for the same purposes, should become a part of the civil government of the country? Is it because its existence, its capacities, its powers, are given by law? because the government has given it power to take and hold property in a particular form, and to employ that property for particular purposes, and in the disposition of it to use a particular name? because the government has sold it a privilege [22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it, therefore, a part of the very government with which the contract is made?

**If the Bank be constituted a public office, by the connexion between it and the government, it cannot be the mere legal franchise in which the office is vested; the individual stockholders must be the officers.** Their character is not merged in the charter. This is the strong point of the *Mayor and Commonalty v. Wood*, upon which this Court ground their decision in the *Bank v. Deveaux*, and from which they say, that cause could not be distinguished. Thus, aliens may become public officers, and public duties are confided to those who owe no allegiance to the government, and who are even beyond its territorial limits.

**With the privileges and perquisites of office, all individuals holding offices, ought to be subject to the disabilities of office. But if the Bank be a public office, and the individual stockholders public officers, this principle does not have a fair and just operation.** The disabilities of office do not attach to the stockholders; for we find them every where holding public offices, even in the national Legislature, from which, if they be public officers, they are excluded by the constitution in express terms.

1 *If the Bank be a public institution of such character as to be justly assimilated to the mint and the post office,*  
2 *then its charter may be amended, altered, or even abolished, at the discretion of the National Legislature. All*  
3 *public offices are created [22 U.S. 738, 775] purely for public purposes, and may, at any time, be modified in*  
4 *such manner as the public interest may require. Public corporations partake of the same character. So it is*  
5 *distinctly adjudged in Dartmouth College v. Woodward. In this point, each Judge who delivered an opinion*  
6 *concurring. By one of the Judges it is said, that 'public corporations are generally esteemed such as exist for*  
7 *public political purposes only, such as towns, cities, parishes and counties; and in many respects they are so,*  
8 *although they involve some private interests; but, strictly speaking, public corporations are such only as are*  
9 *founded by the government for public purposes, where the whole interest belongs also to the government. If,*  
10 *therefore, the foundation be private, though under the charter of the government, the corporation is private,*  
11 *however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature and*  
12 *objects of the institution. For instance, a bank, created by the government for its own uses, whose stock is*  
13 *exclusively owned by the government, is, in the strictest sense, a public corporation. So, a hospital created and*  
14 *endowed by the government for general charity. But a bank, whose stock is owned by private persons, is a*  
15 *private corporation, although it is erected by the government, and its objects and operations partake of a public*  
16 *nature. The same doctrine may be affirmed of insurance, canal, bridge, and turnpike companies. In all these*  
17 *cases, the uses may, in a certain sense, be called public, but the corporations are private; as much [22 U.S. 738,*  
18 *776] so, indeed, as if the franchises were vested in a single person.[. . .]*

19 *In what sense is it an instrument of the government? and in what character is it employed as such? Do the*  
20 *government employ the faculty, the legal franchise, or do they employ the individuals upon whom it is conferred?*  
21 *and what is the nature of that employment? does it resemble the post office, or the mint, or the custom house, or*  
22 *the process of the federal Courts?*

23 *The post office is established by the general government. It is a public institution. The persons who perform its*  
24 *duties are public officers. No individual has, or can acquire, any property in it. For all the services performed, a*  
25 *compensation is paid out of the national treasury; and all the money received upon account of its operations, is*  
26 *public property. Surely there is no similitude between this institution, and an association who trade upon their*  
27 *own capital, for their own profit, and who have paid the government a million and a half of dollars for a legal*  
28 *character and name, in which to conduct their trade.*

29 *Again: the business conducted through the agency of the post office, is not in its nature a private business. It is*  
30 *of a public character, and the [22 U.S. 738, 786] charge of it is expressly conferred upon Congress by the*  
31 *constitution. The business is created by law, and is annihilated when the law is repealed. But the trade of banking*  
32 *is strictly a private concern. It exists and can be carried on without the aid of the national Legislature. Nay, it is*  
33 *only under very special circumstances, that the national Legislature can so far interfere with it, as to facilitate its*  
34 *operations.*

35 *The post office executes the various duties assigned to it, by means of subordinate agents. The mails are opened*  
36 *and closed by persons invested with the character of public officers. But they are transported by individuals*  
37 *employed for that purpose, in their individual character, which employment is created by and founded in contract.*  
38 *To such contractors no official character is attached. These contractors supply horses, carriages, and whatever*  
39 *else is necessary for the transportation of the mails, upon their own account. The whole is engaged in the public*  
40 *service. The contractor, his horses, his carriage, his driver, are all in public employ. But this does not change*  
41 *their character. All that was private property before the contract was made, and before they were engaged in*  
42 *public employ, remain private property still. The horses and the carriages are liable to be taxed as other property,*  
43 *for every purpose for which property of the same character is taxed in the place where they are employed. The*  
44 *reason is plain: the contractor is employing his own means to promote his own private profit, and the tax collected*  
45 *is from the individual, though assessed upon the [22 U.S. 738, 787] means he uses to perform the public service.*  
46 *To tax the transportation of the mails, as such, would be taxing the operations of the government, which could*  
47 *not be allowed. But to tax the means by which this transportation is effected, so far as those means are private*  
48 *property, is allowable; because it abstracts nothing from the government; and because, the fact that an individual*  
49 *employs his private means in the service of the government, attaches to them no immunity whatever.”*  
50 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

51 The record of the House of Representatives after the enactment of the first income tax during the Civil War in 1862, confirmed  
52 that the income tax was upon a “public office” and that even IRS agents, who are not “public officers” and who are not  
53 required to take an oath, are therefore exempt from the requirements of the revenue acts in place at the time. Read the amazing  
54 truth for yourself:

House of Representatives, Ex. Doc. 99, 1867  
<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

55 Below is an excerpt from that report proving our point. The Secretary of the Treasury at the time is comparing the federal  
56 tax liabilities of postal clerks to those of internal revenue clerks. At that time, the IRS was called the Bureau of Internal  
57 Revenue (B.I.R.). The Office of Commissioner of Internal Revenue was established in 1862 as an emergency measure to

1 fund the Civil War, which ended shortly thereafter, but the illegal enforcement of the revenue laws continued and expanded  
2 into the states over succeeding years:

3 House of Representatives, Ex. Doc. 99, 1867, pp. 1-2  
4 39<sup>th</sup> Congress, 2d Session

5 Salary Tax Upon Clerks to Postmasters

6 Letter from the Secretary of the Treasury in answer to A resolution of the House of the 12<sup>th</sup> of February,  
7 relative to salary tax upon clerks to postmasters, with the regulations of the department

8 Postmasters' clerks are appointed by postmasters, and take the oaths of office prescribed in the 2d section of  
9 the act of July 2, 1862, and in the 2d section of the act of March 3, 1863.

10 *Their salaries are not fixed in amount bylaw, but from time to time the Post master General fixes the amount',*  
11 *allotted to each postmaster for clerk hire, under the authority conferred upon him by tile ninth section of the act*  
12 *of June 5, 1836, and then the postmaster, as an agent for and in behalf of the United States, determines the salary*  
13 *to be paid to each of his clerks. These salaries are paid by the postmasters, acting as disbursing agents, from*  
14 *United States moneys advanced to them for this purpose, either directly from the Post Office Department in*  
15 *pursuance of appropriations made by law, or from the accruing revenues of their offices, under the instructions*  
16 *of the Postmaster General. The receipt of such clerks constitute vouchers in the accounts of the postmasters*  
17 *acting as disbursing agents in the settlements made with them by the Sixth Auditor. In the foregoing transactions*  
18 *the postmaster acts not as a principal, but as an agent of the United States, and the clerks are not in his private*  
19 *employment, but in the public employment of the United States. Such being the facts, **these clerks are subjected***  
20 ***to and required to account for and pay the salary tax,** imposed by the one hundred and twenty-third section of*  
21 *the internal revenue act of June 30, 1864, as amended by the ninth section of the internal revenue act of July 13,*  
22 *1866, upon payments for services to persons in the civil employment or service of the United States.*

23 *Copies of the regulations under which such salary taxes are withheld and paid into the treasury to the credit of*  
24 *internal revenue collection account are herewith transmitted, marked A, b, and C. **Clerks to assessors of internal***  
25 ***revenue [IRS agents] are appointed by the assessors. Neither law nor regulations require them to take an oath***  
26 ***of office, because, as the law at present stands, they are not in the public service of the United States, through***  
27 *the agency of the assessor, but are in the private service of the assessor, as a principal, who employs them.*

28 *The salaries of such clerks are neither fixed in amount by law, nor are they regulated by any officer of the Treasury*  
29 *Department over the clerk hire of assessors is to prescribe a necessary and reasonable amount which shall not*  
30 *be exceeded in reimbursing the assessors for this item of their expenses.*

31 *No money is advanced by the United States for the payment of such salaries, nor do the assessors perform the*  
32 *duties of disbursing agents of the United States in paying their clerks. The entire amount allowed is paid directly*  
33 *to the assessor, and he is not accountable to the United States for its payment to his clerks, for the reason that he*  
34 *has paid them in advance, out of his own funds, and this is a reimbursement to him of such amount as the*  
35 *department decides to be reasonable. **No salary tax is therefore collected, or required by the Treasury***  
36 ***Department to be accounted for, or paid, on account of payments to the assessors' clerks, as the United States***  
37 ***pays no such clerks nor has them in its employ or service, and they do not come within the provisions of existing***  
38 ***laws imposing such a tax.***

39 *Perhaps no better illustration of the difference between the status of postmasters' clerks and that of assessors'*  
40 *clerks can be given than the following: A postmaster became a defaulter, without paying his clerks,; his successor*  
41 *received from the Postmaster General a new remittance for paying them; and if at any time, the clerks in a post*  
42 *office do not receive their salaries, by reason of the death, resignation or removal of a postmaster, the new*  
43 *appointee is authorized by the regulations of the Post Office Department to pay them out of the proceeds of the*  
44 *office; and should there be no funds in his hands belonging to the department, a draft is issued to place money in*  
45 *his hands for that purpose.*

46 *If an assessor had not paid his clerks, they would have no legal claim upon the treasury for their salaries. A*  
47 *discrimination is made between postmasters' clerks and assessor's clerks to the extent and for the reasons*  
48 *hereinbefore set forth.*

49 *I have the honor to be, very respectfully, your obedient servant.*

50 *H. McCulloch, Secretary of the Treasury*  
51 *[House of Representatives, Ex. Doc. 99, 1867, pp. 1-2]*

52 Notice based on the above that revenue officers don't take an oath, so they don't have to pay the tax, while postal clerks take  
53 an oath, so they do. Therefore, the oath that creates the "public office" is the method by which the government manufactures  
54 "public officers", "taxpayers", and "sponsors" for its wasteful use or abuse of public monies. If you would like a whole

1 BOOK full of reasons why the only “taxpayers” under the Internal Revenue Code, Subtitle A are “public offices”, please see  
2 the following exhaustive analysis:

[Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

3 **11.2.4.4 De Facto Public Officers**

4 Based on the previous section, we are now thoroughly familiar with all the legal requirements for:

- 5 1. How public offices are lawfully created.
- 6 2. The only places where they can lawfully be exercised.
- 7 3. The duties that attach to the public office.
- 8 4. The type of agency exercised by the public officer.
- 9 5. The relationship between the public office and the public officer.

10 What we didn’t cover in the previous section is what are all the legal consequences when someone performs the duties of a  
11 public office without satisfying all the legal requirements for lawfully occupying the office? In law, such a person is called  
12 a “de facto officer” and books have been written about the subject of the “de facto officer doctrine”. Below is what the U.S.  
13 Supreme Court held on the subject of “de facto officers”:

14 *None of the cases cited militates against the doctrine that, **for the existence of a de facto officer, there must be***  
15 ***an office de jure**, although there may be loose expressions in some of the opinions, not called for by the facts,*  
16 *seemingly against this view. **Where no office legally exists, the pretended officer is merely a usurper, to whose***  
17 ***acts no validity can be attached; and such, in our judgment,** was the position of the commissioners of Shelby*  
18 *county, who undertook to act as the county court, which could be constitutionally held only by justices of the*  
19 *peace. Their right to discharge the duties of justices of the peace was never recognized by the justices, but from*  
20 *the outset was resisted by legal proceedings, which terminated in an adjudication that they were usurpers, clothed*  
21 *with no authority or official function.*  
22 *[Norton v. Shelby Co State of Tennessee, 118 U.S. 425, 6 S.Ct. 1121, 30 L.Ed. 178 (1886)]*

23 As we have already established, all statutory “taxpayers” are public offices in the U.S. and not state government. This is  
24 exhaustively proven with evidence in:

[Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

25 A person who fulfills the DUTIES of a statutory “taxpayer” under 26 U.S.C. §7701(a)(14) without lawfully occupying a  
26 public office in the U.S. government BEFORE becoming surety for the “taxpayer” public office would be a good example of  
27 a de facto public officer. Those who exercise the duties of a public officer without meeting all the requirements, from a legal  
28 perspective, are in fact committing the crime of impersonating a public officer.

29 [TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)  
30 [§ 912. Officer or employee of the United States](#)

31 *Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States*  
32 *or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains*  
33 *any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three*  
34 *years, or both.*

35 What are some examples where a person would be impersonating a public officer unlawfully? Here are a few:

- 36 1. You elect or appoint yourself into public office by filling out a tax form without being occupying said office BEFORE  
37 becoming surety for the statutory “taxpayer” office.
- 38 2. You serve in the office in a geographic place NOT expressly authorized by law. For instance, 4 U.S.C. §72 requires  
39 that ALL federal public offices MUST be exercised ONLY in the District of Columbia and NOT ELSEWHERE,  
40 unless expressly authorized by law.
- 41 3. A third party unilaterally ELECTS you into a public office by submitting an information return linking you to such a  
42 BOGUS office under the alleged but not actual authority of 26 U.S.C. §6041(a).

1 4. You occupy the public office without either expressly consenting to it IN WRITING or without even knowing you  
2 occupy such an office.

3 If a so-called “GOVERNMENT” is established in which:

- 4 1. The only kind of “citizens” or “residents” allowed are STATUTORY citizens and residents. CONSTITUTIONAL  
5 citizens are residents are either not recognized or allowed. . . .OR  
6 2. All “citizens” and “residents” are compelled under duress to accept the duties of a public office or ANY kind of duties  
7 imposed by the government upon them. Remember, the Thirteenth Amendment forbids “involuntary servitude”, so if  
8 the government imposes any kind of duty or requires you to surrender private property of any kind by law, then they  
9 can only do so through the medium of a public office. . . .OR  
10 3. Everyone is compelled to obey government statutory law. Remember, nearly all laws passed by government can and  
11 do regulate ONLY the government and not private people. See:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

12 . . .then you end up not only with a LOT of public officers, but a **de facto GOVERNMENT** as well. That government is  
13 thoroughly described in:

*De Facto Government Scam*, Form #05.043  
<http://sedm.org/Forms/FormIndex.htm>

14 Even at the state level, it is a crime in every state of the Union to pretend to be a public officer of the state government who  
15 does not satisfy ALL of the legal requirements for occupying the public office. Below is an itemized list by jurisdiction of  
16 constitutional and statutory requirements that are violated by those who either impersonate a state public officer OR who  
17 serve simultaneously serve in BOTH a FEDERAL public office and a STATE public office AT THE SAME TIME. That’s  
18 right: When you either impersonate a state public officer OR serve in BOTH a FEDERAL public office and STATE public  
19 office AT THE SAME TIME, then you are committing a crime and have a financial conflict of interest and conflict of  
20 allegiance that can and should disqualify you from exercising or accepting the duties of the office:  
21

1 **Table 18: Statutory remedies for those compelled to act as public officers and straw man**

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Alabama	Constitution	Dual Office Prohibition	Article III, Section 25; Article IV, Sect. 22; Art. V, Sect. 10; Article VI, Section 12
Alabama	Statute	Crime: Impersonating Public Officer	C.O.A. §13A-10-10
Alabama	Statute	Crime: Identity Theft	C.O.A. Title 13A, Article 10
Alaska	Constitution	Dual Office Prohibition	Const. Sections 2.5, 3.6, 4.8
Alaska	Statute	Crime: Identity Theft	A.S. §11.46.160
Alaska	Statute	Crime: Impersonating Public Officer	A.S. §11.56.830
Arizona	Constitution	Dual Office Prohibition	Const. Article 4, Part 2, Section 4; Const. Article 6, Section 28
Arizona	Statute	Crime: Identity Theft	A.R.S. §13-2006
Arizona	Statute	Crime: Impersonating Public Officer	A.R.S. §13-2406
Arkansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 10; Const. Article 5, Section 7; Article 5, Section 10; Art. 80, Sect. 14
Arkansas	Statute	Crime: Impersonating Public Officer	A.S.C. §5-37-208
California	Constitution	Dual Office Prohibition	Const. Article 5, Section 2 (governor); Const. Article 5, Section 14; Article 7, Section 7
California	Statute	Crime: Identity Theft	Penal Code §484.1
Colorado	Constitution	Dual Office Prohibition	Const. Article V, Section 8 (internal)
Connecticut	Constitution	Dual Office Prohibition	Const. Article 1, Section 11 (internal)
Connecticut	Statute	Crime: Identity Theft	C.G.S.A. § 53a-129a to 53a-129c
Delaware	Constitution	Dual Office Prohibition	Const. Article 1, Section 19
Delaware	Statute	Crime: Identity Theft	D.C. Title 11, Section 854
Delaware	Statute	Crime: Impersonating Public Officer	D.C. Title 11, Section 907(3)
District of Columbia	Constitution	Dual Office Prohibition	Const. of D.C., Article IV, Sect. 4(B) (judges); Art. III, Sect, 4(D) (governor)
District of Columbia	Statute	Crime: Impersonating Public Officer	D.C. Code §22-1404
Florida	Constitution	Dual Office Prohibition	Const. Article II, Section 5
Florida	Statute	Crime: Impersonating Public Officer	F.S. Title XLVI, Section 817.02
Georgia	Constitution	Dual Office Prohibition	Const. Article I, Section II, Para. III; Const. Article III, Section II, Para. IV(b)
Georgia	Statute	Crime: Impersonating Public Officer	O.C.G.A. §16-10-23
Hawaii	Constitution	Dual Office Prohibition	Const. Article III, Section 8 (internal)
Hawaii	Statute	Crime: Impersonating Public Officer	H.R.S. §710-1016
Idaho	Constitution	Dual Office Prohibition	Const. Article V, Section 7 (judges)

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Idaho	Statute	Crime: Impersonating Public Officer	I.S. §18-3001
Illinois	Constitution	Dual Office Prohibition	Const. Article IV, Section 2(e) (legislative)
Illinois	Statute	Crime: Impersonating Public Officer	720 I.L.C.S. 5/17-2
Indiana	Constitution	Dual Office Prohibition	Const. Article 2, Section 9; Const. Article 4, Section 30 (legislative)
Indiana	Statute	Crime: Impersonating Public Officer	I.C. §25-30-1-18
Iowa	Constitution	Dual Office Prohibition	Const. Article III, Section 22 (legislature); Const. Article IV, Section 14 (governor)
Iowa	Statute	Crime: Impersonating Public Officer	I.C. Title XVI, Section 718.2
Kansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 13 (judges)
Kansas	Statute	Crime: Impersonating Public Officer	K.R.S. §21-3825
Kentucky	Statute	Crime: Impersonating Public Officer	K.R.S. §434.570
Kentucky	Statute	Crime: Identity Theft	K.R.S. §514.60; K.R.S. §532.034
Kentucky	Statute	Dual Office Prohibition	K.R.S. §61.080
Louisiana	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal); Const. Article IV, Section 2 (executive)
Louisiana	Statute	Crime: Impersonating Public Officer	R.S. §14:112
Maine	Constitution	Dual Office Prohibition	Const. Article III, Section 2 (internal)
Maine	Statute	Crime: Impersonating Public Officer	17-A M.R.S. Section 457
Maryland	Constitution	Dual Office Prohibition	Const. Declaration of Rights, Article 33 (judges); Const. Const. Declaration of Rights, Article 35 (officers)
Maryland	Statute	Crime: Impersonating Public Officer	Statutes §8-301
Massachusetts	Constitution	Dual Office Prohibition	Const. Chapter VI, Article 2
Massachusetts	Statute	Crime: Impersonating Public Officer	G.L.M. Chapter 268, Section 33
Michigan	Constitution	Dual Office Prohibition	Const. Article IV, Section 8
Michigan	Statute	Crime: Impersonating Public Officer	Mich. Penal Code, Chapter XXXV, Section 750.217c
Minnesota	Constitution	Dual Office Prohibition	Const. Article IV, Section 5
Minnesota	Statute	Crime: Impersonating Public Officer	M.S. §609.475
Mississippi	Statute	Crime: Impersonating Public Officer	M.C. §97-7-43
Missouri	Constitution	Dual Office Prohibition	Const. Article VII, Section 9
Missouri	Statute	Crime: Impersonating Public Officer	M.R.S. §570.223
Missouri	Statute	Crime: Identity Theft	M.R.S. §570.223

<b>Jurisdiction</b>	<b>Legal Cite Type</b>	<b>Title</b>	<b>Legal Cite</b>
Montana	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article V, Section 9 (office); Article VII, Section 9 (judges)
Montana	Statute	Crime: Impersonating Public Officer	M.C.A. §45-7-209
Nebraska	Constitution	Dual Office Prohibition	Const. Article III-9
Nebraska	Statute	Crime: Impersonating Public Officer	N.R.S. §28-636
Nebraska	Statute	Crime: Identity Theft	N.R.S. §28-639
Nevada	Constitution	Dual Office Prohibition	Const. Article 4, Section 9 (officers)
Nevada	Statute	Crime: Impersonating Public Officer	N.R.S. §197.120
New Hampshire	Constitution	Dual Office Prohibition	Const. Art. 94-95
New Hampshire	Statute	Crime: Identity Theft	N.H.R.S. §359-I:2
New Jersey	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article IV, Section V, Sections 3-4; Const. Article V, Section I, Section 3
New Jersey	Statute	Crime: Impersonating Public Officer	N.J.S.A. §2C:28-8
New Mexico	Constitution	Dual Office Prohibition	Const. Article IV, Section 3 (senators); Const. Article VI, Section 19 (judge)
New Mexico	Statute	Crime: Identity Theft	N.M.S.A. §30-16-21.1
New York	Constitution	Dual Office Prohibition	Const. Article III, Section 7 (legislature); Const. Article VI, Section 20(b)(1)
New York	Statute	Crime: Identity Theft	General Business Law 380-S; Penal Law §190.78
New York	Statute	Crime: Impersonating Public Officer	Penal Law §190.23
North Carolina	Constitution	Dual Office Prohibition	Const. Article VI, Section 9
North Carolina	Statute	Crime: Impersonating Public Officer	N.C.G.S. §14-277
North Dakota	Statute	Crime: Impersonating Public Officer	N.D.C.C. §12.1-13-04
Ohio	Constitution	Dual Office Prohibition	Const. Article 2, Section 04 (legislature); Const. Article 4, Section 06, Para. (B)
Ohio	Statute	Crime: Impersonating Public Officer	
Oklahoma	Constitution	Dual Office Prohibition	Const. Article II, Section 12; Const. Article V, Section 18 (legislature)
Oklahoma	Statute	Crime: Impersonating Public Officer	O.S. Title 21, Section 1533
Oklahoma	Statute	Crime: Identity Theft	O.S. Title 21, Section 1533.1
Oregon	Constitution	Dual Office Prohibition	Const. Article II, Section 10
Oregon	Statute	Crime: Impersonating Public Officer	O.R.S. §162.365
Oregon	Statute	Crime: Identity Theft	O.R.S. §165.803
Pennsylvania	Constitution	Dual Office Prohibition	Const. Article V, Section 17 (judges)

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Pennsylvania	Statute	Crime: Identity Theft	18 Pa.C.A. §4120
Rhode Island	Constitution	Dual Office Prohibition	Const. Article III, Section 6
Rhode Island	Statute	Crime: Impersonating Public Officer	G.L.R.I. §11-14-1
South Carolina	Constitution	Dual Office Prohibition	Const. Article 1, Section 8(internal);Const. Article VI, Section 3 (officers)
South Carolina	Statute	Crime: Impersonating Public Officer	S.C.C.O.L. § 16-13-290
South Dakota	Constitution	Dual Office Prohibition	Const. Article 3, Section 3
South Dakota	Statute	Crime: Impersonating Public Officer	S.D.C.L. §22-40-16
South Dakota	Statute	Crime: Identity Theft	S.D.C.L. §22-40-8
Tennessee	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal);Const. Article II, Section 26 (officers)
Tennessee	Statute	Crime: Impersonating Public Officer	T.C. §39-16-301
Texas	Constitution	Dual Office Prohibition	Const. Article 2, Section 1 (internal);Const. Article 3, Section 18 (legislature); Const. Article 4, Section 6 (executive)
Texas	Statute	Crime: Impersonating Public Officer	Penal Code, Section 37.11
Texas	Statute	Crime: Identity Theft	T.S. §32.51
United States	Statute	Crime: Impersonating Public Officer	18 U.S.C. §912
Utah	Constitution	Dual Office Prohibition	Const. Article V, Section 1 (internal);Const. Article VIII, Section 10 (judges)
Utah	Statute	Crime: Impersonating Public Officer	U.C. §76-8-512
Vermont	Constitution	Dual Office Prohibition	Const. Chapter II, Section 54
Vermont	Statute	Crime: Impersonating Public Officer	13 V.S.A. §3002
Virginia	Constitution	Dual Office Prohibition	Const. Article IV, Section 4 (legislature); Const. Article V, Section 4 (governor)
Virginia	Statute	Crime: Identity Theft	C.O.V. §18.2-186.3
Washington	Constitution	Dual Office Prohibition	Const. Article II, Section 14 (legislature); Const. Article IV, Section 15 (judges)
Washington	Statute	Crime: Impersonating Public Officer	R.C.W. §18.71.190
West Virginia	Constitution	Dual Office Prohibition	Const. Article 6, Section 16 (senators); Const. Article 7, Section 4 (executive); Const. Article 8, Section 7 (judges)
West Virginia	Statute	Crime: Impersonating Public Officer	W.V.C. §61-5-27a(e)
Wisconsin	Constitution	Dual Office Prohibition	Const. Article IV, Section 13
Wisconsin	Statute	Crime: Identity Theft	W.S. §943.201
Wyoming	Constitution	Dual Office Prohibition	Const. Section 97-3-008 (legislature);Const. Section 97-5-027 (judges)

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Wyoming	Statute	Crime: Identity Theft	W.S. §6-3-901
Wyoming	Statute	Crime: Impersonating Public Officer	W.S. §6-5-307

1 If you would like to research further the laws and remedies available in the specific jurisdiction you are in, we highly  
2 recommend the following free tools on our website:

- 3 1. *SEDM Jurisdictions Database*, Litigation Tool #09.003  
4 <http://sedm.org/Litigation/LitIndex.htm>
- 5 2. *SEDM Jurisdictions Database Online*, Litigation Tool #09.004  
6 <http://sedm.org/Litigation/LitIndex.htm>

7 The above tool is also available at the top row under the menu on our Litigation Tools Page at the link below:

8 <http://sedm.org/Litigation/LitIndex.htm>

9 **11.2.5 The Government Protection Racket: Privilege Induced Slavery**<sup>97</sup>

10 *"In the matter of taxation, every privilege is an injustice."*  
11 *[Voltaire]*

12 *"The more you want, the more the world can hurt you."*  
13 *[Confucius]*

14 *"If you think of yourselves as helpless and ineffectual, it is certain that you will create a despotic government to  
15 be your master. The wise despot, therefore, maintains among his subjects a popular sense that they are helpless  
16 and ineffectual."  
17 [Frank Herbert, *The Dosadi Experiment*]*

18 A **protection racket** is an extortion scheme whereby a criminal group or individual coerces other less powerful entities to  
19 pay money, allegedly for protection services against external threats (usually violence or property damage). Many racketeers  
20 will coerce potential clients into buying protection through property damage or other harassment. In most cases, the  
21 "protection" they want you to pay for is really from themselves and not third parties and therefore, what they offer is little  
22 more than extortion.

23 Governments often become "protection rackets" just as readily as Italian mobs. The main difference is who the "organizers"  
24 of the mob are. In the private sector, the organizer is a violent and ruthless gangster leader. In the government:

- 25 1. The "organizer" is usually a corrupt franchise court judge with a financial conflict of interest and no scruples.
  - 26 1.1. He is much more "civilized" and far more educated than most gangsters, but he serves the same role.
  - 27 1.2. He serves in the Executive Branch rather than the Judicial Branch, because all franchise courts are in that branch.
- 28 2. The IRS and licensed attorneys act as his/her "hit men". Both make "useful idiots" for the protection racket, because  
29 neither ever really reads or follows what the law says or applies the strict rules of statutory construction, but rather  
30 operate on "policy" disguised to "look" like law but which in fact, rarely has the "force of law". In effect, they are  
31 agents of the corrupt gangster judge instead of what the law actually says.
- 32 3. Instead of machine guns, they use administrative enforcement that is usually criminal and illegal against  
33 "nontaxpayers" who are outside their territorial or legislative jurisdiction. This unlawful and criminal administrative  
34 enforcement threatens property and hence, the only way to remove the threat is to pay the extortion.
- 35 4. Courts serve the same purpose as smoky rooms in the basement where people get "worked over" and terrorized:
  - 36 4.1. Everything that happens in these rooms is censored.
  - 37 4.2. No recording is allowed in the room. The guards at the door often search for recording devices and will  
38 confiscate them if you bring them in. The purpose of this is to protect the judge from the consequences of his  
39 criminal conspiracy against your constitutional rights and to keep the public from learning just how corrupt the  
40 courts really are.
  - 41 4.3. Judges tamper with the court record by telling court reporters fulfilling transcript requests to censor the record.

<sup>97</sup> Adapted from Great IRS Hoax, Form #11.302, Section 4.3.12 with permission.

- 1 4.4. Judges whisper to counsel out of hearing of the jury. Thus, they engage in a conspiracy to obstruct justice and  
2 keep the WHOLE truth out of hearing of the fact finders.
- 3 4.5. More than 95% of all cases never even get in front of a real jury. Hence, they are routinely decided by corrupt  
4 judges with a criminal conflict of interest based on policy and not what the law actually says.
- 5 4.6. In tax trials, both litigants and jurists are forbidden to talk about or even read the law in the courtroom, thus  
6 allowing the judge to substitute his corrupt will for what the law actually says.
- 7 4.7. In many courthouses that have law libraries, jurists are forbidden to enter and read the law, because it would  
8 clearly prove that the judge is using the ignorance of the law of the jury and the vacuum of law in the courtroom  
9 to substitute his will for what the law says.
- 10 4.8. If the evidence against the government protection racket is especially unfavorable, the transcript and court record  
11 is sealed or unpublished by order of the gangster judge.
- 12 5. Tax collection notices sent by the extortionists serve as “threats” to compel people at the equivalent of gunpoint to:
- 13 5.1. Volunteer into a public office in the U.S. government and solicit bribes for the “privilege” of occupying said  
14 office. This violates 18 U.S.C. §912.
- 15 5.2. Fill out government forms that contain information about themselves that is usually FALSE. This is perjury in  
16 violation of 18 U.S.C. §1001, because all tax forms are required by 26 U.S.C. §6065 to be filled out under penalty  
17 of perjury and therefore constitute “testimony of a witness”. For instance, they describe themselves as a statutory  
18 “U.S. person”, “U.S. citizen”, “U.S. resident”, or even a “taxpayer”, which is usually FALSE. Or they use an  
19 identifying number that the franchise contract itself says can only lawfully be used by those occupying a public  
20 office in the U.S. government. See:
- 21 [Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>
- 22 5.3. Send bribery money called a “tax” that so that the criminals sending the letter will unlawfully and criminally treat  
23 those who are not in fact “public officers” AS public officers, in criminal violation of 18 U.S.C. §912, 210, and  
24 211.
- 25 6. Tax collection enforcement notices sent by the IRS constitute criminal witness tampering in violation of 18 U.S.C.  
26 §1512, because the tax forms that must be submitted in response to them are required to be signed under penalty of  
27 perjury per 26 U.S.C. §6065 and therefore constitute “testimony of a witness”. Gangster judges know this, but look the  
28 other way because they have a criminal financial conflict of interest in violation of 18 U.S.C. §208 and will unlawfully  
29 enlarge their own pay and importance by doing so. This is called “selective enforcement” and it is always motivated  
30 by the lust for money and power.
- 31 7. The entire activities of these gangsters also qualifies as an act of international terrorism, because it is instituted against  
32 nonresident parties outside the territorial or legislative jurisdiction of the tax collection agency in a legislatively  
33 “foreign state”. The U.S. Supreme Court has held more than once that states of the Union are “nations” in nearly every  
34 particular and therefore, illegal enforcement of tax laws that only apply to territory and domiciliaries of the national  
35 government qualifies as “international terrorism”. Where is the Department of Homeland Security when you need  
36 them?
- 37 8. The Internal Revenue Code serves as a ruse to deceive nonresident people into believing that they must pay the  
38 extortion money, when in fact, it clearly is a voluntary franchise that does not even apply to the average American and  
can lawfully be enforced ONLY against public officers within the government itself. See:

[Great IRS Hoax, Form #11.302](http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm)

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

39 It is precisely because of the above types of criminal activity and conflict of interest by judges that the common law and  
40 common law courts was designed to prevent and avoid, because it leaves the outcome entirely to completely disinterested  
41 third parties who the corrupt judge and prosecutor have no influence over. Private rights, after all, should always be protected  
42 mainly by private people, who are the only true sovereign in the American republican form of government.

43 Now do you know why the Bible says the following?:

44 ***“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather***  
45 ***together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and***  
46 ***my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own***  
47 ***wickedness; **the Lord our God shall cut them off.*****

48 *[Psalm 94:20-23, Bible, NKJV]*

1 The following subsections will explore how this criminal government mafia enterprise functions, how it behaves in every  
2 particular as an organized crime protection racket subject to the RICO laws found in Title 18 of the U.S. Code, Chapter 95,  
3 and why Christians are not allowed by God to subsidize or participate in it.

#### 4 **11.2.5.1     The Social Compact or “protection contract”**

5 Anyone who has been married instinctively knows what “privilege-induced slavery” is. They understand that you have to  
6 give up some of your “rights” for the benefits and “privileges” associated with being married. For instance, one of the rights  
7 that the government forces you to give up using the instrument it created called the “marriage license”, especially if you are  
8 a man, is sovereignty over your property and your labor. If you get married with a state marriage license, then control over  
9 your property and labor is surrendered ultimately to the government, because if your spouse becomes dissatisfied, the marriage  
10 license gives the government absolute authority to hijack all your property and your labor for the imputed “public good”, but  
11 as you will find out, the chief result of this hijacking is actually injustice . The marriage license authorizes a family law judge  
12 to abuse your property and your labor without your voluntary consent to create a welfare state for women intent on rebelling  
13 against their husbands and using marriage as a means of economic equalization and administrative control. We explain in  
14 our book entitled Sovereign Christian Marriage, Form #06.009 that this very characteristic of marriage licenses issued by the  
15 state accomplishes the following unjust results:

- 16 1. Usurps and rebels against the sovereignty of God by interfering with His plan for marriage and family clearly spelled out  
17 in the Bible.
- 18 2. Encourages spouses to get divorced, because at least one of them will be financially rewarded with the property and labor  
19 of the other for doing so.
- 20 3. Makes marriage into legalized prostitution, where the sex comes during the marriage and the money comes after marriage  
21 and the state and family court judge becomes the pimp and the family law attorneys become collectors for the pimp.

22 The above defects in the institution of marriage caused by the government “privilege” called state-issued marriage licenses,  
23 of course, are the natural result of violating God’s/Natural law on marriage found in the Bible, where Eph. 5:22-24 makes the  
24 man, and not the government or the woman, the sovereign in the context of families. This is what happens whenever mankind  
25 rebels against God’s authority by trying to improve on God’s design for the family: massive injustice. Remember, that God  
26 created man first, and out of man’s rib was created woman, which makes man the sovereign, and this conclusion is completely  
27 consistent with the concept of Natural Order was discussed in section 4.1 of the Great IRS Hoax, Form #11.302.

28 *“For a man indeed ought not to cover his head, since he is made in the image and glory of God; but woman is  
29 the glory of man. For man is not from woman, but woman from man. Nor was man created for the woman, but  
30 woman for the man.”*  
31 *[1 Cor. 11:7-9, Bible, NKJV]*

32 If you are going to arrogantly call this attitude chauvinistic, politically incorrect, or bigoted then you’re slapping God in the  
33 face and committing blasphemy because this is the way GOD designed the system and who are YOU to question that?

34 *“But indeed, O man, who are you to reply against God? Will the thing formed say to him who formed it, ‘Why  
35 have you made me like this?’ Does not the potter have power over the clay, from the same lump to make one  
36 vessel for honor and another for dishonor?”*  
37 *[Romans 9:20-21, Bible, NKJV]*

38 If you would like to learn more about this subject, we refer you to the following book posted on our website at:

[Sovereign Christian Marriage, Form #06.009  
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

39 The de facto government uses this very same concept of privilege-induced slavery in the “constructive contract” you in effect  
40 consent to by becoming a statutory “citizen” or availing yourself of a government “benefit.” The writers of the Law of  
41 Nations upon which the constitution was written called this contract the “social compact”:

42 *The Law of Nations, Book I: Of Nations Considered in Themselves*

43 *§ 223. Cases in which a citizen has a right to quit his country.*

1 There are cases in which a citizen has an absolute right to renounce his country, and abandon it entirely — a  
2 right founded on reasons derived from the very nature of the social compact.

3 1. If the citizen cannot procure subsistence in his own country, it is undoubtedly lawful for him to seek it elsewhere.  
4 For, political or civil society being entered into only with a view of facilitating to each of its members the means  
5 of supporting himself, and of living in happiness and safety, it would be absurd to pretend that a member, whom  
6 it cannot furnish with such things as are most necessary, has not a right to leave it.

7 2. If the body of the society, or he who represents it, absolutely fail to discharge their obligations [of protection]  
8 towards a citizen, the latter may withdraw himself. For, if one of the contracting parties does not observe his  
9 engagements, the other is no longer bound to fulfil his; as the contract is reciprocal between the society and its  
10 members. It is on the same principle, also, that the society may expel a member who violates its laws.

11 3. If the major part of the nation, or the sovereign who represents it, attempt to enact laws relative to matters  
12 in which the social compact cannot oblige every citizen to submission, those who are averse to these laws have  
13 a right to quit the society, and go settle elsewhere. For instance, if the sovereign, or the greater part of the nation,  
14 will allow but one religion in the state, those who believe and profess another religion have a right to withdraw,  
15 and take with them their families and effects. For, they cannot be supposed to have subjected themselves to the  
16 authority of men, in affairs of conscience;<sup>3</sup> and if the society suffers and is weakened by their departure, the blame  
17 must be imputed to the intolerant party; for it is they who fail in their observance of the social compact — it  
18 is they who violate it, and force the others to a separation. We have elsewhere touched upon some other instances  
19 of this third case, — that of a popular state wishing to have a sovereign (§ 33), and that of an independent nation  
20 taking the resolution to submit to a foreign power (§ 195).

21 [The Law of Nations, Vattel, Book 1, Section 223; SOURCE:  
22 [http://famguardian.org/Publications/LawOfNations/vattel\\_01.htm#%20224.%20Emigrants/](http://famguardian.org/Publications/LawOfNations/vattel_01.htm#%20224.%20Emigrants/)

23 Here is the phrase that one of our astute readers uses to describe the social compact in his book Social Security: Mark of the  
24 Beast, Form #11.407, which is posted on our website for your reading pleasure:

25 “Protection draws subjection.”  
26 [Steven Miller]

27 “Protectio trahit subjectionem, subjectio projectionem.  
28 Protection draws to it subjection, subjection, protection. Co. Litt. 65.”  
29 [Bouvier’s Maxims of Law, 1856;  
30 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

31 In a sense, when you become a “citizen”, you “marry” the state in order to have its protection. Consenting to the contract  
32 makes you into a “government contractor” and therefore “public officer” of sorts. The terms of this constructive “marriage  
33 contract” are described in section 4.11 of the Great IRS Hoax, Form #11.302. Below is a summary:

- 34 1. When you become a “citizen” by either being naturalized or by choosing a domicile within the jurisdiction of the  
35 government, you must profess allegiance.  
36 1.1. “Domicile” carries with it the concept of “allegiance”.

37 “Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit  
38 or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth  
39 Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally  
40 reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously  
41 includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of  
42 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration  
43 being a tax on realty laid by the state in which the realty is located.”  
44 [Miller Brothers Co. v. Maryland, [347 U.S. 340](http://www.courtlistener.com/opinion/347-us-340/) (1954) ]

45 “This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm  
46 foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not  
47 at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or  
48 naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if  
49 he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in  
50 the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly  
51 all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”  
52 [Fong Yu Ting v. United States, [149 U.S. 698](http://www.courtlistener.com/opinion/149-us-698/) (1893)]

- 53 1.2. Naturalization requires an oath of “allegiance”. See 8 U.S.C. §1448.

- 1 2. You marry the state by promising it “allegiance”. Spouses who marry each other take a similar oath to “love, honor, and  
2 obey” each other, and thereby protect each other.  
3 3. Your passport is proof you are “married” to the state. See 22 U.S.C. §212:

4 *"No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether  
5 citizens or not, to the United States."  
6 [\[22 U.S.C. §212\]](#)*

- 7 4. After you have “married” the state, you assume a citizenship status as a “national”, which is simply someone who has  
8 allegiance to the “state”:

9 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101](#)  
10 [§ 1101. Definitions](#)

11 (a) As used in this chapter—  
12 (21) The term "national" means a person owing permanent allegiance to a state.

13 All forms of allegiance require the taking of oaths, and God says you can’t take oaths and that the reason is because you are  
14 married to Him and not some pagan ruler or government. Those who take oaths to anything other than God become “friends  
15 of the world” and enemies of God:

16 *"Do not fear, for you will not be ashamed; neither be disgraced, for you will not be put to shame; for you will  
17 forget the shame of your youth, and will not remember the reproach of your widowhood anymore. **For your  
18 Maker is your husband, the Lord of hosts is His name; and your Redeemer is the Holy One of Israel; He is  
19 called the God of the whole earth**, for the Lord has called you like a woman forsaken and grieved in spirit, like  
20 a youthful wife when you were refused," says your God. "For a mere moment I have forsaken you, but with great  
21 mercies I will gather you. With a little wrath I hid My face from you for a moment; but with everlasting kindness  
22 I will have mercy on you," says the Lord, your Redeemer."  
23 [\[Isaiah 54:4-8, Bible, NKJV\]](#)  
24*

25 *"Again you have heard that it was said to those of old, 'You shall not swear falsely, but shall perform your oaths  
26 to the Lord.'*

27 *"But I say to you, **do not swear at all: neither by heaven, for it is God's throne; 35 nor by the earth, for it is His**  
28 **footstool; nor by Jerusalem, for it is the city of the great King.***

29 *"Nor shall you swear by your head, because you cannot make one hair white or black.*

30 *"But let your 'Yes' be 'Yes,' and your 'No,' 'No.' For whatever is more than these is from the evil one.  
31 [\[Matt. 5:33-37, Bible, NKJV\]](#)  
32*

33 *"**Adulterers and adulteresses! Do you not know that friendship [allegiance toward] with the world [or the**  
34 **governments of the world] is enmity with God?** Whoever therefore wants to be a friend ["citizen", "resident",  
35 "taxpayer"] of the world [or the governments of the world] makes himself an enemy of God."  
36 [\[James 4:4, Bible, NKJV\]](#)*

37 There is an article on the website below that actually describes in detail the terms of the citizenship marriage contract below:

[The Citizenship Contract, George Mercier  
<http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/InvContrcts--TheCitizenshipContract.htm>](http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/InvContrcts--TheCitizenshipContract.htm)

38 Here is the way the U.S. Supreme Court describes this marriage contract:

39 *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies  
40 an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons  
41 associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its  
42 protection. **Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation**  
43 **for the other; allegiance for protection and protection for allegiance.**"  
44 [\[Minor v. Happersett, 88 U.S. \(21 Wall.\) 162, 166-168 \(1874\)\]](#)*

1 Like marriage licenses, consenting to the “citizenship contract” means you give up some of your rights, and as a matter of  
2 fact, the government wants you to believe that you give up the same rights by becoming a citizen as you do by getting a  
3 marriage license.

4 In a de facto government, the “social compact” is a franchise that obligates the citizens and residents and makes them servants  
5 of the rulers. In a de jure government, the social compact only obligates the public servants and leaves the citizens and  
6 residents completely free and sovereign.

7 When you marry the de facto U.S. government by becoming a statutory “U.S. citizen”, you in effect are assimilated into the  
8 federal corporation called the “United States” defined in 28 U.S.C. §3002(15)(A) and are classified by the franchise courts  
9 as an officer of that corporation in receipt of taxable privileges. You also then become completely subject to the jurisdiction  
10 of that corporation as the equivalent of a public officer.

11 This is NOT how de jure governments are supposed to work, but it is how de facto governments that are corporations work.  
12 All they want to do is recruit more cheap “employees” or officers and they do it through deceit, words of art and statutory  
13 franchises called “codes” that don’t acquire the “force of law” until you consent to them. In a de jure government, becoming  
14 a citizen is done through nationality and NOT statutory “U.S. citizen” status. Those who join retain all their rights and do  
15 not become a government officer or employee by joining. This is the de jure government we used to have but which was  
16 replaced in 1933 when real money disappeared and rights were replaced with franchises.

### 17 **11.2.5.2 God forbids participation in the government “protection racket”/franchise**

18 If you are a child of God, at the point when you married the state as a citizen, you united God with an idolatrous, mammon  
19 state and sold yourself into legal slavery voluntarily, in direct violation of the Bible:

20 *“No one can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one,  
21 and despise the other. Ye cannot serve God and mammon.”*  
22 *[Matt. 6:24, Bible, NKJV]*

23 *“Do not be unequally yoked together with unbelievers. For what fellowship has righteousness with lawlessness?  
24 And what communion has light with darkness?”*  
25 *[2 Cor. 6:14, Bible, NKJV]*

26 As expected, God’s law once again says that we should not become citizens of this world, and especially if it is dominated  
27 by unbelievers:

28 *“For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”*  
29 *[Philippians 3:20]*

30 *“These all died in faith, not having received the promises, but having seen them afar off were assured of them,  
31 embraced them and confessed that they were strangers and pilgrims on the earth.”*  
32 *[Hebrews 11:13]*

33 *“Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul...”*  
34 *[1 Peter 2:1]*

35 *“Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend of  
36 the world makes himself an enemy of God.”*  
37 *[James 4:4, Bible, NKJV]*

38 One of the reasons God doesn’t want us to become citizens of this world is because when we do, we have violated the first  
39 commandment and committed idolatry, by replacing God with an artificial god called government, who then provides  
40 protection for us that we for one reason or another can’t or won’t trust or have faith in God to provide. This lack of faith then  
41 becomes our downfall. The words of the Apostle Paul resolve why this is:

42 *“But he who doubts is condemned if he eats, because he does not eat from faith; for whatever is not from faith  
43 in God is sin.”*  
44 *[Rom. 14:23, Bible, NKJV]*

1 **11.2.5.3 How corrupt governments abuse privileges and franchises to destroy rights that they were created to**  
2 **protect**

3 Corrupt governments function as “protection rackets” and do so by abusing franchises. All privileges and franchises destroy  
4 and undermine rights and equal protection that are the foundation of the formation of all lawful governments. Is it moral or  
5 ethical for the government to try to manipulate our rights out of existence by replacing them with taxable and regulatable  
6 “privileges” by procuring our consent and agreement? Here is what the U.S. Supreme Court says on this subject:

7 *“It would be a palpable incongruity to strike down an act of state legislation which, by words of express*  
8 *divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by*  
9 *which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable*  
10 *privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as*  
11 *a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees*  
12 *fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may*  
13 *not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the*  
14 *surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all.*  
15 *It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated*  
16 *out or existence.”*  
17 *[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

18 So the bottom line is that it is not permissible for a state to try to undermine your Constitutional rights by making privileges  
19 they offer contingent on surrendering Constitutional rights, but they do it anyway because we let them get away with it, and  
20 because they are very indirect about how they do it.

21 In a very real sense, the government has simply learned how to use propaganda to create fear and insecurity in the people,  
22 and then they invent vehicles to turn eliminating your fear into a profit center that requires you to become citizens and pay  
23 taxes to support. For instance, they use the Federal Reserve to create the Great Depression by contracting the money supply,  
24 and then they get these abused people worried and feeling insecure about retirement and security in the early 1930’s, and then  
25 invent a new program called Social(ist) Security to help eliminate their fear and restore your sense of security. But remember,  
26 in the process of procuring the “privilege” to be free of anxiety about old age, you have surrendered sovereignty over your  
27 person and labor to the government, and they then have the moral authority to tax your wages and make you into a serf and  
28 a peon to pay off the federal debt accumulated to run that program.

29 *“The righteousness[and contentment] of the upright will deliver them, but the unfaithful will be caught by their*  
30 *lust [for security or government benefits].”*  
31 *[Prov. 11:6, Bible, NKJV]*

32 Another favorite trick of governments is to make something illegal and then turn it into a “privilege” that is taxed. This is  
33 how governments maximize their revenues. They often call the tax a “license fee”, as if to imply that you never had the right  
34 to do that activity without a license. You will never hear a government official admit to it, but the government reasoning is  
35 that the tax amounts to a “bribe” or “tribute” to the government to get them to honor or respect the exercise of some right that  
36 is cleverly disguised as a taxable “privilege” and to enforce payment of the bribe to a corrupt officer in a court of law. Unless  
37 you know what your rights are, it will be very difficult to recognize this subtle form of usury. Here is what the courts have  
38 to say about this kind of despicable behavior by the government:

39 *“A right common in every citizen such as the right to own property or to engage in business of a character not*  
40 *requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and*  
41 *then permitting its enjoyment upon the payment of a certain sum of money.”*  
42 *[Stevens v. State, 2 Ark. 291; 35 Am. Dec. 72, Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21*  
43 *L.R.A. 416. Note 57 L.R.A. 416]*

44 Clear thinking about our freedom and liberty demands that when faced with situations like this, we ask ourselves, where does  
45 the government derive its authority and “privileges”(?). The answer is:

46 **..from the PEOPLE!**

47 The Declaration of Independence says so!:

48 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
49 *with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure*

1 *these rights, governments are instituted among men, deriving their just powers from the consent of the*  
2 *governed.*  
3 *[Declaration of Independence]*

4 Instead, we ought to charge government employees a tax for the “privilege” of having the authority and the “privilege” from  
5 the people to serve (not “govern”, but SERVE) them, and the tax that government servants pay us for that privilege should  
6 be equal to whatever *they* charge us for the privileges they delegate back to us using the authority we gave them! We need  
7 to think clearly about this because it’s very easy to get trapped in bad logic by deceitful lawyers and politicians who want to  
8 get into your bank account and enslave you with their unjust laws and extortion cleverly disguised as legitimate taxes. We  
9 should always remember who the public servants are and who the public is. *We are the public and government employees*  
10 *are the servants!* Start acting like the boss for once and tell the government what you expect out of them. The only reason  
11 the government continues to listen to us is because:

- 12 1. We vote our officials into office.
- 13 2. If we don’t like the laws they pass, we can nullify them every time we sit down on a jury or a grand jury.
- 14 3. If the above two approaches don’t keep their abuse of power in check, we can buy guns to protect ourselves from  
15 government abuse.

16 For instance, the government started issuing marriage licenses in about 1923 and charged people for the “privilege”. But  
17 then we have to ask ourselves what a license is. A license is permission from the state to perform an act which, without a  
18 license, would be illegal. Is it illegal to get married *without* the blessing of the state? Did Adam and Eve have a marriage  
19 license from God? Absolutely **NOT**. Marriage licenses, driver’s licenses, and professional licenses are a scam designed to  
20 increase control of the state over your life and turn you into a financial slave and serf to the government!

#### 21 **11.2.5.4 Example: IRS privilege-induced slavery**

22 The IRS uses privilege-induced slavery to its advantage as well. For instance, it:

- 23 1. Sets the rate of withholding for a given income slightly higher than it needs to be so that Americans who paid tax will  
24 have to file to get their money back. In the process of filing, these unwitting citizens:
  - 25 1.1. Have to incriminate themselves on their tax returns.
  - 26 1.2. Forfeit most of the Constitutional rights, including the First (right to NOT communicate with your government),  
27 Fourth (seizure), and Fifth Amendment (self-incrimination) protections.
  - 28 1.3. Tell the IRS who their employer is, which later allows the IRS to serve the private employer illegally with a “Notice  
29 of Levy” and steal assets in violation of due process protections in the Constitution in the Fifth Amendment.
- 30 2. On the W-4 form, makes it a privilege just to hold onto your income. The regulations written by the Treasury illegally  
31 (and unconstitutionally) say that if a person does not submit a W-4 or submits an incorrect W-4, the employer (who really  
32 isn’t an “employer” because it isn’t a federal employer who has “employees” as defined in 26 C.F.R. § 31.3401(c )) must  
33 withhold at the single zero rate. Thus, it becomes a “privilege” to just receive the money you earned *without* tax deducted!  
34 The only way you can preserve the “privilege” is to incriminate yourself by filling out the W-4, in violation of the Fifth  
35 Amendment.
- 36 3. The federal judiciary and the IRS will wickedly tell you that because of the Anti-Injunction Act found at 26 U.S.C.  
37 §7421, if you dispute the amount of tax you owe or you assert non-liability, you must pay the tax FIRST before you are  
38 permitted to file a lawsuit and subject your case to judicial review. In effect, *what Congress has done by legislation is*  
39 *forced you to bribe the government in order to have the privilege to sue them!* If you assert that you are a “nontaxpayer”  
40 and a person not liable for tax, the IRS will try to get your case dismissed because corrupt judges will assert “sovereign  
41 immunity”. See section 1.4.2 of the *Sovereignty Forms and Instructions Manual*, Form #10.005 for further details on  
42 this scam. For those of you who are Christians, this scam quite clearly violates the bible, which declares:

43 *“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”*  
44 *[Exodus 23:8 ]*

- 45 4. Your state government will tell you that you MUST give them a valid Social Security Number in order for you to get a  
46 state driver’s license. They will do this in spite of the fact that traveling is a right and not a government privilege. In the  
47 words of the U.S. Supreme Court and lower courts:

48 *“The right to travel is part of the ‘liberty’ that a citizen cannot be deprived without due process of law.”*  
49 *[Kent v. Dulles, 357 U.S. 116 (1958); U.S. v. Laub, 385 U.S. 475 (1967)]*

1 *"The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and*  
2 *fundamental Right of which the public and the individual cannot be rightfully deprived."*  
3 *[Chicago Motor Coach v. Chicago, 169 N.E. 22; Ligare v. Chicago, 28 N.E. 934; Boon v. Clark, 214 S.S.W. 607;*  
4 *25 American Jurisprudence (1st), Highways Sect.163]*

### 5 **11.2.5.5 Example: Privilege-induced slavery using licenses to practice law**

6 To give you just one more example of how privilege-induced slavery leads to government abuse, let's look at licenses to  
7 practice law. The only rational basis for having any kind of professional license is consumer protection, but the legal  
8 profession has totally distorted and twisted this concept to benefit them, which amounts to a massive conflict of interest. For  
9 instance:

- 10 1. Only licensed attorneys can defend others in court. This prevents family members or friends or paralegals from providing  
11 low-cost legal assistance in court, and creates a greater marketplace and monopoly for legal services by attorneys. This  
12 also means that a lot more people go without legal representation, because they can't afford to hire a lawyer to represent  
13 them. Is that justice, or is that simply the spread of oppression and injustice in the name of profit for the legal profession?
- 14 2. Even if the attorney is licensed to practice law from the socialist state, the court can revoke their right to defend anyone  
15 in a court of law. For instance:
  - 16 2.1. Look at what the court did to attorney Jeffrey Dickstein in *United States v. Collins*, 920 F.2d. 619 (10th Cir.  
17 11/27/1990), which was described in section 6.6.4.5 of the Great IRS Hoax, Form #11.302. If you look at the ruling  
18 for this case, you will find that the court withdrew defendant Collins right to be represented by Attorney Dickstein,  
19 because they called attorney Dickstein a "vexatious litigant". He was therefore deprived of his choice of competent  
20 legal counsel, because the court viewed his counsel as "politically incorrect".
  - 21 2.2. Refer also to what the court did to attorney Oscar Stilley in section 6.8.1 of the Great IRS Hoax, Form #11.302, as  
22 he defended Dr. Phil Roberts on tax charges. The court said, and we quote:

23 *"The practice of law, sir, is a privilege, especially in Federal Court. You're close to losing that privilege in this*  
24 *court, Mr. Stilley."*

- 25 3. Clients with attorneys are given favoritism by the court in the award of attorney fees against the other side. This leads  
26 attorneys to inflate their fees if they expect sanctions, in order to coerce the opposing side to settle. In most courts, pro  
27 per or pro S.E. litigants are either not allowed or seldom are awarded attorney fees against the opposing side. Only  
28 litigants who have counsel can get attorney fee awards by the court. In effect, the courts treat the time and expense of  
29 pro per litigants in defending themselves as irrelevant and completely without value! That's right.. if you as a pro per  
30 litigant keep track of your time diligently and bill for it at a rate less than an attorney in your motion for sanctions against  
31 the other side, the judge (who incidentally used to be a lawyer and probably still has lawyer golf buddies he wants to  
32 bring business to) will laugh you out of the courtroom! This has the effect of incentivizing people to have expensive  
33 legal counsel and incentivizes the lawyers to prolong the litigation and maximize their hourly rate to maximize their  
34 income. If you then ask a judge why they don't award attorney fee sanctions to pro per litigants, he might get defensive  
35 and say: "*Pro per litigants are high maintenance, and make extra work for the court because they don't know what they*  
36 *are doing.*" And yet these same courts and judges are the ones who earlier, as attorneys practicing law, intimidated and  
37 perpetuated the very ignorance on the part of their clients that made these people ignorant litigants as pro pers! All this  
38 rhetoric is just a smokescreen for the real agenda, which is maximizing business for and profits of those who practice  
39 law, and restricting the supply of qualified talent in order to keep the prices and the income of attorneys artificially high.

40 If we avail ourselves of a "privilege" granted by the state through operation of any statute that does not involve the exercise  
41 of a fundamental right, then we cannot have a constitutional grounds for redress of grievances against the statute:

42 *"The Government urges that the Power Company is estopped to question the validity of the Act creating the*  
43 *Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297*  
44 *U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot*  
45 *be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;*  
46 *Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260*  
47 *U.S. 469."*  
48 *[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

49 But if we are simply trying to exist, by working and receiving a paycheck, voting, serving on jury duty, and fulfilling our  
50 various civic and family duties, we cannot be taxed for the mere privilege of existing:

1                   *“The individual, unlike the corporation, **cannot be taxed for the mere privilege of existing.** The corporation is*  
2 *an artificial entity which owes its existence and charter power to the State, but the individual’s right to live and*  
3 *own property are natural rights for the enjoyment of which **an excise cannot be imposed.**”*  
4 *[Redfield v. Fisher, 292 Oregon 814, 817]*

5                   *“Legislature...cannot name something to be a taxable privilege unless it is first a privilege.” [Taxation West*  
6 *Key 43]...“The Right to receive income or earnings is a right belonging to every person and realization and*  
7 *receipt of income is therefore not a ‘privilege’, that can be taxed.”*  
8 *[Taxation West Key 933]-[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.]*

## 9   **11.2.6 Inequities between government and private franchises which lead to abuse and oppression**

10   At its heart, a franchise can be thought of simply as a way to deliver a service demanded by the consumer and to collect the  
11 revenues needed to pay for that service and nothing more. There is nothing wrong with that approach in the private sector.  
12 Businesses do it all the time, in fact. An example is the McDonalds Franchise, in which if you want to open one of their  
13 stores you sign the franchise contract and they get you on your feet, design the store, train you, and even supply you.

14   The trouble with the way that governments implement franchises are the following things they do that private businesses  
15 aren’t allowed by law to do, and which inevitably lead to inequality, abuse, privilege, oppression, crime, and injustice:

- 16 1. Governments either don’t have competition or don’t allow competition in delivering the protection sought. This leads  
17 to a monopoly that causes the price to artificially inflate. For instance:
  - 18 1.1. The federal government insists on a monopoly in the postal service and have repeatedly put private competitors  
19 out of business. Lysander Spooner, the founder of the modern libertarian movement, tried to compete with the  
20 post office and was forced out of business.
  - 21 1.2. The government won’t allow people to fund and create their own retirement and divert social security taxes to  
22 fund their own savings. Then the governments squander all the money so that it isn’t available when it is needed.  
23 Social Security will be bankrupt when it is needed most.
- 24 2. Governments prosecute those who refuse to consent to the franchise. For instance:
  - 25 2.1. They arrest people for driving without a license.
  - 26 2.2. They confiscate vehicles that are unregistered.
  - 27 2.3. They prosecute nonresident aliens for tax crimes who don’t consent to the “trade or business” franchise and earn  
28 no “income”.

29   In other words, they make it a crime NOT to be a “customer” for their service. No business can do that or would be  
30 allowed to do that. Yet, that is what a government is: A corporation and a business that delivers a service called  
31 “protection” and which EVERYONE should have the right to hire anyone they want for. What is wrong with having  
32 private police or private fire departments that rather than funding them using property taxes that are unavoidable?

- 33 3. Governments refuse to recognize what they are doing as essentially PRIVATE businesses activity that places them on  
34 the same level as every other business. Instead, corrupt governments protect and expand the franchise illegally by  
35 abusing sovereign immunity when they are sued in court to dismiss or limit the effect of the civil suit against them.  
36 This gives them unfair advantage over private companies doing similar business.
- 37 4. Governments give those who sign up for the franchise a name such as statutory “citizen”, statutory “resident”,  
38 “taxpayer”, “spouse”, etc. which implies that they are a public officer subject to the franchise, and they then unjustly  
39 insist on treating the participant with the status of “public officer” for EVERYTHING! Franchises are supposed to  
40 focus only on a specific activity and the status one has under the franchise is supposed to be limited ONLY to that  
41 activity, but the government wants you to:
  - 42 4.1. Have that inferior relation of a public officer for EVERYTHING YOU DO.
  - 43 4.2. Be subject to EVERY ACT of legislation they pass as a public officer, because you are part of the government.
  - 44 4.3. Bend over for them, instead of them bending over for you. They want to replace a “citizen” with an “employee”  
45 or “public officer” so they can be in charge instead of you.
- 46 5. When you sign up for one of their franchises, the franchise agreement usually hooks you up indirectly to all the other  
47 franchises without your express consent and sometimes without even your knowledge. For instance:
  - 48 5.1. When you get a driver’s license, they presume you are a “resident” and a “domiciliary” even if you don’t want to  
49 be, and then the vehicle code allows the state department of motor vehicles to:
    - 50 5.1.1. Share the information with the department of revenue and thus connect you with implicit consent to  
51 participate in the income tax “trade or business” franchise.
    - 52 5.1.2. Share the information with the courts and place you on the jury summons list, which is also a franchise  
53 arising from domicile within the vicinage.

- 1 5.2. When you register a vehicle, they put in the registration franchise agreement that the owner essentially consents  
2 to have the vehicle confiscated if it is driven by an unlicensed driver.
- 3 6. Private businesses make the revenues from the individual franchise support ALL the costs of the franchise and  
4 NOTHING more. This is the only way they can be competitive in the marketplace and stay in business. Governments,  
5 on the other hand:
- 6 6.1. Charge you whatever they want for the service because they have a monopoly with no competition. Would you  
7 hire a private company that insisted on you handing them a blank check and then putting you in jail because you  
8 don't want to be a customer called a "taxpayer"? As a bare minimum there needs to be a constitutional limit of  
9 no more than 15% on the total amount of taxes that a person pays, STATE AND FEDERAL, in order to prevent  
10 this problem.
- 11 6.2. Do not limit the revenues collected to payment for ONLY that specific franchise, but rather subsidize other  
12 completely unrelated activities with it. This allows them to charge virtually anything they want and do anything  
13 they want with the money.
- 14 7. They implement the franchise with civil law rather than private contract law, so that in order to participate, you must  
15 agree to be subject to ALL civil law enacted by the government, rather than only the terms of the separate franchise  
16 contract ONLY. Signing up for a government franchise therefore acts as a blank check to be subject to ALL the laws  
17 passed by the grantor of the franchise.
- 18 8. When you don't pay your fees, they administratively levy your assets. No private business can do that. They have to  
19 take you to court instead unless you consent to some other arrangement IN WRITING.
- 20 9. Private businesses respect your right to NOT contract with them. Governments, on the other hand, HIDE all the  
21 methods to withdraw consent by omitting the following two options in the "Status" block describing yourself:
- 22 9.1. None of the above.
- 23 9.2. Not subject but not statutorily "exempt".

24 The combined effect of all the above abusive tactics by corrupted governments is that they are illegally and unconstitutionally  
25 employing franchises to completely eliminate all private rights, private property, and equality and convert a de jure  
26 government into a totalitarian de facto government. All of the above abuses must be eliminated before there can ever be any  
27 realistic hope of returning to a de jure constitutional and lawful government. Governments should be required in the  
28 constitution to compete on an equal playing field with private businesses and be subject to competition in virtually  
29 EVERYTHING they do as a way to prevent all of the above types of abuses.

30 The inequities indicated above are clearly unjust and oppressive. When you want to sue a government in court, they will  
31 make you produce an express waiver of sovereign immunity for the specific issue being litigated and if you can't, the case is  
32 dismissed and you have no standing. In other words, the government must EXPRESSLY CONSENT to every separate civil  
33 liability you claim against them. That consent can only be expressed in writing in the form of a statute.

34 Under the constitution, all "persons", including government "persons" are equal. Therefore, all de jure governments must  
35 both allow and protect your equal right of freedom to choose ONLY the specific things you expressly consent in writing to  
36 receive and pay for, rather than simply EVERYTHING or NOTHING the government offers. For instance, you should be  
37 able to be a "resident" for the purposes of the vehicle code but a NONRESIDENT for every other code if you want be. When  
38 you sign up to be a "citizen" or "resident", they should hand you a list of specific services you want and are willing to pay  
39 for, and they should deliver and charge for ONLY those services, just like any business. If you don't want public schools,  
40 you should be able to deduct the cost from your property tax bill. If fire protection costs too much, you should be able to  
41 cancel your coverage and hire a more competitive private service. If you don't pay for the service, they ought to have to take  
42 you to court just like any business does, rather than administratively levying your assets without a court order. No business  
43 can do that.

44 De facto governments also stealthily pretend like you are a "customer" and that you are in charge in order to perpetuate the  
45 smoke screen that hides the THEFT and LIES they are engaging in. In fact, you cannot BE a "customer" as long as.

- 46 1. They can charge whatever they want for their services.
- 47 2. They can decide what services you will receive.
- 48 3. They can put you in jail for not being a "customer" called a "taxpayer".
- 49 4. They play by different or better rules than you do.
- 50 5. They don't protect your absolute right to NOT consent, pay for, or subsidize things you either don't want or think are  
51 harmful.

1 **11.2.7 Biblical Explanation of How Judges and Prosecutors and Government Use Franchises to Plunder and Enslave**  
2 **You**

3 We're sure you have heard the old saying:

4 *"A fool and his money are soon parted."*

5 This section will describe how government-granted franchises such as Social Security, the income tax, Medicare, federal  
6 employment or office, etc are the main method of choice used and abused by clever judges and government prosecutors in  
7 THEIR privileged "franchise courts" for parting a fool of ALL of his or her money and rights. More particularly, franchises  
8 are the main method:

- 9 1. That God uses to punish a wicked and rebellious people. See Nehemiah 8-9.  
10 2. That rulers and governments use to plunder and enslave those they are supposed to be serving and protecting.  
11 3. By which the wicked are uprooted from the land and kidnapped legally from the protections of God to occupy a foreign  
12 land. Prov. 2:21-22.

13 The Bible says that the Heavens and the Earth belong to the Lord and NOT Caesar.

14 *"The heavens are Yours [God's], the earth also is Yours;  
15 The world and all its fullness, You have founded them.  
16 The north and the south, You have created them;  
17 Tabor and Hermon rejoice in Your name.  
18 You have a mighty arm;  
19 Strong is Your hand, and high is Your right hand."*  
20 [[Psalm 89:11-13](#), Bible, NKJV]  
21

22 *"I have made the earth,  
23 And created man on it.  
24 I—My hands—stretched out the heavens,  
25 And all their host I have commanded."*  
26 [[Isaiah 45:12](#), Bible, NKJV]  
27

28 *"Indeed heaven and the highest heavens belong to the Lord your God, also the earth with all that is in it."*  
29 [[Deuteronomy 10:14](#), Bible, NKJV]

30 **Since God owns everything and Caesar owns nothing, then what we are to render to Caesar is NOTHING according to**  
31 **Romans 13. Caesar is therefore God's temporary trustee and steward over what ultimately belongs exclusively and**  
32 **permanently and ONLY to God.** The delegation of authority from God to Caesar is the Bible itself, which is a trust indenture  
33 that describes itself as a covenant or promise, and which makes God the beneficiary of all of Caesar's and our choices as  
34 God's steward. The terms of that delegation of authority order and trust indenture are exhaustively described below:

*Delegation of Authority Order from God to Christians*, Form #13.007  
<http://sedm.org/Forms/FormIndex.htm>

35 The Bible says that God is the source of all authority.

36 *"...there is no authority except from God."*  
37 [[Romans 13:1](#), Bible, NKJV]

38 *"...you are complete in Him [Christ], **who is the head of all principality and power.**"*  
39 [[Colossians 2:10](#), Bible, NKJV]

40 Consequently, the term "governing authorities" as used in Romans 13 can only mean God and not Caesar. When Caesar is  
41 acting consistent with the Bible trust indenture and delegation of authority to Caesar, then and only then can he therefore be  
42 called a "governing authority". These facts are the basis for why 1 Peter 2 says the following, and note the phrase "for the  
43 Lord's sake":

1           *"Therefore submit yourselves to every ordinance of man **for the Lord's sake**, whether to the king as supreme, or*  
2 *to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do*  
3 *good. For this is the will of God, that by doing good you may put to silence the ignorance of foolish men— as*  
4 *free, yet not using liberty as a cloak for vice, but as bondservants of God. Honor all people. Love the brotherhood.*  
5 *Fear God. Honor the king."*  
6 *[1 Peter 2:13-17, Bible, NKJV]*

7 That government which is NOT "for the Lord's sake" and instead is for Satan's sake we are not only NOT to submit to as  
8 Christians, but are required to rebel against and literally "hate" its bad deeds but not the people who affect them. The hate is  
9 directed at evil behavior, not evil people. It is a fact that most kings and governors are NOT sent by God, but by Satan, and  
10 most of them rebel against rather than obey God or His moral laws. These rulers, in fact, are the ones who ultimately will  
11 engage in the final conflict against God:

12           *"And I saw **the beast, the kings of the earth, and their armies, gathered together to make war against Him***  
13 ***[Jesus] who sat on the horse and against His army.**"*  
14 *[Rev. 19:19, Bible, NKJV]*

15 God would never and has never commanded us to do evil nor to obey rulers who are evil. In fact, most of the evil in our  
16 society originates from abuses by rulers who refuse to either recognize or obey God's moral laws in the Bible. The essence  
17 of loving the Lord, for instance, is to "fear God".

18           ***You shall fear the LORD your God and serve [ONLY] Him**, and shall take oaths in His name. You shall not go*  
19 *after other gods, the gods of the peoples who are all around you (for the LORD your God is a jealous God among*  
20 *you), lest the anger of the LORD your God be aroused against you and destroy you from the face of the earth.*

21           [. . .]

22           *And the LORD commanded us to observe all these statutes, to fear the LORD our God, for our good always, that*  
23 *He might preserve us alive, as it is this day.*  
24 *[Deut. 6:13, 24, Bible, NKJV]*

25  
26           

---

***"You shall fear the LORD your God; you shall serve [ONLY] Him**, and to Him you shall hold fast, and take*  
27 *oaths in His name."*  
28 *[Deut. 10:20, Bible, NKJV]*

29 The Bible then defines "fearing the Lord" as "hating evil". You can't "hate evil" by effecting it or by obeying or subsidizing  
30 rulers who effect it in our name as our representatives. No one who wars against God's commandments or obeys rulers who  
31 war against God's commandments can claim to be "fearing the Lord". We argue that one cannot simultaneously love God,  
32 and not hate His opposite, which is evil.

33           ***"The fear of the LORD is to hate evil:***  
34 *Pride and arrogance and the evil way*  
35 *And the perverse mouth I hate."*  
36 *[Prov. 8:13, Bible, NKJV]*

37 Therefore, so long as we as Christians continually recognize God's exclusive ownership and control over the Earth and the  
38 fact that Caesar doesn't own any part of it, the only type of allegiance we can have that attaches to any geographical territory  
39 is allegiance to God and not Caesar. That allegiance manifests itself in choosing a legal domicile that is not within the  
40 jurisdiction of any man-made government and instead is within God's Kingdom on Earth exclusively. This exclusive  
41 allegiance we have to God then determines who we nominate as our protector and where the civil laws are derived which  
42 protect us.

43           *"**domicile**. A person's legal home. That place where a man has his true, fixed, and **permanent home** and*  
44 *principal establishment, and to which whenever he is absent he has **the intention of** returning. Smith v. Smith,*  
45 *206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and **the intention** to make it one's*  
46 *home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place*  
47 *to which he **intends to** return even though he may actually reside elsewhere. A person may have more than one*  
48 *residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual***  
49 ***residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise***  
50 ***the privilege of voting and other legal rights and privileges.**"*  
51 *[Black's Law Dictionary, Sixth Edition, p. 485]*

1 **"The citizen cannot complain [about the laws or the tax system], because he has voluntarily submitted himself**  
2 **to such a form of government.** He owes allegiance to the two departments, so to speak, and within their respective  
3 spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection  
4 from each within its own jurisdiction."  
5 [United States v. Cruikshank, [92 U.S. 542](#) (1875) [emphasis added]]

6 **"Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The**  
7 **one is a compensation for the other; allegiance for protection and protection for allegiance."**  
8 [Minor v. Happersett, [88 U.S. \(21 Wall.\) 162](#), 166-168 (1874)]

9 We can't have allegiance to Caesar because the Bible says we can't serve two masters or, by implication, have two masters:

10 "No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other,  
11 or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."  
12 [Luke 16:13, NKJV. Written by a tax collector]

13 God is our ONLY Lawgiver, Judge, and Protector:

14 **"For God is the King of all the earth; Sing praises with understanding."**  
15 [Psalm 47:7, Bible, NKJV]

16 **"For the LORD is our Judge, the LORD is our Lawgiver, the LORD is our King; He will save [and protect] us."**  
17 [Isaiah 33:22, Bible, NKJV]

18 Those who do not have a domicile within Caesar's jurisdiction are called by any of the following names in Caesar's courts:

19 1. "transient foreigners"

20 **"Transient foreigner.** One who visits the country, without the intention of remaining."  
21 [Black's Law Dictionary, Sixth Edition, p. 1498]

22 2. "stateless persons"

23 **Social Security Program Operations Manual System (P.O.M.S.)**  
24 **RS 02640.040 Stateless Persons**

25 A. DEFINITIONS

26 [ . . . ]

27 **DE FACTO**—Persons who have left the country of which they were nationals and no longer enjoy its protection  
28 and assistance. They are usually political refugees. They are legally citizens of a country because its laws do not  
29 permit denaturalization or only permit it with the country's approval.

30 [ . . . ]

31 2. De Facto Status

32 Assume an individual is de facto stateless if he/she:

33 a. says he/she is stateless but cannot establish he/she is de jure stateless; and

34 b. establishes that:

- 35 • he/she has taken up residence [chosen a **legal domicile**] outside the country of his/her nationality;
- 36 • there has been an event which is hostile to him/her, such as a sudden or radical change in the  
37 government, in the country of nationality; and

38 **NOTE: In determining whether an event was hostile to the individual, it is sufficient to show the**  
39 **individual had reason to believe it would be hostile to him/her.**

- he/she renounces, in a sworn statement, the protection and assistance of the government of the country of which he/she is a national and declares he/she is stateless. The statement must be sworn to before an individual legally authorized to administer oaths and the original statement must be submitted to SSA.

*De facto [stateless] status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual returns [changes their domicile back] to his/her country of nationality, de facto statelessness ends.*  
[SOURCE: Social Security Program Operations Manual System (P.O.M.S.), Section RS 02640.040 entitled "Stateless Persons"  
<https://s044a90.ssa.gov/apps10/poms.nsf/lx/0302640040/>]

### 3. "nonresidents"

Man's law says that if we exercise our right of political association or DISASSOCIATION protected by the First Amendment by choosing a domicile in God's kingdom rather than Caesar's kingdom, that the law which then applies is the law from our domicile, which means God's Holy laws.

[IV. PARTIES > Rule 17.](#)  
[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

*(b) Capacity to Sue or be Sued.*

*Capacity to sue or be sued is determined as follows:*

- (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;*
- (2) for a corporation, by the law under which it was organized; and*
- (3) for all other parties, by the law of the state where the court is located, except that:*
  - (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*
  - (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

Notice that in addition to "domicile" above, three other sources or "choice of law" are provided, which is:

1. Acting in a representative capacity on behalf of another. This can only happen by holding an "office", such as a "public office" in the government.
2. Operating as a corporation, which is a franchise.
3. The state court where suit is brought. This court ordinarily has civil jurisdiction only if the party bringing suit or the respondent has a domicile in that forum.

Therefore, there are only two methods to switch the civil choice of law away from the protections of a person's domicile, which are:

1. Acting in a representative capacity on behalf of another as an officer or public officer or trustee.
2. Operating as a corporation, which is a franchise.

Note that both of the above conditions of a person result from the voluntary exercise of your right to contract, because contracting is the only way you can enter into such relationships. Note also that both conditions are franchises of one kind or another. You can't become a "public officer" of the government, for instance, without signing an employment agreement, which is a franchise. That franchise, by the way, implies a surrender of your constitutional rights, according to the U.S. Supreme Court:

*"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v.*

1 Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular:  
2 Private citizens cannot be punished for speech of merely private concern, but government employees can be fired  
3 for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan  
4 political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
5 *Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 556 (1973);  
6 *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973)."  
7 [*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990) ]

8 God's laws say that a wicked or unfaithful people will be "cut off from the earth" meaning divorced from the protections of  
9 God's laws and of their legal domicile. By "wicked", we believe He means "ignorant, lazy, presumptuous, or covetous".  
10 The above two mechanisms are the means for doing this:

11 *"For the upright will dwell in the land,*  
12 *And the blameless will remain in it;*  
13 **But the wicked will be cut off from the earth,**  
14 **And the unfaithful will be uprooted from it."**  
15 [*Prov. 2:21-22, Bible, NKJV*]

16 How do the upright "dwell in the land"? By having a legal domicile there! How are they "uprooted from it"? By engaging  
17 in franchises or acting in a representative capacity. We hope that by now, you understand that:

- 18 1. Those who engage in government franchises act as "public officers" or agents of the government.
- 19 2. Engaging in a franchise and operating in a representative capacity are therefore synonymous.

20 Consequently, God's laws recognize that franchises are the main method to uproot a wicked people from His protection, the  
21 protection of His laws, and their legal domicile in order that they may be legally kidnapped and moved to another jurisdiction.  
22 The mechanisms for effecting that kidnapping are recognized by Federal Rule of Civil Procedure 17(b) above.

23 The U.S. Supreme Court described how this kidnapping occurs against those who accept privileges when it held the following.  
24 The phrase "exempted from the rigor of the common law" is synonymous with exempted from the protections of the bill of  
25 rights and equity jurisdiction in relation to the grantor of the franchise:

26 *The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been*  
27 *carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from*  
28 *the time of Magna Charta. **For all practical purposes they are synonymous in meaning, and originally signified***  
29 ***a peculiar right or private law conceded to particular persons or places whereby a certain individual or class***  
30 ***of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred upon any*  
31 *person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to*  
32 *enjoy some particular advantage or exemption. See *Magill v. Browne*, *Fed.Cas. No. 8952*, *16 Fed.Cas. 408*; *6*  
33 *Words and Phrases*, 5583, 5584; *A. J. Lien*, "Privileges and Immunities of Citizens of the United States," in  
34 *Columbia University Studies in History, Economics, and Public Law*, vol. 54, p. 31.  
35 [*Paul v. Virginia*, 8 Wall. 168, 19 L.Ed. 357]*

36 Whenever a judge or ruler wants to tempt a wicked person and use their weaknesses to bring them into servitude and  
37 "voluntary compliance", they will try to bribe them with franchises, such as Social Security, Medicare, Unemployment  
38 compensation. They do this to entice the ignorant, the lazy, covetous, and those who want "something for nothing" to give  
39 up their rights.

40 *"The hand of the diligent will rule, but the lazy man will be put to **forced labor** [slavery!]."*  
41 [*Prov. 12:24, Bible, NKJV*]

42  
43 **"My son, if sinners [socialists, in this case] entice you,**  
44 **Do not consent**  
45 **If they say, "Come with us,**  
46 **Let us lie in wait to shed blood;**  
47 **Let us lurk secretly for the innocent without cause;**  
48 **Let us swallow them alive like Sheol,**  
49 **And whole, like those who go down to the Pit:**  
50 **We shall fill our houses with spoil [plunder];**  
51 **Cast in your lot among us,**  
52 **Let us all have one purse"--**  
53 **My son, do not walk in the way with them,**  
54 **Keep your foot from their path;**  
55 **For their feet run to evil,**

1 And they make haste to shed blood.  
2 Surely, in vain the net is spread  
3 In the sight of any bird;  
4 **But they lie in wait for their own blood.**  
5 **They lurk secretly for their own lives.**  
6 **So are the ways of everyone who is greedy for gain;**  
7 **It takes away the life of its owners.”**  
8 [Proverbs 1:10-19, Bible, NKJV]

9 The “one purse” they are referring to above is the government’s purse! They want to hire you on as a recipient of stolen  
10 goods, which are goods stolen from others who are compelled to participate in their franchises and would not participate if  
11 offered a fully informed, un-coerced choice not to participate. Once your tyrant rulers and public servants get you eating out  
12 of their hand, then you are roped into ALL their other franchises and become their servant and slave, literally. Every one of  
13 their franchises inevitably ropes you into other franchises. For instance, the drivers licensing franchise forces you to have a  
14 domicile on federal territory and to participate in the federal and state income tax system.

15 “The more you want, the more the world can hurt you.”  
16 [Confucius]

17 “But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts [for  
18 “free” government “benefits”] which drown men in destruction and perdition. For the love of money [or  
19 unearned “benefits”] is a root of all kinds of evil, for which some have strayed from the faith in their greediness,  
20 and pierced themselves through with many sorrows.”  
21 [1 Tim. 6:9-10, Bible, NKJV]

22 **“For the turning away of the simple will slay them. And the complacency of fools will destroy them; but**  
23 **whoever listens to me [God and the wisdom that comes ONLY from God] will dwell safely, and will be secure**  
24 **[within the protections of God’s laws and their place of domicile], without fear of evil.”**  
25 [Prov. 1:20-33, Bible, NKJV]

26 When we abuse our power of choice to consent to government franchises we therefore are FIRING God as our Lawgiver,  
27 Judge, and Protector and replacing Him and His Laws with a vain man or ruler. For that, God says ultimately, we are severely  
28 punished, plundered, and enslaved:

29 “The Lord is well pleased for His righteousness’ sake; **He will exalt the law [HIS law, not man’s law] and make**  
30 **it honorable. But this is a people robbed and plundered!** [by tyrants in government] **All of them are snared in**  
31 **[legal] holes [by the sophistry of greedy lawyers], and they are hidden in prison houses; they are for prey, and**  
32 **no one delivers; for plunder, and no one says, “Restore!”**”

33 **Who among you will give ear to this? Who will listen and hear for the time to come? Who gave Jacob for**  
34 **plunder, and Israel to the robbers? [IRS] Was it not the Lord, He against whom we have sinned? For they**  
35 **would not walk in His ways, nor were they obedient to His law [they divorced themselves from their domicile**  
36 **using their right to contract], therefore He has poured on him the fury of His anger and the strength of battle; it**  
37 **has set him on fire all around, yet he did not know; and it burned him, yet he did not take it to heart. [he became**  
38 **an unwitting victim of his own IGNORANCE OF THE LAW]”**  
39 [Isaiah 42:21-25, Bible, NKJV]

41 **“Woe to the rebellious children,” says the Lord, “Who take counsel, but not of Me, and who devise plans [e.g.**  
42 **“social insurance”], but not of My Spirit, that they may add sin to sin; who walk to go down to Egypt [Babylon**  
43 **or the District of Criminals, Washington, D.C.], and have not asked My advice, to strengthen themselves in the**  
44 **strength of Pharaoh, and to trust in the shadow of Egypt! Therefore the strength of Pharaoh shall be your**  
45 **shame, and trust in the shadow of Egypt shall be your humiliation...**

46 Now go, write it before them on a tablet, and note it on a scroll, that it may be for time to come, forever and ever:  
47 that this is a rebellious people, **lying children, children who will not hear the law of the Lord;** who say to the  
48 seers, “Do not see,” and to the prophets [economic prognosticators], “Do not prophesy to us right things” **Speak**  
49 **to us smooth [politically correct] things.** prophesy deceits. Get out of the way, turn aside from the path, cause  
50 the Holy One of Israel to cease from before us [take the ten commandments out of the Supreme Court Building].”

51 Therefore thus says the Holy One of Israel:

52 **“Because you despise this word [God’s word/law], and trust in [government] oppression and perversity, and**  
53 **rely on them, therefore this iniquity shall be to you like a breach ready to fall, a bulge in a high wall, whose**  
54 **breaking comes suddenly, in an instant. And He shall break it like the breaking of the potter’s vessel, which**

1 *is broken in pieces; He shall not spare. So there shall not be found among its fragments a shard to take fire*  
2 *from the hearth, or to take water from the cistern.”*  
3 *[Isaiah 30:1-3, 8-14, Bible, NKJV]*

4 Thus, franchises act as an insidious snare that destroys freedom, people, lives, and families. Both the Bible and our Founding  
5 Fathers forcefully say we must wisely exercise our discretion and our power of choice to systematically avoid such snares  
6 and the franchises and contracts which implement them:

7 *Take heed to yourself, lest you make a covenant [contract or franchise] with the inhabitants of the land where*  
8 *you are going, lest it be a snare in your midst. But you shall destroy their altars, break their sacred pillars, and*  
9 *cut down their wooden images (for you shall worship no other god, for the LORD, whose name is Jealous, is*  
10 *a jealous God), lest you make a covenant [engage in a franchise, contract, or agreement] with the inhabitants*  
11 *of the land, and they play the harlot with their gods [pagan government judges and rulers] and make sacrifice*  
12 *[YOU and your RIGHTS!] to their gods, and one of them invites you and you eat of his sacrifice, and you take*  
13 *of his daughters for your sons, and his daughters play the harlot with their gods and make your sons play the*  
14 *harlot with their gods.*  
15 *[Exodus 34:10-16, Bible, NKJV]*

16 *"My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;*  
17 *but to keep the United States free from political connections with every other Country. To see that they may be*  
18 *independent of all, and under the influence of none. In a word, I want an American character, that the powers*  
19 *of Europe may be convinced we act for ourselves and not for others* *[as contractors, franchisees, or "public*  
20 *officers"]; this, in my judgment, is the only way to be respected abroad and happy at home."*  
21 *[George Washington, (letter to Patrick Henry, 9 October 1775);*  
22 *Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]*

23 *"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you,*  
24 *it is proper that you should understand what I deem the essential principles of our government, and consequently*  
25 *those which ought to shape its administration. I will compress them within the narrowest compass they will bear,*  
26 *stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or*  
27 *persuasion, religious or political; **peace, commerce, and honest friendship with all nations – entangling***  
28 *alliances [contracts, treaties, franchises] with none."*  
29 *[Thomas Jefferson, First Inaugural Address, March 4, 1801]*

30 The Bible forbids Christians to allow anyone but the true and living God to be their king or ruler. Franchises replace God as  
31 our ruler, replace him with a man or a government, and destroy equal protection of the law. Your right to contract is the most  
32 dangerous right you have, folks! The abuse of that right to sign up for government franchises leaves you entirely without  
33 remedy and entirely without any protection for any of your God given rights. Governments are created to protect the exercise  
34 of your right to contract and if you abuse that right, you are TOAST folks, because they can't undo the damage for you and  
35 you lose your right to even go into court to invoke the government's protection!

36 *"These general rules are well settled: (1) That the United States, when it creates [STATUTORY FRANCHISE]*  
37 *rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court*  
38 *disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United*  
39 *States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed.*  
40 *696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433,*  
41 *18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and*  
42 *provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S.*  
43 *165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A, 118; Arson v. Murphy, 109 U.S. 238, 3 Sup.Ct.*  
44 *184, 27 L.Ed. 920; Barnett v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National*  
45 *Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined*  
46 *might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of*  
47 *review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact*  
48 *and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States,*  
49 *173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed.*  
50 *936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200),*  
51 *249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919.:*  
52 *[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919) ]*

53 Under God's law, all persons are equal and any attempt to make them unequal is an attempt at idolatry. In God's eyes, when  
54 we show partiality in judgment of others based on the "privileges" or "franchises" they are in receipt of or other forms of  
55 "social status", then we are condemned as Christians:

56 *"You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid*  
57 *in any man's presence, for the judgment is God's. The case that is too hard for you, bring to me, and I will hear*  
58 *it."*

1 [Deut. 1:17, Bible, NKJV]

2 **"You shall not pervert justice; you shall not show partiality, nor take a bribe [a franchise or "benefit"**  
3 **payment], for a bribe blinds the eyes of the wise and twists the words of the righteous."**  
4 [Deut. 16:19, Bible, NKJV]

5 "For the LORD your God is God of gods and Lord of lords, the great God, mighty and awesome, **who shows no**  
6 **partiality nor takes a bribe [a franchise is a type of government bribe]."**  
7 [Deut. 10:17, Bible, NKJV]

8 **"He [God] will surely rebuke you If you secretly show partiality [against a accused who refuses to participate**  
9 **in franchises as taxpayer and therefore refuses to subsidize your lifestyle as a "benefit" recipient]."**  
10 [Job 13:10, Bible, NKJV]

11 "The rich and the poor have this in common, the **LORD is the maker of them all.**"  
12 [Prov. 22:2, Bible, NKJV]

13 "But you, do not be called 'Rabbi'; for One is your Teacher, the Christ, and you are all brethren. Do not call  
14 anyone on earth your father; for One is your Father, He who is in heaven. And do not be called teachers; for One  
15 is your Teacher, the Christ. **But he who is greatest among you shall be your servant. And whoever exalts**  
16 **himself will be humbled, and he who humbles himself will be exalted"**.  
17 [Jesus in Matt. 23:8-12, Bible, NKJV]

18 But Jesus called them to Himself and said to them, "You know that those who are considered rulers over the  
19 Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you;  
20 but **whoever desires to become great among you shall be your servant. And whoever of you desires to be first**  
21 **shall be slave of all.** For even the Son of Man did not come to be served, but to serve, and to give His life a  
22 ransom for many."  
23 [Mark 10:42-45, Bible, NKJV. See also Matt. 20:25-28]

24 "There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; **for you are all**  
25 **one in Christ Jesus.**"  
26 [Gal. 3:28, Bible, NKJV]

27 Is it fitting to say to a king, "You are worthless,"  
28 And to nobles, "You are wicked"?  
29 **Yet He [God] is not partial to princes [or FRANCHISEES].**  
30 **Nor does He regard the rich more than the poor;**  
31 **For they are all the work of His hands.**  
32 [Job. 34:18-19, Bible, NKJV]

33 "The poor man is hated even by his own neighbor,  
34 But the rich has many friends.  
35 **He who despises his neighbor sins;**  
36 **But he who has mercy on the poor, happy is he."**  
37 [Prov. 14:20-21]

38 **"You shall not show partiality to a poor man in his dispute."**  
39 [Exodus 23:3, Bible, NKJV]

40 "The rich shall not give more and the poor shall not give less than half a shekel, when you give an offering to  
41 the LORD, to make atonement for yourselves."  
42 [Exodus 30:15, Bible, NKJV]

43 "Better is the poor who walks in his integrity Than one perverse in his ways, though he be rich."  
44 [Prov. 28:6, Bible, NKJV]

45 "And again I say to you, it is easier for a camel to go through the eye of a needle than for a rich man to enter  
46 the kingdom of God."  
47 [Matt. 19:24, Bible, NKJV]

48 **"For there is no distinction between Jew and Greek, for the same Lord over all is rich to all who call upon**  
49 **Him."**  
50 [Rom. 10:12, Bible, NKJV]

51 "Command those who are rich in this present age not to be haughty, nor to trust in uncertain riches but in the  
52 living God, who gives us richly all things to enjoy."

Therefore, accepting any kind of government “privilege” or franchise for a Christian encourages unlawful partiality and constitutes idolatry. The “privilege” described by God in the passage below is the “privilege” of having a King (man) to protect, care for, and “govern” the people as a substitute for God’s protection. It is a “protection franchise”. The price exchanged for receipt of the “protection franchise” privilege is becoming “subjects” and paying usurious “tribute” in many forms to the king using their labor, property, and life.

*Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are old, and your sons do not walk in your ways. **Now make us a king to judge us like all the nations** [and be OVER them]".*

*But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. **And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them.** According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. **However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them.**"*

*So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "**This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day.**"*

*Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles." [1 Sam. 8:4-20, Bible, NKJV]*

The right to be protected by the King above is earned by giving him exclusive allegiance, and thereby withdrawing allegiance from God as your personal sovereign:

*"And the men of Israel were distressed that day, for Saul [their new king] had placed the people under oath [of allegiance and thereby FIRED God as their protector]" [1 Sam. 14:24, Bible, NKJV]*

The method described above of taking an oath of allegiance is voluntarily choosing your domicile and nominating a king or ruler to protect you, who you then owe allegiance, support, and tribute to, which today we call “taxes”:

***“TRIBUTE.** Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally. Like deportation, **its purpose was to weaken a hostile state. Deportation aimed at depleting the man-power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the conqueror’s own revenues** and to acquire commodities in short supply in his own country. As an instrument of administration it was one of the simplest ever devised: the subjugated country could be made responsible for the payment of a yearly tribute. **Its non-arrival would be taken as a sign of rebellion, and an expedition would then be sent to deal with the recalcitrant.** This was probably the reason for the attack recorded in Gn. 14. [New Bible Dictionary, Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962; InterVarsity Press: Downers Grove]*

The abuse of “benefits” to tempt, debase, and destroy people is the heart of traitor Franklin Delano Roosevelt’s “New Deal”, which we call the “Raw Deal”. It’s a raw deal because:

- 1. What they tempt you with has no economic value because the government’s half of the bargain is unenforceable. Note the word “scheme” in the second ruling. Quite telling:

*“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”*

1 [United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

2 "We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to  
3 say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional  
4 restraint."

5 [Flemming v. Nestor, 363 U.S. 603 (1960)]

6 2. The money used to pay you the "benefit" is counterfeited or stolen or both and isn't lawful money anyway. See:

*The Money Scam*, Form #05.041

<http://sedm.org/Forms/FormIndex.htm>

7 The above may explain why the Bible says:

8 For thus says the LORD: "You have sold yourselves for nothing, And you shall be redeemed without money."  
9 [Isaiah 52:3, Bible, NKJV]

10 If you would like to learn more about the FRAUD of government "benefits" and all the mechanisms by which they are abused  
11 to destroy, entrap, and enslave people in a criminal tax prosecution, see:

*The Government "Benefits" Scam*, Form #05.040

<http://sedm.org/Forms/FormIndex.htm>

## 12 **11.2.8 Franchises implemented as trusts are the vehicle used to compel you to become the "straw man"**

13 Every straw man we have identified:

- 14 1. Is a "public officer" within the government.
- 15 2. Is in receipt, custody, or control of public property.
- 16 3. Has a fiduciary duty to the government as a "trustee" over public property.
- 17 4. Consented at some point to act as a "trustee" by filling out a government form such as a license or application for  
18 "benefits". See:

*The Government "Benefits" Scam*, Form #05.040

<http://sedm.org/Forms/FormIndex.htm>

19 Why did the government use the mechanism of trusts to implement the straw man? Because once you sign up to become the  
20 trustee, you can't resign without the express permission of the beneficiary under the terms of the trust indenture or contract  
21 itself. You know the government isn't EVER gonna give you permission to quit your job as trustee and their free WHORE.

### 22 **VIII. Devestment of Office.**

23 *A trustee is discharged:*

- 24 (1) by extinction of the trust,
- 25 (2) by completion of his duties,
- 26 (3) by such means as the instrument contemplates,
- 27 (4) by consent of the beneficiaries,
- 28 (5) by judgment of a competent court. <sup>98</sup>

29 [ . . . ]

30 *The trustee cannot abandon his trust, and even if he conveys away the property he will still remain liable as*  
31 *trustee;*<sup>99</sup> *but he may resign.*<sup>100</sup>

<sup>98</sup> Rev. Civ. Code So. Dak. (1903), §1651; Rev. Code N. Dak (1895), 4298; Civ. Code Cal. (1903), §2282.

<sup>99</sup> Webster v. Vandeventer, 6 Gray. 428.

<sup>100</sup> Mass. Rev. Laws (1902). ch. 147, 12.

1                   *Resignation. The resignation in most jurisdictions may be at pleasure,<sup>101</sup> and in any jurisdiction for good reason.*  
2                   <sup>102</sup>

3                   *To be effective, the resignation must be made either according to an express provision of the trust instrument,<sup>103</sup>*  
4                   *or with the assent of all the beneficiaries or the court.<sup>104</sup>*

5                   *The assent of the beneficiaries must be unanimous; hence, if some are under age, unascertained, unborn, or*  
6                   *incompetent, a valid assent cannot be given by the beneficiaries, and resort must be had to the court.*

7                   *The mere resignation and acceptance thereof will not convey the title to the property, but the trustee should then*  
8                   *divest himself of the property by suitable conveyances, and complete his duties, and until he does so he will*  
9                   *remain liable as trustee.<sup>105</sup>*

10                   *Even where all persons in interest assent, it has been suggested that the resignation is not complete without the*  
11                   *action of the court,<sup>106</sup> but it is, to say the least, doubtful ; and especially as all persons who are likely to raise the*  
12                   *question are concluded by their assent.*

13                   *The resignation need not be in writing, and where a trustee has conveyed the trust property to a successor*  
14                   *appointed by the court, there being no evidence of any direct resignation, one would be presumed.<sup>107</sup>*

15                   *Ordinarily courts of probate have jurisdiction in these matters; but where it is not specially given to them, a court*  
16                   *of equity will have the power to accept a resignation among its ordinary powers, and generally has concurrent*  
17                   *jurisdiction where the Probate Court has the power.<sup>108</sup>*

18                   *The court will not accept a resignation until the retiring trustee has settled his account,<sup>109</sup> and returned any*  
19                   *benefit connected with the office,<sup>110</sup> and in some jurisdictions they will require a successor to be provided for.<sup>111</sup>*

20                   *Where there is more than one trust in the same instrument, the rule for resignation is the same as for acceptance;*  
21                   *namely, unless the trusts are divisible, all or neither must be resigned.<sup>112</sup>*  
22                   *[A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22;*  
23                   *SOURCE: <http://www.archive.org/details/trusteeshandbook00loriala>]*

24                   Because you can't quit as trustee without their permission, government franchises and "benefits" behave as "adhesion  
25                   contracts":

26                   ***“Adhesion contract.*** *Standardized contract form offered to consumers of [government] goods and services on*  
27                   *essentially “take it or leave it” basis without affording consumer realistic opportunity to bargain and under such*  
28                   *conditions that consumer cannot obtain desired product or services except by acquiescing in form contract.*  
29                   *Distinctive features of adhesion contract is that weaker party has no realistic choice as to its terms. *Cubic Corp.**  
30                   **v. Marty*, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833; *Standard Oil Co. of Calif. v. Perkins*, C.A.Or., 347*  
31                   *F.2d. 379, 383. Recognizing that these contracts are not the result of traditionally “bargained” contracts, the*  
32                   *trend is to relieve parties from onerous conditions imposed by such contracts. However, not every such contract*  
33                   *is unconscionable. *Lechmere Tire and Sales Co. v. Burwick*, 360 Mass. 718, 720, 721, 277 N.E.2d. 503.”*  
34                   *[Black’s Law Dictionary, Sixth Edition, p. 40]*

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<sup>101</sup> Bogle v. Bogle, 3 Allen, 158; Ellis v. Boston, H. & E. Railroad, 107 Mass. 1 ; statutes passim.

<sup>102</sup> Craig v. Craig, 3 Barb. Ch. 76 ; Dean v. Lanford, 9 Rich. Eq. (S. C.) 423.

<sup>103</sup> Stearns v. Fraleigh, 39 Fla. 603.

<sup>104</sup> Cruger v. Halliday, 11 Paige 314.

<sup>105</sup> Ibid.

<sup>106</sup> Matter of Miller, 15 Abb.Pr. 277.

<sup>107</sup> Thomas v. Higham, 1 Bail.Eq. 222.

<sup>108</sup> Bowditch v. Banuelos, 1 Gray, 220.

<sup>109</sup> Statutes passim. In re Olmstead, 24 App.Div. (N. Y.) 190.

<sup>110</sup> Statutes passim. In re Olmstead, 24 App.Div. (N. Y.) 190.

<sup>111</sup> Civ. Code Cal. (1903), 2260; Rev. Civ. Code So. Dak. (1903), §1638.

<sup>112</sup> Carruth v. Carruth, 118 Mass. 431.

1 We allege that the nature of Social Security as a trust and your role as a “trustee” explains why:

- 2 1. They can tell you that you aren’t allowed to quit. The trust indenture doesn’t permit the trustees to quit.
- 3 2. They will fraudulently call you the “beneficiary” even though technically you AREN’T the beneficiary, but the “trustee”.
- 4 They want to fool you into believing that you are “benefitted” by being their cheap whore so you won’t rattle your legal
- 5 chains and try to resign as trustee or complain about the burdens of your uncompensated position. The BIG secret they
- 6 can’t clue you into is that you didn’t get any “consideration” in exchange for your duties so the contract is not legally
- 7 enforceable. The Courts have ruled that you have no legally enforceable right to collect anything.

8 “... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at  
9 any time.”  
10 [United States Railroad Retirement Board v. Fritz, [449 U.S. 166](#) (1980)]

11 “We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to  
12 say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional  
13 restraint.”  
14 [Flemming v. Nestor, [363 U.S. 603](#) (1960)]

- 15 3. They will accept anyone as an applicant, and especially those who do not meet the legal requirements. All it takes to
- 16 become a trustee is your consent, and they don’t care where you live, including outside of federal territory. Technically,
- 17 20 C.F.R. §422.104 says that only statutory “citizens” and “permanent residents”, both of whom are statutory “U.S.
- 18 persons” (per 26 U.S.C. §7701(a)(30)) with a domicile on federal territory, can lawfully participate. However, in
- 19 practice, if you go to the Department of Motor Vehicles to obtain a license and tell them you don’t qualify for Social
- 20 Security, they will demand a rejection letter from the Social Security Administration (S.S.A.) indicating that you don’t
- 21 qualify. Social Security then will say that you do qualify even if you aren’t a “U.S. citizen” or “permanent resident”
- 22 because their main job is to recruit more “taxpayers”, not to follow the law.

23 The above may explain why the Bible says the following on the subject of government franchises, licenses, and “benefits”:

24 “My son, if sinners [socialists, in this case] entice you,  
25 **Do not consent [do not abuse your power of choice]**  
26 If they say, “Come with us,  
27 Let us lie in wait to shed blood [of innocent "nontaxpayers"];  
28 Let us lurk secretly for the innocent without cause;  
29 Let us swallow them alive like Sheol,  
30 And whole, like those who go down to the Pit:  
31 We shall fill our houses with spoil [plunder];  
32 Cast in your lot among us,  
33 Let us all have one purse [share the stolen LOOT]"--

34 **My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government**  
35 **FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a**  
36 **"U.S. citizen"]**.  
37 Keep your foot from their path;  
38 For their feet run to evil,  
39 And they make haste to shed blood.  
40 Surely, in vain the net is spread  
41 In the sight of any bird;  
42 **But they lie in wait for their own blood.**  
43 **They lurk secretly for their own lives.**  
44 **So are the ways of everyone who is greedy for gain [or unearned government benefits];**  
45 **It takes away the life of its owners.”**  
46 [[Proverbs 1:10-19](#), Bible, NKJV]

47  
48 For thus says the LORD: “ You have sold yourselves for nothing, And you shall be redeemed without money.”  
49 [Isaiah 52:3, Bible, NKJV]

50 The Social Security scam above is further documented later in section 11.3.2. This whole mess started in 1939, and it  
51 happened during Traitor Franklin Delano Roosevelt’s presidency. In that year:

- 52 1. The Trust Indenture Act of 1939 was enacted that codified the above rules. See:

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**Government Identity Theft**

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EXHIBIT: \_\_\_\_\_

Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A  
<https://www.law.cornell.edu/uscode/text/15/chapter-2A>

2. The Public Salary Tax Act of 1939 was passed, authorizing taxes on the salaries of “public officers”. This tax is STILL the basis for the modern Internal Revenue Code. See:

Public Salary Tax Act of 1939  
<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

3. The Internal Revenue Code was enacted into law for the first time. See:

Internal Revenue Code or 1939  
<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

Only one year after all the above happened, the Buck Act of 1940 was enacted authorizing states to impose income taxes upon “public officers” of the United States government, thus completing the transformation of our tax system into a franchise based tax upon public offices that was common between both the states of the Union and the Federal government. The Buck Act can be found at 4 U.S.C. §105-113.

Most government franchises are implemented as trusts. When you complete and sign an application for a franchise such as Social Security, the following mechanisms occur:

1. A “public office” is created.
2. You become surety for the public office and thereby enter into a partnership with the office your consent created. That partnership, in fact, is the one referenced in the definition of “person” found in 26 U.S.C. §6671(b) . You are in partnership with Uncle Sam, in fact, because the office is owned by Uncle:

[TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
[§ 6671. Rules for application of assessable penalties](#)

(b) Person defined

*The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

3. You become a trustee and fiduciary in relation to the beneficiary, which is the government and not you.
4. You forfeit all rights affected by the franchise itself.

*“The Government urges that **the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. .... **The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.**”*  
*[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

*“...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”*  
*[Papasan v. Allain, 478 U.S. 265 (1986)]*

The reason the courts keep the subject of the “trade or business” franchise and the public offices that attach to it secret, is because they don’t want to inform the public of how they are TRAPPED into becoming uncompensated “employees” and “officers” of the government. It’s a legalized peonage and slavery scheme that no one would consent to if they were given all the facts about the effects of it BEFORE they signed that government application for a license or a benefit. Your consent instead is procured through constructive fraud and out of your own legal ignorance. They dumb you down about law in the public fool academy and then harvest your property using the stupidity they manufactured. Welcome to “The Matrix”, Neo.

*“SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent”*  
*[Black’s Law Dictionary, Fourth Edition, p. 1593]*

*Qui tacet consentire videtur.*  
*He who is silent appears to consent. Jenk. Cent. 32.*

The weak point of the abuse of franchises and trusts to enslave you are the following:

1. There is no legally enforceable "consideration" so the franchise contract is unenforceable.
2. Your consent was procured before you became an adult. Contracts as a minor are unenforceable.
3. Your consent was not fully informed.
4. The contract was not signed by BOTH parties to it. There is no government signature, so it can't be binding.
5. The concept of equal protection and equal treatment that is the foundation of the Constitution allows you employ the same techniques to protect yourself using franchises that they use to enslave you. In other words, you can make your own "anti-franchise franchise". See:

Requirement for Equal Protection and Equal Treatment, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

If you would like to know more about all the devious and harmful effects that both trusts and franchises have upon your rights, see:

1. Government Instituted Slavery Using Franchises, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>
2. Trusts: Invisible Snares (ASNM, Vol. 12, No. 1)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V12N1-Trusts.pdf>
3. A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22  
<http://www.archive.org/details/trusteeshandbook00loriala>
4. The Truth About Trusts (ASNM, Vol. 7, No. 1)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N1-TheTruthAboutTrusts.pdf>
5. Trust Fever (ASNM, Vol. 7, No. 1)  
<http://famguardian.org/Subjects/Taxes/Articles/trust%20fever.pdf>
6. Trust Fever II: Divide and Conquer (ASNM, Vol. 7, No. 4)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N4-DivideAndConquer.pdf>

### **11.2.9 Compelled participation in franchises and licensed activities**

This section will prove why your consent to participate in franchises is mandatory, all of the effects upon the status of your property associated with compelled participation, and how the government abuses the voluntary system we have to compel your participation.

The most important things we want you to remember about compelled participation in franchises are that:

1. All franchises are contracts.

*As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>113</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>114</sup>*  
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

2. One of the main purposes of establishing government is to protect your right to both contract and NOT contract with anyone, including the government.

<sup>113</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>114</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

3. A so-called government that not only doesn't protect your right to NOT contract with anyone including them, but forces you to contract with them is not a government, but a usurper and an organized crime ring. In law, all rights are property and contracts convey rights. Anyone who compels you to contract with them is taking your property and is a THIEF and an extortioner, not a protector.
4. Anyone who compels you to participate in franchises offered by the government is violating the Constitution by:
  - 4.1. Compelling you to contract with the government.
  - 4.2. Interfering with and impairing the exercise of your right to NOT contract with the government protected by Article 1, Section 10.
  - 4.3. Engaging in involuntary servitude in violation of the Thirteenth Amendment if you do not consent to participate or do not want to participate.
5. No franchise offered by government can be called "voluntary" that:
  - 5.1. Does not recognize the existence of those who have a right to not participate. For instance, the IRS refuses to recognize the existence of, file the paperwork of, or help those who are "nontaxpayers" not subject to the Internal Revenue Code even though even the U.S. Supreme Court recognized their existence in *South Carolina v. Regan*, [465 U.S. 367](#) (1984). See:
 

"Taxpayer" v. "Nontaxpayer": Which One are You?, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Remedies/TaxpayerVNontaxpayer.htm>
  - 5.2. Penalizes those who choose not to participate. For instance, the IRS penalizes some people who claim to be "nontaxpayers".
  - 5.3. Does not provide or make publicly and conspicuously available all legal provisions, forms, and procedures needed to quit and surrender the right to receive the "benefits" of the franchise.
  - 5.4. Does not routinely criminally prosecute those who compel participation.
  - 5.5. Hides the forms, procedures, statutes, or regulations that allow participation. The Social Security Administration (S.S.A.) hides the SSA Form SSA-521 and the procedures to quit on their website and only describes them in their Social Security Program Operations Manual System (P.O.M.S.) that is only for internal use.
  - 5.6. Tells people they cannot quit the franchise. The Social Security Administration (S.S.A.) FALSELY tells Americans all the time that they cannot quit the program.
  - 5.7. Signs people up as infants before they even have the legal capacity or standing to provide fully informed consent. This is what happens with the enumeration of infants.

28 **11.2.9.1      Consent to participate is mandatory**

29 There is an unspoken presumption within law that those who consent to a thing do so for their own benefit and that they  
 30 cannot and will not be harmed by anything they consent to:

31 *Volunt non fit injuria.*  
 32 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

33 *Consensus tollit errorem.*  
 34 *Consent removes or obviates a mistake. Co. Litt. 126.*

35 *Invito beneficium non datur.*  
 36 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
 37 *considered as assenting. Vide Assent.*

38 *Melius est omnia mala pati quam malo consentire.*  
 39 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

40 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
 41 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.*

42 *Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.*  
 43 *He does not appear to have retained his consent, if he have changed anything through the means of a party*  
 44 *threatening. Bacon's Max. Reg. 33.*  
 45 *[Bouvier's Maxims of Law, 1856;*  
 46 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

47 All franchises are contracts between the grantor and the grantee that result in a voluntary surrender of rights by both parties.  
 48 This surrender of rights constitutes the mutual consideration exchanged between the parties.

1 As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon  
2 valuable considerations, for purposes of individual advantage as well as public benefit,<sup>115</sup> and thus a franchise  
3 partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is  
4 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be  
5 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in  
6 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But  
7 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental  
8 control growing out of its other nature as publici juris.<sup>116</sup>  
9 [American Jurisprudence 2d, Franchises, §4: Generally (1999)]

10 An example of one type of franchise that is a contract between the government grantor and the private grantees is corporations.  
11 The U.S. Supreme Court has repeatedly held that an act of incorporation constitutes a contract between the government and  
12 the stock holders. That's right: If you own stock in a corporation, then you are a government contractor and you probably  
13 didn't even know it!

14 *The court held that the first company's charter was a contract between it and the state, within the protection of*  
15 *the constitution of the United States, and that the charter to the last company was therefore null and void., Mr.*  
16 *Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of*  
17 *decisions in the federal courts, it was that an act of incorporation was a contract between the state and the*  
18 *stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would*  
19 *shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect*  
20 *which has always been felt for the judicial department of the government.'*  
21 [New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885) ]

22 The above case is the reason why the U.S. Supreme Court held in the famous case of Brushaber v. Union Pacific Railroad  
23 Co., 240 U.S. 1 (1916), that those who own stock in federal corporations cannot complain about the corporation voluntarily  
24 paying federal income tax. The Union Pacific Railroad was a federal corporation and Frank Brushaber, a nonresident alien,  
25 was a stock holder who argued that the corporation was stealing from him by volunteering to participate in the fraudulent  
26 federal income tax and thereby reducing the corporate dividends he received. The court held that it could not force the  
27 corporation to not participate in the income tax excise taxable franchise.

28 The main purpose for the establishment of all governments is the protection and preservation of these rights by preventing  
29 and punishing their INVOLUNTARY surrender. All contracts and agreements, including franchise agreements, require  
30 voluntary consent completely absent any kind of duress. Furthermore, the Constitution forbids interference by a state  
31 government with your right to contract.

32 U.S. Constitution  
33 Article 1, Section 10.

34 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin  
35 Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any  
36 Bill of Attainder, ex post facto Law, Law impairing the Obligation of Contracts, or grant any Title of Nobility.

37 The U.S. Supreme Court has also held that the federal government was established to protect your right to either contract or  
38 NOT contract and that no government, including either the state or federal governments, may lawfully interfere with your  
39 right to contract.

40 "Independent of these views, there are many considerations which lead to the conclusion that the power to  
41 impair contracts [either the Constitution or the Holy Bible], by direct action to that end, does not exist with the  
42 general [federal] government. In the first place, one of the objects of the Constitution, expressed in its  
43 preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was  
44 justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the  
45 time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was  
46 engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of  
47 compact were established between the people of the original States and the people of the Territory, for the  
48 purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty,  
49 upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the  
50 just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that  
51 shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud

<sup>115</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>116</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

1 previously formed. The same provision, adds the Chief Justice, found more condensed expression in the  
2 prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the obligation of  
3 contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition  
4 is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and  
5 the majority of the court at the time, that it was clear 'that those who framed and those who adopted the  
6 Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that  
7 the justice which the Constitution was ordained to establish was not thought by them to be compatible with  
8 legislation [or judicial precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are  
9 found expressed in the opinions of other judges of this court."  
10 [[Sinking Fund Cases, 99 U.S. 700 \(1878\)](#) ]

11 It is therefore self-evident that no government may lawfully either compel you to contract, to not contract, or to prescribe the  
12 terms and conditions under which you must contract. Since all franchises are contracts, the implication is that no government  
13 may lawfully compel you to:

- 14 1. Sign or consent to a franchise agreement.
- 15 2. Consent without being fully informed of all the rights that are surrendered:

16 *Non videntur qui errant consentire.*  
17 *He who errs is not considered as consenting. Dig. 50, 17, 116.*  
18 [*Bouvier's Maxims of Law, 1856;*  
19 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

20 "*Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with*  
21 *sufficient awareness of the relevant circumstances and likely consequences.*"  
22 [[Brady v. U.S., 397 U.S. 742 \(1970\)](#)]

- 23 3. Apply for a license of any kind, which is the equivalent of consenting to a franchise.

24 "*A state cannot impose restrictions on the acceptance of a license that will deprive the licensee of his*  
25 *constitutional rights*".  
26 [[Ruckenbrod v. Mullins, 102 Utah 548, 133 P.2d. 325, 144 A.L.R. 839](#)]

- 27 4. Lie on the franchise agreement or application for benefits by penalizing or threatening to penalize you for truthfully  
28 disclosing that you were under duress in signing it.

29 *Non videtur consensus retinuisse si quis ex praescripto minantis aliquid immutavit.*  
30 *He does not appear to have retained his consent, if he have changed anything through the means of a party*  
31 *threatening. Bacon's Max. Reg. 33.*  
32 [*Bouvier's Maxims of Law, 1856;*  
33 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

- 34 5. Accept any benefit or obligation arising out of a franchise against your will. This would constitute involuntary servitude  
35 in violation of the Thirteenth Amendment, [42 U.S.C. §1994](#), and [18 U.S.C. §1589](#).

36 *Quod meum est sine me auferri non potest.*  
37 *What is mine [constitutional rights] cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent*  
38 *Domain.*  
39 [*Bouvier's Maxims of Law, 1856;*  
40 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

41 *Invito beneficium non datur.*  
42 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
43 *considered as assenting. Vide Assent.*  
44 [*Bouvier's Maxims of Law, 1856;*  
45 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]

- 46 6. Deprive you of the right to require that your consent MUST be procured ONLY in writing and that all rights surrendered  
47 must appear on the contract itself. If the U.S. Government can be delegated authority to pass a law requiring that all  
48 contracts with the government MUST be reduced to writing, then the people must ALSO have that authority, because all  
49 the government's authority is delegated from we the people.

50 "*Every man is supposed to know the law. A party who makes a contract with an officer without having it reduced*  
51 *to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law.*"

[Clark v. United States, 95 U.S. 539 (1877)]

7. Interfere with your right to reserve all your rights pursuant to U.C.C. §1-308 when signing said franchise agreements. The method for doing that is to write the following below to your signature.

"All rights reserved without prejudice, U.C.C. §1-308 and its successor, U.C.C. §1-207."

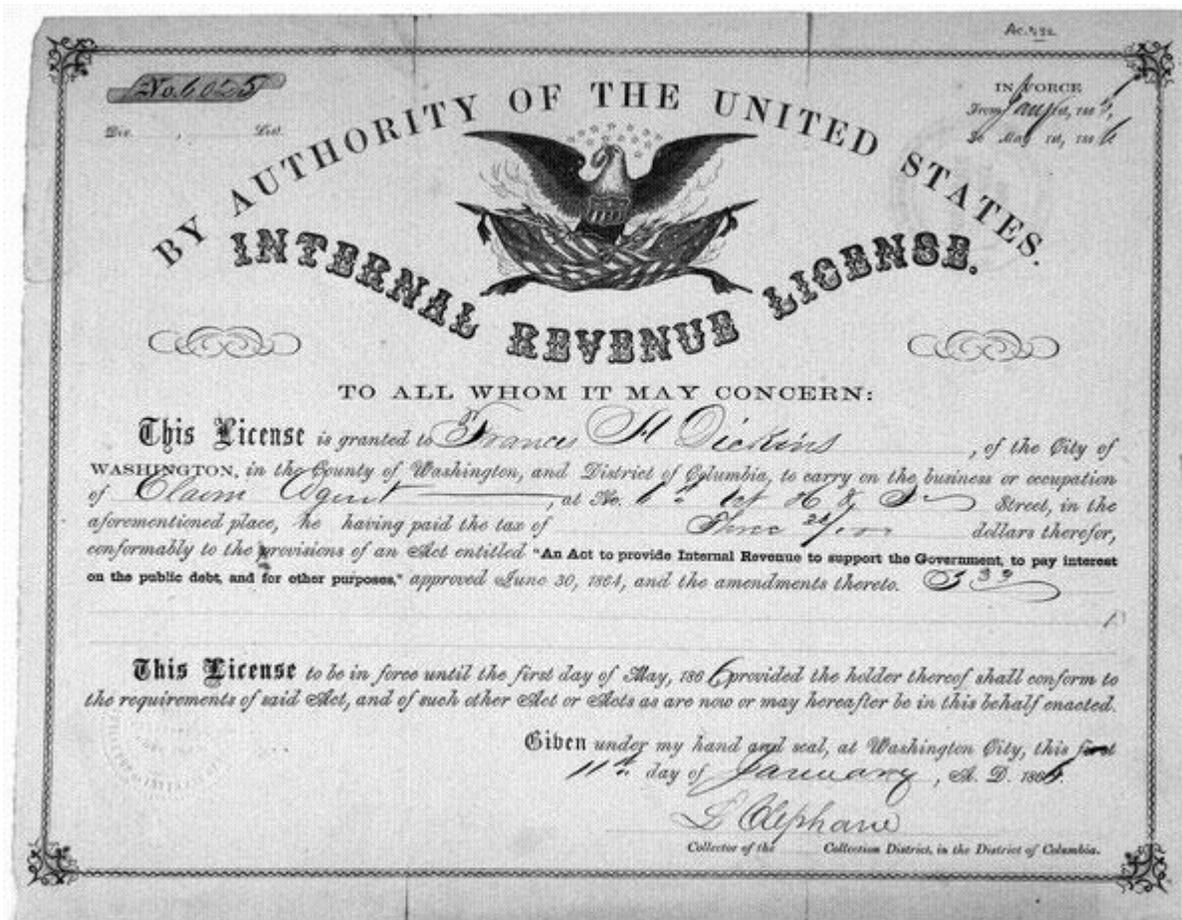
8. Prescribe the terms under which your signature or penalty of perjury statement on the signature are provided, and especially if the standard perjury statement would cause perjury because it places the person on federal territory. This is true of all IRS Forms, which invoke [28 U.S.C. §1746\(2\)](#) and therefore mandate PERJURY under penalty of perjury if not modified. For details, see:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

In earlier times, the national government was honest and required that all those who participated in franchises that could impair their rights had to voluntarily consent in writing to the franchise by applying for a license. Licenses were a good way to do this, because the license served as notice to those affected of the rights they were surrendering and informed them of the statutes they were then subject to which regulated the franchise.

The first income tax was passed during the Civil War in 1862, and this act also created the Bureau of Internal Revenue (B.I.R.). After the Revenue Act of 1862, the new Bureau of Internal Revenue (B.I.R.) began issuing licenses to "taxpayers" under that revenue act. Below is an example of such a license:

**Figure 4: Internal Revenue License**



1 However, many were compelled illegally to procure these licenses and to pay the associated internal revenue tax, culminating  
2 in the License Tax Cases being heard by the U.S. Supreme Court in 1872. In that case, the U.S. Supreme Court held that the  
3 federal government could not license anything within a state in order to tax it.

4 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and  
5 with the Indian tribes, may, without doubt, provide for **granting** coasting licenses, licenses to pilots, licenses to  
6 trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive  
7 power; and the same observation is applicable to every other power of Congress, to the exercise of which the  
8 granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

9 **But very different considerations apply to the internal commerce or domestic trade of the States. Over this  
10 commerce and trade Congress has no power of regulation nor any direct control. This power belongs  
11 exclusively to the States. No interference by Congress with the business of citizens transacted within a State is  
12 warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to  
13 the legislature.** *The power to authorize a business within a State is plainly repugnant to the exclusive power of  
14 the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given  
15 in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must  
16 impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and  
17 thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*

18 **Congress cannot authorize a trade or business within a State in order to tax it.”**  
19 [*License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)*]

20 Following the above holding, the Bureau of Internal Revenue (B.I.R.) suspended issuing the license indicated above.  
21 Furthermore, the first income tax in 1862 was repealed by Congress in 1871, so the need for the licenses was suspended. See  
22 17 Stat. 401 and Great IRS Hoax, Form #11.302, Section 6.5.20.

23 During World War II, the need for federal revenues to fund war returned. At that point, The Social Security Number became  
24 a “de facto license”. This is evident in instructions published by the IRS for its various forms, which indicate that an SSN or  
25 TIN are only required for those engaged in a “trade or business”, which means a “public office” in the U.S. government.

26 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

27 *“The term ‘trade or business’ includes the performance of the functions of a public office.”*

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28

29 **Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)**

30 *You must obtain and enter a U.S. taxpayer identification number (TIN) for:*

- 31 • Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in the  
32 United States.

33 [[IRS Form 1042-S Instructions, p. 14](#)]

34 Remember: A “license” constitutes permission from the state to do that which is otherwise illegal.

- 35 1. 18 U.S.C. §912 makes it illegal to impersonate a “public officer” in the government. The SSN constitutes the de facto  
36 “license” to engage in this otherwise illegal activity.
- 37 2. 18 U.S.C. §654 makes it a crime for an employee of the government to convert private property to a public use without  
38 compensation. However, use of the SSN functions as a de facto “license” to allow this otherwise illegal activity.

39 Therefore, if the IRS receives information about you that is attached to a government identifying number, they assume that:

- 40 1. You consented to participate in the franchise. It is otherwise illegal to compel use or disclosure of Social Security  
41 Numbers. 42 U.S.C. §408.
- 42 2. The Social Security Number is a de facto license number for those participating in the “trade or business”/“public office”  
43 franchise.
- 44 3. You are a “public officer” engaged in a “trade or business” in the context of the transaction reported. 20 C.F.R.  
45 §422.103(d) and the Social Security Card itself both say the Social Security Number and card are the property of the  
46 Social Security Administration (S.S.A.) and must be returned upon request. It is ILLEGAL to use such public property

1 for a private use. That is called embezzlement. The IRS therefore gives you the benefit of the doubt by ASSUMING  
2 that you are not a criminal and that whatever transaction is associated with the de facto license number is private property  
3 donated to a public use to procure the benefits of a franchise.

- 4 4. You consented to donate all private property associated with the number to a “public use”, a “public purpose”, and a  
5 “public office” in order to procure the compensation associated with a federal franchise that you were lawfully eligible  
6 for. You waive your right to claim that criminal conversion of your assets occurred under 18 U.S.C. §654 in this process,  
7 because you consented to it.
- 8 5. You are “federal personnel” pursuant to 5 U.S.C. §552a(a)(13) because eligible for Social Security.

9 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
10 [§552a. Records maintained on individuals](#)

11 (a) Definitions.— For purposes of this section—

12 (13) the term “Federal personnel” means officers and employees of the Government of the United States,  
13 members of the uniformed services (including members of the Reserve Components), individuals entitled to  
14 receive immediate or deferred retirement benefits under any retirement program of the Government of the  
15 United States (including survivor benefits).

### 16 11.2.9.2 Effect of compelled participation in franchises

17 To summarize the effect of franchises:

- 18 1. All franchises make those who engage in them into “public officers”, trustees, and fiduciaries of the government and the  
19 “public trust”.
- 20 2. Property and rights managed by the franchisee within the confines of his/her official duties become private property  
21 donated to a public use to procure the “benefits” of the franchise.

22 All such offices and employments must be consensual and voluntary because if they are not:

- 23 1. The Thirteenth Amendment prohibition against involuntary servitude is violated.
- 24 2. The crime of peonage has been attempted in violation of 42 U.S.C. §1994 and 18 U.S.C. §1583. Peonage is a crime both  
25 on federal territory and within states of the Union.

26 *“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,*  
27 *except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of*  
28 *bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for*  
29 *the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services*  
30 *[in their entirety]. This amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended*  
31 *primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican*  
32 *peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of*  
33 *the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or*  
34 *name.”*

35 [*Plessy v. Ferguson, 163 U.S. 537, 542 (1896)*]

36 *“The constitutionality and scope of sections 1990 and 5526 present the first questions for our consideration.*  
37 *They prohibit peonage. What is peonage? It may be defined as a state or condition of compulsory service,*  
38 *based upon the indebtedness of the peon to the master. The basal fact is indebtedness. As said by Judge*  
39 *Benedict, delivering the opinion in Jaramillo v. Romero, 1 N.Mex. 190, 194: ‘One fact existed universally; all*  
40 *were indebted to their masters. This was the cord by which they seemed bound to their masters’ service.’ Upon*  
41 *this is based a condition of compulsory service. Peonage is sometimes classified as voluntary or involuntary,*  
42 *but this implies simply a difference in the mode of origin, but not in the character of the servitude. The one*  
43 *exists where the debtor voluntarily contracts to enter the service of his creditor. The other is forced upon the*  
44 *debtor by some provision of law. But peonage, however created, is compulsory service, involuntary servitude.*  
45 *The peon can release himself therefrom, it is true, by the payment of the debt, but otherwise the service is*  
46 *enforced. A clear distinction exists between peonage and the voluntary performance of labor or rendering of*  
47 *services in payment of a debt. In the latter case the debtor, though contracting to pay his indebtedness by labor*  
48 *or service, and subject like any other contractor to an action for damages for breach of that contract, can elect*  
49 *at any time to break it, and no law or force compels performance or continuance of the service.”*

50 [*Clyatt v. U.S., 197 U.S. 207 (1905)*]

- 51 3. If the source of the duress is an officer or agent of the government, then that actor is interfering with your right to contract  
52 by compelling you to contract with the government. Since all franchises are contracts, then compelled participation is

1 equivalent to compelled contracting. The foundation of the Constitution is equal protection and the absolute duty of the  
2 government to protect your right to contract. Protecting your right to contract implies:

3 3.1. Enforcing the contract upon those who are parties and who violate it using the authority of the courts.

4 3.2. Protecting your right to NOT contract with those you do not wish to contract with, including anyone in the  
5 government.

6 Another very important effect and implication of participating in franchises is that all property connected with the franchise  
7 transitions its status from private property to public property subject to government regulation. The process of converting  
8 private property into a public use against the wishes of the property owner is called “eminent domain”:

9 *Eminent domain* /emanant dambyn/. The power to take private property for public use by the state,  
10 municipalities, and private persons or corporations authorized to exercise functions of public character. Housing  
11 Authority of Cherokee National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S.  
12 Constitution.

13 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*  
14 *constitutions. **However, the Constitution limits the power to taking for a public purpose and prohibits the***  
15 ***exercise of the power of eminent domain without just compensation to the owners of the property which is***  
16 ***taken. The process of exercising the power of eminent domain is commonly referred to as "condemnation",***  
17 ***or, "expropriation".***

18 *The right of eminent domain is the right of the state, through its regular organization, to reassert, either*  
19 *temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency*  
20 *and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any*  
21 *part of the territory of the state for the common safety; and in time of peace the legislature may authorize the*  
22 *appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing*  
23 *channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the*  
24 *government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the*  
25 *possession of the property in the manner directed by the constitution and the laws of the state, whenever the public*  
26 *interest requires it.*

27 *See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market*  
28 *value; Just compensation; Larger parcel; Public use; Take.*  
29 *[Black's Law Dictionary, Fifth Edition, p. 470]*

30 The U.S. Supreme Court has held that the national government possesses NO RIGHT of eminent domain within a state of  
31 the Union:

32 ***"The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent***  
33 ***domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court***  
34 ***denies the faculty of the Federal Government to add to its powers by treaty***  
35 ***or compact."***  
36 *[Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856)]*

37 The U.S. Supreme Court has also summarized the circumstances under which private property may be taken and converted  
38 into a public use when it said:

39 *"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;"*  
40 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a***  
41 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
42 ***to his neighbor's injury, and that does not mean that he must use it for his***  
43 ***neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other***  
44 ***public "benefit"]***  
45 ***; second, that if he devotes it to a public use, he gives to the public a right to control***  
46 ***that use; and third, that whenever the public needs require, the public may take it upon payment of due***  
47 ***compensation."***  
48 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

1 The rules for converting private property to a public use indicated above are then summarized below:

2 **Table 19: Rules for converting private property to a public use or a public office**

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was a violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

3 If you look at all the above criteria, there is one and only one circumstance in which the private property can become public  
4 property or become associated with a “public office” or “public use” without the just compensation, and without hurting  
5 someone with it. That would be Case Number 4 in which the owner voluntarily donates it to a public use to procure the  
6 benefits of a franchise. That case, incidentally, is the ONLY basis for the federal income tax and it requires his or her consent  
7 and may or may not be accompanied by “consideration”. When it is not accompanied by consideration, then the government  
8 similarly cannot acquire any reciprocal consideration, right, or benefit. To deny this would be to deny equal protection to  
9 both parties. Once private property has been connected to the “public office” or “public use”, those who donated it also  
10 implicitly agree to give the public the right to control said use as public property:

11 *“ . . . if he devotes it to a public use, he gives to the public a right to control that use. . . ”*  
12 [*Budd v. People of State of New York, 143 U.S. 517 (1892)*]

13 The right to control the use of private property donated to a public use to procure the benefits of a franchise is enforced  
14 through the Internal Revenue Code, which is the equivalent of the employment agreement for franchisees called “taxpayers”.

15 18 U.S.C. §654 further makes it a crime for officers or employees of the national government, including the IRS, to convert  
16 private property into a “public use” without the consent of the owner and especially without consideration:

17 [TITLE 18 > PART 1 > CHAPTER 31 > § 654](#)  
18 [§ 654. Officer or employee of United States converting property of another](#)

19 *Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or*  
20 *wrongfully converts to his own use the money or property of another which comes into his possession or under*  
21 *his control in the execution of such office or employment, or under color or claim of authority as such officer or*  
22 *employee, shall be fined under this title or not more than the value of the money and property thus embezzled or*  
23 *converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is*  
24 *\$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.*

25 The above statute explains why:

26 1. IRS cannot do an assessment or Substitute For Return (SFR) without your consent. See:

<p>Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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27 2. You cannot be subject to either employment tax withholding or employment tax reporting without voluntarily signing  
28 an IRS Form W-4.

Title 26: Internal Revenue  
PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE  
Subpart E—Collection of Income Tax at Source  
Sec. 31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

(b) Form and duration of agreement

(2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee mutually agree upon. **However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other.** Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.

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26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

**Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, **the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a).** For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

3. The courts have no authority under the Declaratory Judgments Act, 28 U.S.C. §2201(a) to declare you a franchisee called a "taxpayer". You own yourself.

Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. § 2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991) (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability). Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED. [Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]**

4. The revenue laws may not be cited or enforced against a person who is not a "taxpayer":

**"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."**

1 [Long v. Rasmussen, 281 F. 236 (1922) ]

2 "Revenue Laws relate to taxpayers [officers, employees, instrumentalities, and elected officials of the Federal  
3 Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive  
4 jurisdiction of the Federal Government and who did not volunteer to participate in the federal "trade or business"  
5 franchise]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt  
6 is made to annul any of their Rights or Remedies in due course of law."  
7 [Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

8 "And by statutory definition, 'taxpayer' includes any person, trust or estate subject to a tax imposed by the revenue  
9 act. ...Since the statutory definition of 'taxpayer' is exclusive, the federal courts do not have the power to create  
10 nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts..."  
11 [C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d. 18 (1939)]

12 All of the above requirements have in common that violating them would result in the equivalent of exercising eminent  
13 domain over the private property of the private person without their consent and without just compensation, which the U.S.  
14 Supreme Court said violates the Fifth Amendment takings clause:

15 "To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow  
16 it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery  
17 because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under  
18 legislative forms.

19 Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or  
20 property of a citizen by government for the use of the nation or State.' 'Taxes are burdens or charges imposed  
21 by the Legislature upon persons or property to raise money for public purposes.' Cooley, Const. Lim., 479.

22 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common  
23 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the  
24 government for the purposes of carrying on the government in all its machinery and operations—that they are  
25 imposed for a public purpose.' See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11  
26 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.  
27 Fond du Lac, supra."  
28 [Loan Association v. Topeka, 20 Wall. 655 (1874)]

29 As a consequence of the above considerations, any government officer or employee who does any of the following is  
30 unlawfully converting private property to a public use without the consent of the owner and without consideration:

- 31 1. Assuming or "presuming" you are a "taxpayer" without producing evidence that you consented to become one. In our  
32 system of jurisprudence, a person must be presumed innocent until proven guilty with court admissible evidence.  
33 Presumptions are NOT evidence. That means they must be presumed to be a "nontaxpayer" until they are proven with  
34 admissible evidence to be a "taxpayer". See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

- 35 2. Performing a tax assessment or re-assessment if you haven't first voluntarily assessed yourself by filing a tax return.  
36 See:

Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent,  
Form #05.011  
<http://sedm.org/Forms/FormIndex.htm>

- 37 3. Citing provisions of the franchise agreement against those who never consented to participate. This is an abuse of law  
38 for political purposes and an attempt to exploit the innocent and the ignorant. The legislature cannot delegate authority  
39 to another branch to convert innocent persons called "nontaxpayers" into franchisees called "taxpayers" without  
40 producing evidence of LAWFUL consent to become "taxpayers".

41 "In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and  
42 State legislatures could not do without exceeding their authority, and among them he mentioned a law which  
43 punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and  
44 labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that  
45 made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the  
46 government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,'  
47 he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they  
48 have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence  
49 into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment]  
50 contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a

1 Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained,  
2 would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall.  
3 388."  
4 [Sinking Fund Cases, 99 U.S. 700 (1878) ]

- 5 4. Relying on third party information returns that are unsigned as evidence supporting the conclusion that you are a  
6 "taxpayer". These forms include IRS Forms W-2, 1042-S, 1098, and 1099 and they are NOT signed and are inadmissible  
7 as evidence under Federal Rule of Evidence 802 because not signed under penalty of perjury. Furthermore, the submitters  
8 of these forms seldom have personal knowledge that you are in fact and in deed engaged in a "trade or business" as  
9 required by 26 U.S.C. §6041(a) . Most people don't know, for instance, that a "trade or business" includes ONLY "the  
10 functions of a public office".

### 11 **11.2.9.3 How government hides the requirement for consent**

12 What governments do to circumvent the above limitations upon their authority is to try to avoid or hide the requirement for  
13 explicit or implicit consent by devious and deceptive means:

- 14 1. Refusing to acknowledge that the thing being enforced is a franchise. Remember, all franchises are contracts and  
15 therefore they don't need a liability statute. The Internal Revenue Code, Subtitle A has NO liability statute because it is  
16 a franchise, and yet when this fact is pointed out in court and the government's jurisdiction is challenged by demanding,  
17 pursuant to a quo warranto action, that they produce either evidence of liability or evidence of consent, they refuse to  
18 satisfy either requirement. This amounts to treason, because they cannot compel you into indentured economic servitude  
19 by making presumptions about your consent or your liability.

20 *"In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat. 264*  
21 *(1821), could well have been the explanation of the Rule of Necessity; he wrote that a court "must take jurisdiction*  
22 *if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of*  
23 *the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a*  
24 *case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise*  
25 *of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to*  
26 *the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them." Id., at 404*  
27 *(emphasis added)*  
28 [U.S. v. Will, 449 U.S. 200 (1980)]

- 29 2. Judges refusing to require that evidence of consent must appear on the record of the litigation when the government's  
30 jurisdiction to enforce the terms of the franchise is challenged in a court of law. This approach violates the presumption  
31 of innocence until proven guilty that is the foundation of American jurisprudence. If a person is presumed innocent until  
32 proven guilty, then he must also be presumed to be EXEMPT from all government franchises and OTHER than a  
33 "franchisee" until the government produces admissible evidence of consent to the franchise on the record of the judicial  
34 proceeding.
- 35 3. They write the franchise agreement so that that explicit written consent is *not* required and within the franchise  
36 agreement, create unconstitutional and prejudicial "statutory presumptions" which *imply* consent based on partaking of  
37 the benefits of the franchise. One's conduct in partaking of the benefits of the franchise then provides evidence of  
38 "implied consent".

39 CALIFORNIA CIVIL CODE  
40 DIVISION 3. OBLIGATIONS  
41 PART 2. CONTRACTS  
42 CHAPTER 3. CONSENT  
43 Section 1589

44 *1589. A voluntary acceptance of the benefit of a [government benefit] transaction is equivalent to a consent to*  
45 *all the obligations [and legal liabilities] arising from it, so far as the facts are known, or ought to be known, to*  
46 *the person accepting.*

- 47
- 48 4. They unlawfully apply penalties authorized under the franchise agreement against those who clearly are not party to the  
49 franchise agreement. For instance, they penalize "nontaxpayers" for refusing to act like "taxpayers". This is one of the  
50 main methods by which they recruit more "taxpayers" and franchisees, in fact, and it is highly illegal because it  
51 constitutes an unlawful "bill of attainder", which is a penalty against other than a franchisee without a court trial.

52 Bill of attainder. Legislative acts, no matter what their form, that apply either to named individuals or to easily  
53 ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. United

1 *States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; *United States v. Lovett*, 328 U.S.  
2 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is death and  
3 a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall within the  
4 scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress); Art. I, Sec. 10 (as to  
5 state legislatures).  
6 [Black's Law Dictionary, Sixth Edition, p. 165]

7 5. They make those who administer the franchise exempt from liability for false or fraudulent statements or acts, which  
8 constitutes a license to LIE to the public. This license to lie to the public is then used to:

9 5.1. Deceive the public into believing that EVERYONE is a party to the franchise by calling EVERYONE a "taxpayer".  
10 The term "taxpayer" is defined in [26 U.S.C. §7701](#)(a)(14) as a person subject to the IRC. Only those who consent  
11 to represent the public office called "taxpayer" can be subject, and so by calling everyone a "taxpayer", they are  
12 making a presumption that EVERYONE consents to be a party to the franchise agreement. These tactics are  
13 exhaustively exposed in the following free pamphlet:

*Who are "Taxpayers" and Who Needs a "Taxpayer Identification Number"?*, Form #05.013  
<http://sedm.org/Forms/FormIndex.htm>

14 5.2. Falsely describe the franchise agreement as "public law" that applies equally to everyone, rather than "private law"  
15 which applies only to those who explicitly or implicitly consent.

16 5.3. Falsely state that EVERYONE has an affirmative legal duty to regularly submit evidence to the government which  
17 connects their neighbors, employees, and friends to participation in the franchise. For instance, the IRS encourages  
18 EVERYONE to file information returns for all payments to anyone, including those that are NOT connected to the  
19 "trade or business" franchise. This FRAUD is exhaustively described in the following pamphlet on our website:

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

20 For further details on how they license public servants to LIE, see the following amazing article:

*Federal Courts and the IRS' Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or For*  
*Following Its Own Written Procedures, Family Guardian Fellowship*  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

21 6. By refusing to provide remedies to the public to correct evidence submitted by third parties which might connect them  
22 to the franchise. For instance, refusing to provide a form or procedure to the public which would correct erroneous IRS  
23 Form W-2s submitted by ignorant private employers WITHOUT submitting a tax return to the government that  
24 FURTHER violates the right to privacy. [26 U.S.C. §6041](#)(a) says that the IRS Form W-2 is the method for connecting  
25 workers to the "trade or business" franchise, which is defined in [26 U.S.C. §7701](#)(a)(26) as "the functions of a public  
26 office". The only form provided by the IRS for remedying false W-2s that the falsely accused worker can submit is IRS  
27 Form 4852, and this form can ONLY be submitted attached to a fully completed tax return. There is no method provided  
28 to correct these false W-2 reports WITHOUT submitting a tax return.

29 7. They silently "presume" that you consented. This makes the process of consent effectively "invisible" and then becomes  
30 a vehicle to falsely claim to the public that "participation is mandatory". All such presumptions which might injure a  
31 constitutionally guaranteed right are unconstitutional and a violation of due process of law. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<http://sedm.org/Forms/FormIndex.htm>

32 8. They issue an identifying number in association with signing up for the franchise which is public property and then  
33 silently presume that use of this public property constitutes constructive consent to the terms of the franchise agreement.  
34 This is how Social Security and the federal and state income taxes work. See:

*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>

35 If you would like to know more about the above kinds of games in fraudulently procuring your consent, we refer you to the  
36 following detailed treatment on our website:

*Requirement for Consent*, Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

37 Those who value their freedom should be on the lookout for all of the above types of usurpations and take extraordinary steps  
38 to ensure that they are not victimized by them. You can find forms and tools for doing this both in the next section and later  
39 in section 11.3

## 40 11.2.10 The Government "Benefits" Scam

### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 The foundation of the Franklin Delano Roosevelt "New Deal" is to abuse the government's taxing and spending power to  
2 offer insurance or welfare "benefits" to the people, such as Social Security, Medicare, unemployment insurance, etc. This  
3 "scheme" is based on LIES and FRAUD, which include the following:

- 4 1. All "benefits" are paid under the authority of a franchise agreement of some kind which requires the consent of those  
5 who participate in order to be enforceable.
- 6 2. The franchise agreements do not provide fully or unambiguously disclosure of the obligations of both parties to the  
7 franchise.
- 8 3. The franchise agreements typically either:
  - 9 3.1. Lack a provision to quit...or
  - 10 3.2. The government refuses to execute the provisions to quit so that those who join become lifelong prisoners.
- 11 4. The franchises are both offered and enforced unlawfully outside of the federal territory they are limited to.
- 12 5. Nonresident participants who don't qualify and who it is illegal to offer benefits to are allowed to join by rigging the  
13 forms and words on the forms to deceive those who don't qualify that they are eligible. This is done in order to  
14 manufacture more franchisees and "taxpayers".
- 15 6. The franchise creates an UNEQUAL relationship between the parties that destroys the very foundation of the  
16 government, which is equal protection and equal rights.
  - 17 6.1. Those who participate must surrender nearly all of the rights and sovereignty and ultimately become government  
18 serfs, officers, and employees.
  - 19 6.2. The grantor, which is the government, is the only party to the franchise who can unilaterally rewrite the franchise  
20 agreement without consent or notice of the participants, causing all participants to be shafted.
  - 21 6.3. Courts refuse to hold the government grantor of the franchise accountable to deliver on the "benefits" that are  
22 promised. This ultimately means that the government once again gets something for nothing because they don't  
23 have to deliver anything in exchange for the right to enforce the agreement against you.
- 24 7. The "benefits" are paid for with money that is:
  - 25 7.1. Counterfeited (printed) by the Federal Reserve, which is yet another franchise. It is a "counterfeiting franchise",  
26 to be precise. See:

[The Money Scam](http://sedm.org/Forms/FormIndex.htm), Form #05.041  
<http://sedm.org/Forms/FormIndex.htm>

- 27 7.2. STOLEN from people who don't consent to participate in the franchise and who therefore are compelled under  
28 threat of not being hired or being fired if they don't.
- 29 8. Disputes arising under the franchise agreement are enforced in particularized administrative courts in the Executive  
30 Branch of the government where there is no jury and no justice. The non-judge commissioners who sit on these pseudo-  
31 courts, which are in fact the equivalent of "binding arbitration boards" sanctioned by the franchise itself, have a conflict  
32 of interest and are in the government's pocket. For instance, their "benefits" or salary are paid by revenues from the  
33 franchise, and therefore, they have a direct, pecuniary conflict of interest in criminal violation of 18 U.S.C. §208. The  
34 citizen always loses in these courts and is unjustly stripped of rights and property. See:

[What Happened to Justice?](http://sedm.org/Forms/FormIndex.htm), Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

35 The government "benefits" scam is the heart of socialism and ultimately destroys a republic. Below is how Baron Charles  
36 de Montesquieu, in his seminal treatise entitled Spirit of Laws, described how our republic would be corrupted. This  
37 document was used by the Founders in writing the Constitution and was quoted more often than any other document in the  
38 constitution itself. The whole model of division of powers came from this document:

39 **"The principle of democracy is corrupted not only when the spirit of equality is extinct [BECAUSE OF**  
40 **FRANCHISES!], but likewise when they fall into a spirit of extreme equality, and when each citizen would**  
41 **gain be upon a level with those whom he has chosen to command him.** Then the people, incapable of bearing  
42 the very power they have delegated, want to manage everything themselves, to debate for the senate, to execute  
43 for the magistrate, and to decide for the judges.

44 **When this is the case, virtue can no longer subsist in the republic.** The people are desirous of exercising the  
45 functions of the magistrates, who cease to be revered. The deliberations of the senate are slighted; all respect is  
46 then laid aside for the senators, and consequently for old age. If there is no more respect for old age, there will  
47 be none presently for parents; deference to husbands will be likewise thrown off, and submission to masters. This  
48 license will soon become general, and the trouble of command be as fatiguing as that of obedience. Wives,  
49 children, slaves will shake off all subjection. No longer will there be any such thing as manners, order, or virtue.

50 We find in Xenophon's Banquet a very lively description of a republic in which the people abused their equality.  
51 Each guest gives in his turn the reason why he is satisfied. "Content I am," says Chamides, "because of my poverty.

1 When I was rich, I was obliged to pay my court to informers, knowing I was more liable to be hurt by them than  
2 capable of doing them harm. The republic constantly demanded some new tax of me; and I could not decline  
3 paying. Since I have grown poor, I have acquired authority; nobody threatens me; I rather threaten others. I  
4 can go or stay where I please. The rich already rise from their seats and give me the way. I am a king, I was  
5 before a slave: I paid taxes to the republic, now it maintains [PAYS "BENEFITS" TO] me: I am no longer  
6 afraid of losing; but I hope to acquire."

7 The people fall into this misfortune when those in whom they confide, desirous of concealing their own corruption,  
8 endeavour to corrupt them. To disguise their own ambition, they speak to them only of the grandeur of the state;  
9 to conceal their own avarice, they incessantly flatter theirs.

10 The corruption will increase among the corruptors, and likewise among those who are already corrupted. The  
11 people will divide the public money among themselves [to pay "BENEFITS"], and, having added the  
12 administration of affairs to their indolence, will be for blending their poverty with the amusements of luxury.  
13 But with their indolence and luxury, nothing but the public treasure ["BENEFITS"] will be able to satisfy their  
14 demands.

15 We must not be surprised to see their suffrages [VOTES at the ballot box] given for money [GOVERNMENT  
16 "BENEFITS"]. It is impossible to make great largesses to the people without great extortion: and to compass  
17 this, the state must be subverted. The greater the advantages they seem to derive from their liberty, the nearer  
18 they approach towards the critical moment of losing it. Petty tyrants arise who have all the vices of a single  
19 tyrant. The small remains of liberty soon become insupportable; a single tyrant starts up, and the people are  
20 stripped of everything, even of the profits of their corruption.'

21 [The Spirit of Laws, Charles de Montesquieu, 1758,

22 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_08.htm#002](http://famguardian.org/Publications/SpiritOfLaws/sol_08.htm#002)]

23 Ayn Rand, who came hundreds of years after Montesquieu, and who fled Soviet communism and its attendant corruption to  
24 come to this country, stated the same thing as Montesquieu slightly differently, but much more passionately:

25 "But money demands of you the highest virtues, if you wish to make it or to keep it. Men who have no courage,  
26 pride, or self-esteem, men who have no moral sense of their right to their money and are not willing to defend  
27 it as they defend their life, men who apologize for being rich--will not remain rich for long. They are the  
28 natural bait for the swarms of looters [who gravitate like magnets to places of power in a corrupted  
29 government] that stay under rocks for centuries, but come crawling out at the first smell of a man who begs to  
30 be forgiven for the guilt of owning wealth. They will hasten to relieve him of the guilt--and of his life, as he  
31 deserves.

32 "Then you will see the rise of the double standard--the men who live by force [the de facto government and  
33 corrupted legal profession], yet count on those who live by trade to create the value of their looted money--the  
34 men who are the hitchhikers of virtue. In a moral society, these are the criminals, and the statutes are written  
35 to protect you against them. But when a society establishes criminals-by-right and looters-by-law--men who use  
36 force to seize the wealth of DISARMED victims--then money becomes its creators' avenger. Such looters [de facto  
37 government thieves] believe it safe to rob defenseless [made ignorant of the law by sneaky lawyers and politicians  
38 who run the public education system, in this case] men, once they've passed a law to disarm them. But their loot  
39 becomes the magnet for other looters, who get it from them as they got it. Then the race goes, not to the ablest at  
40 production, but to those most ruthless at brutality. When force is the standard, the murderer wins over the  
41 pickpocket. And then that society vanishes, in a spread of ruins and slaughter.

42 [Atlas Shrugged, Ayn Rand;

43 SOURCE: <http://famguardian.org/Subjects/MoneyBanking/Money/AynRandOnMoney.htm>]

44 The memorandum of law below explains the "benefits" scam in detail. It is intended to be used in your defense in a criminal  
45 tax trial. The following subsections were extracted from that document to summarize how the scam operates:

The Government "Benefits" Scam, Form #05.040

<http://sedm.org/Forms/FormIndex.htm>

### 46 **11.2.10.1 It is unlawful to use the government's taxing power to transfer wealth or subsidize "benefits" to private** 47 **persons**

48 The U.S. Supreme Court has held many times that the ONLY purpose for lawful, constitutional taxation is to collect revenues  
49 to support ONLY the machinery and operations of the government and its "employees". This purpose, it calls a "public use"  
50 or "public purpose":

51 *"The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching directly*  
52 *or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch v.*

1 **Md., 4 Wheat. 431, that the power to tax is the power to destroy.** A striking instance of the truth of the proposition  
2 is seen in the fact that the existing tax of ten per cent, imposed by the United States on the circulation of all other  
3 banks than the National Banks, drove out of existence every \*state bank of circulation within a year or two after  
4 its passage. This power can be readily employed against one class of individuals and in favor of another, so as  
5 to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the  
6 uses for which the power may be exercised.

7 **To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow**  
8 **it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery**  
9 **because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under**  
10 **legislative forms.**

11 **Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or**  
12 **property of a citizen by government for the use of the nation or State.'** **'Taxes are burdens or charges imposed**  
13 **by the Legislature upon persons or property to raise money for public purposes.'** Cooley, Const. Lim., 479.

14 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common  
15 mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the**  
16 **government for the purposes of carrying on the government in all its machinery and operations—that they are**  
17 **imposed for a public purpose.**' See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11  
18 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.  
19 Fond du Lac, supra."  
20 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

21  
22 "A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the  
23 support of the government. The word has never thought to connote the expropriation of money from one group  
24 for the benefit of another."  
25 [[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]

26 Black's Law Dictionary defines the word "public purpose" as follows:

27 "**Public purpose.** In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the  
28 objects for which, according to settled usage, the government is to provide, from those which, by the like usage,  
29 are left to private interest, inclination, or liberality. **The constitutional requirement that the purpose of any tax,**  
30 **police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or**  
31 **welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for**  
32 **instance, federal benefit recipients as individuals].** "Public purpose" that will justify expenditure of public money  
33 generally means such an activity as will serve as benefit to community as a body and which at same time is directly  
34 related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.

35 The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be  
36 levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow;  
37 **the essential requisite being that a public service or use shall affect the inhabitants as a community, and not**  
38 **merely as individuals.** A public purpose or public business has for its objective the promotion of the public  
39 health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents  
40 within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote  
41 such public purpose or public business."  
42 [[Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added](#)]

43 A related word defined in Black's Law Dictionary is "public use":

44 **Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For  
45 condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not  
46 confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which  
47 condemnation is sought and, as long as public has right of use, whether exercised by one or many members of  
48 public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power*  
49 *Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.*

50 Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent  
51 domain, means a use concerning the whole community distinguished from particular individuals. But each and  
52 every member of society need not be equally interested in such use, or be personally and directly affected by it;  
53 if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262  
54 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage,  
55 or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but  
56 must be in common, and not for a particular individual. The use must be a needful one for the public, which  
57 cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be  
58 taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences,

1 *changing conceptions of scope and functions of government, and other differing circumstances brought about by*  
2 *an increase in population and new modes of communication and transportation. Katz v. Brandon, 156 Conn.*  
3 *521, 245 A.2d. 579, 586.*

4 *See also Condemnation; Eminent domain.*  
5 *[Black's Law Dictionary, Sixth Edition, p. 1232]*

6 Black's Law Dictionary also defines the word "tax" as follows:

7 *"Tax: A charge by the government on the income of an individual, corporation, or trust, as well as the value*  
8 *of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.*

9 *A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a*  
10 *payment exacted by legislative authority. In re Mytinger, D.C.Tex. 31 F.Supp. 977, 978, 979. **Essential***  
11 ***characteristics of a tax are that it is NOT A VOLUNTARY***  
12 ***PAYMENT OR DONATION, BUT AN ENFORCED***  
13 ***CONTRIBUTION, EXACTED PURSUANT TO***  
14 ***LEGISLATIVE AUTHORITY.** Michigan Employment Sec. Commission v. Patt, 4*  
15 *Mich.App. 228, 144 N.W.2d. 663, 665. ..."*  
16 *[Black's Law Dictionary, Sixth Edition, p. 1457]*

17 So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the following  
18 criteria:

- 19 1. The money must be used ONLY for the support of government.
- 20 2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
- 21 3. The money must go toward a "public purpose" rather than a "private purpose".
- 22 4. The monies paid cannot be described as wealth transfer between two people or classes of people within society
- 23 5. The monies paid cannot aid one group of private individuals in society at the expense of another group, because this  
24 violates the concept of equal protection of law for all citizens found in Fourteenth Amendment, Section 1.

25 If the monies demanded by government do not fit all of the above requirements, then they are being used for a "private"  
26 purpose and cannot be called "taxes" or "taxation", according to the U.S. Supreme Court. Actions by the government to  
27 enforce the payment of any monies that do not meet all the above requirements can therefore only be described as:

- 28 1. Theft and robbery by the government in the guise of "taxation"
- 29 2. Government by decree rather than by law
- 30 3. Extortion under the color of law in violation [18 U.S.C. §872](#).
- 31 4. Tyranny
- 32 5. Socialism
- 33 6. Mob rule and a tyranny by the "have-nots" against the "haves"
- 34 7. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both  
35 of them can conspire to deprive you of your property.
- 36 8. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the  
37 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it  
38 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even  
39 legally liable for.
- 40 9. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 41 10. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 42 11. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,  
43 and idiotic IRS letters that refuse to justify why government thinks we are "liable".
- 44 12. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal enforcement  
45 actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in receipt of the  
46 proceeds of illegal extortion.
- 47 13. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal  
48 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate  
49 in the federal donation program identified under subtitle A of the I.R.C.

- 1 14. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist “nontaxpayers” to rejoin the ranks of other peons who pay  
2 taxes they aren’t demonstrably liable for, which amounts to slavery.  
3 15. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one’s personal time responding to frivolous IRS notices and  
4 pay taxes on my labor that I am not liable for.

5 The U.S. Supreme Court has further characterized all efforts to abuse the tax system in order to accomplish “wealth transfer”  
6 as “political heresy” that is a denial of republican principles that form the foundation of our Constitution, when it issued the  
7 following strong words of rebuke. Incidentally, the case below also forms the backbone of reasons why the Internal Revenue  
8 Code can never be anything more than private law that only applies to those who volunteer into it:

9 *“The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of*  
10 *conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they*  
11 *[the government] cannot change innocence [a “nontaxpayer”] into guilt [a “taxpayer”]; or punish innocence*  
12 *as a crime [criminally prosecute a “nontaxpayer” for violation of the tax laws]; or violate the right of an*  
13 *antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State,*  
14 *Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained; would,*  
15 *\*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments.”*  
16 *[Calder v. Bull, 3 U.S. 386 (1798)]*

17 We also cannot assume or suppose that our government has the authority to make “gifts” of monies collected through its  
18 taxation powers, and especially not when paid to private individuals or foreign countries because:

- 19 1. The Constitution DOES NOT authorize the government to “gift” money to anyone within states of the Union or in foreign  
20 countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of such funds  
21 produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to subsidize it and  
22 yet not derive any personal benefit whatsoever for it.  
23 2. The Supreme Court identifies such abuse of taxing powers as “robbery in the name of taxation” above.

24 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its taxing  
25 powers into only two distinct classes. We also emphasize that every tax collected and every expenditure originating from the  
26 tax paid MUST fit into one of the two categories below:

27

1 **Table 20: Two methods for taxation**

#	Characteristic	Public use/purpose	Private use/purpose
1	<b>Authority for tax</b>	U.S. Constitution	Legislative fiat, tyranny
2	<b>Monies collected described by Supreme Court as</b>	Legitimate taxation	“Robbery in the name of taxation” (see <i>Loan Assoc. v. Topeka</i> , above)
3	<b>Money paid only to following parties</b>	Federal “employees”, contractors, and agents	Private parties with no contractual relationship or agency with the government
4	<b>Government that practices this form of taxation is</b>	A righteous government	A THIEF
5	<b>This type of expenditure of revenues collected is</b>	Constitutional	Unconstitutional
6	<b>Lawful means of collection</b>	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	<b>Tax system based on this approach is</b>	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	<b>Government which identifies payment of such monies as mandatory and enforceable is</b>	A righteous government	A lying, thieving government that is deceiving the people.
9	<b>When enforced, this type of tax leads to</b>	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	<b>Lawful subjects of Constitutional, federal taxation</b>	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	<b>Tax system based on this approach based on</b>	Private property	All property being owned by the state through eminent domain. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

2 If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent  
3 with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of  
4 federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation  
5 received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government.  
6 Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S.  
7 Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based  
8 on Republican principles. This means that you cannot participate in any of the following federal social insurance programs  
9 WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting  
10 that your government is a thief and a robber that is abusing its taxing powers:

- 11 1. Subtitle A of the Internal Revenue Code. Internal Revenue Code, Sections 1, 32, and 162 all confer privileged financial
- 12 benefits to the participant which constitute federal “employment” compensation.
- 13 2. Social Security.
- 14 3. Unemployment compensation.
- 15 4. Medicare.

16 **11.2.10.2 Why the only persons who can legitimately participate in government “benefits” are government officers**  
17 **and employees**

18 An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above programs  
19 as “federal personnel”, which means federal “employees”. To wit:

1 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
2 [§552a. Records maintained on individuals](#)

3 (a) Definitions.— For purposes of this section—

4 (13) the term “Federal personnel” means officers and employees of the Government of the United States,  
5 members of the uniformed services (including members of the Reserve Components), individuals entitled to  
6 receive immediate or deferred retirement benefits under any retirement program of the Government of the  
7 United States (including survivor benefits).

8 The “individual” they are talking about above is further defined in 5 U.S.C. §552a(a)(2) as follows:

9 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
10 [§ 552a. Records maintained on individuals](#)

11 (a) Definitions.— For purposes of this section—

12 (2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent  
13 residence;

14 The “citizen of the United States” they are talking about above is based on the statutory rather than constitutional definition  
15 of the “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the  
16 two preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and  
17 Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition  
18 of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private human beings,  
19 because Congress cannot legislate for them. Notice the use of the phrase “private business” in the U.S. Supreme Court ruling  
20 below:

21 *“The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private*  
22 *business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty*  
23 *to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may*  
24 *tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the*  
25 *protection of his life and property. His rights are such as existed by the law of the land long antecedent to the*  
26 *organization of the State, and can only be taken from him by due process of law, and in accordance with the*  
27 *Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property*  
28 *from arrest or seizure except under a warrant of the law. He owes nothing to the public [including so-called*  
29 *“taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.”*  
30 *[Hale v. Henkel, 201 U.S. 43, 74 (1906)]*

31 The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for private  
32 persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

33 *“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*  
34 *recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a*  
35 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*  
36 *Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the*  
37 *Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized*  
38 *men.”*  
39 *[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,*  
40 *494 U.S. 210 (1990)]*

**QUESTIONS FOR DOUBTERS:** If you aren't a federal “employee” as a person participating in Social Security and the Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal Regulations under parts 400-499, entitled “Employee’s Benefits”? See for yourself:  
<https://www.law.cornell.edu/cfr/text/20>

41 Another very important point to make here is that the purpose of nearly all federal law is to regulate “public conduct” rather  
42 than “private conduct”. Congress must write laws to regulate and control every aspect of the behavior of its employees so  
43 that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect.  
44 Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private  
45 citizens in the conduct of their private lives. Federal law cannot apply to the private sector at large because the Thirteenth  
46 Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can't use, or

1 in this case “abuse” the authority of law to impose ANY kind of duty against anyone in the private sector except possibly the  
2 responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

3 *For the commandments, “You shall not commit adultery,” “You shall not murder,” “You shall not steal,” “You*  
4 *shall not bear false witness,” “You shall not covet,” and if there is any other commandment, are all summed up*  
5 *in this saying, namely, “You shall love your neighbor as yourself.”*

6 **Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which**  
7 **is to avoid hurting your neighbor and thereby love him].**  
8 *[Romans 13:9-10, Bible, NKJV]*  
9

10 *“Do not strive with a man without cause, **if he has done you no harm.**”*  
11 *[Prov. 3:30, Bible, NKJV]*

12 Thomas Jefferson, our most revered founding father, summed up this *singular* duty of government to LEAVE PEOPLE  
13 ALONE and only interfere or impose a "duty" using the authority of law when and only when they are hurting each other in  
14 order to protect them and prevent the harm when he said.

15 *“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing*  
16 *more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall***  
17 ***leave them otherwise free*** to regulate their own pursuits of industry and improvement, and shall not take from  
18 *the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the*  
19 *circle of our felicities.”*  
20 *[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]*

21 The U.S. Supreme Court confirmed this view, when it ruled:

22 *“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes*  
23 *of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States*  
24 *v. Reese, [92 U.S. 214, 218](#) (1876); United States v. Harris, [106 U.S. 629, 639](#) (1883); James v. Bowman, [190 U.S.](#)  
25 [127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see,*  
26 *e.g., Heart of Atlanta Motel, Inc. v. United States, [379 U.S. 241](#) (1964); United States v. Guest, [383 U.S. 745](#)*  
27 *(1966), their treatment of Congress’ §5 power as corrective or preventive, not definitional, has not been*  
28 *questioned.”*  
29 *[City of Boerne v. Flores, Archbishop of San Antonio, [521 U.S. 507](#) (1997)]*

30 What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your *private life*.  
31 This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control *every aspect*  
32 of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call “social  
33 engineering”. Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of  
34 reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A  
35 of the Internal Revenue Code, which would “appear” to regulate the private conduct of *all* individuals in states of the Union,  
36 in fact only applies to federal instrumentalities or “public employees” in the official conduct of their duties on behalf of the  
37 municipal corporation located in the District of Columbia, which [4 U.S.C. §72](#) makes the “seat of government”. The I.R.C.  
38 therefore essentially amounts to a part of the job responsibility and the “employment contract” of “public employees” and  
39 federal instrumentalities. This was also confirmed by the House of Representatives, who said that only those who take an  
40 oath of “public office” are subject to the requirements of the personal income tax. See:

41 <http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

42 Within the Internal Revenue Code, those legal “persons” who work for the government are identified as engaging in a “public  
43 office”. A “public office” within the Internal Revenue Code is called a “trade or business”, which is defined below. We  
44 emphasize that engaging in a privileged “trade or business” is the main excise taxable activity that in fact and in deed is what  
45 REALLY makes a person a “taxpayer” subject to the Internal Revenue Code, Subtitle A:

46 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

47 *“The term ‘trade or business’ [includes](#) the performance of the functions of a [public office.](#)”*

48 Below is the definition of “public office”:

1 Public office

2 "Essential characteristics of a 'public office' are:

- 3 (1) Authority conferred by law,  
4 (2) Fixed tenure of office, and  
5 (3) Power to exercise some of the sovereign functions of government.  
6 (4) Key element of such test is that "officer is carrying out a sovereign function".  
7 (5) Essential elements to establish public position as 'public office' are:  
8 (a) Position must be created by Constitution, legislature, or through authority conferred by legislature.  
9 (b) Portion of sovereign power of government must be delegated to position,  
10 (c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.  
11 (d) Duties must be performed independently without control of superior power other than law, and  
12 (e) Position must have some permanency."  
13 [Black's Law Dictionary, Sixth Edition, p. 1230]

14 Those who are fulfilling the "functions of a public office" are under a legal, fiduciary duty as "trustees" of the "public trust",  
15 while working as "volunteers" for the "charitable trust" called the "United States Government Corporation", which we  
16 affectionately call "U.S. Inc.":

17 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
18 exercised in behalf of the government or of all citizens who may need the intervention of the officer.<sup>117</sup>  
19 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level  
20 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under  
21 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain  
22 from a discharge of their trusts.<sup>118</sup> That is, a public officer occupies a fiduciary relationship to the political  
23 entity on whose behalf he or she serves.<sup>119</sup> and owes a fiduciary duty to the public.<sup>120</sup> It has been said that  
24 the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>121</sup>  
25 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public  
26 confidence and undermine the sense of security for individual rights is against public policy.<sup>122</sup>  
27 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

28 "U.S. Inc." is a federal corporation, as defined below:

29 "Corporations are also of all grades, and made for varied objects; all governments are corporations, created by  
30 usage and common consent, or grants and charters which create a body politic for prescribed purposes; but  
31 whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of  
32 power, they are all governed by the same rules of law, as to the construction and the obligation of the  
33 instrument by which the incorporation is made. One universal rule of law protects persons and property. It is  
34 a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all  
35 persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst.  
36 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing  
37 of protection as other persons, and their corporate property secured by the same laws which protect that of  
38 individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a  
39 principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal  
40 government, by the amendments to the constitution."  
41 [Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]  
42

43 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
44 PART VI - PARTICULAR PROCEEDINGS

<sup>117</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>118</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>119</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>120</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>121</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>122</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

4 (15) **"United States" means** -

5 (A) **a Federal corporation;**

6 (B) **an agency, department, commission, board, or other entity of the United States; or**

7 (C) **an instrumentality of the United States.**

8 Those who are acting as “public officials” for “U.S. Inc.” have essentially donated their formerly private property to a “public  
9 use”. In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people, most of  
10 whom, do not wish to participate and who would quit if offered an informed choice to do so.

11 *“My son, if sinners [socialists, in this case] entice you,*

12 ***Do not consent [do not abuse your power of choice]***

13 *If they say, “Come with us,*

14 *Let us lie in wait to shed blood [of innocent "nontaxpayers"];*

15 *Let us lurk secretly for the innocent without cause;*

16 *Let us swallow them alive like Sheol,*

17 *And whole, like those who go down to the Pit:*

18 ***We shall fill our houses with spoil [plunder];***

19 ***Cast in your lot among us,***

20 ***Let us all have one purse [share the stolen LOOT]”--***

21 ***My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government***

22 ***FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a***

23 ***"U.S. citizen".***

24 *Keep your foot from their path;*

25 *For their feet run to evil,*

26 *And they make haste to shed blood.*

27 *Surely, in vain the net is spread*

28 *In the sight of any bird;*

29 ***But they lie in wait for their own blood.***

30 ***They lurk secretly for their own lives.***

31 ***So are the ways of everyone who is greedy for gain [or unearned government benefits];***

32 ***It takes away the life of its owners.”***

33 ***[Proverbs 1:10-19, Bible, NKJV]***

34 Below is what the U.S. Supreme Court says about those who have donated their private property to a “public use”. The  
35 ability to volunteer your private property for “public use”, by the way, also implies the ability to UNVOLUNTEER at any  
36 time, which is the part no government employee we have ever found is willing to talk about. I wonder why....DUHHHH!:

37 *“Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and the pursuit of happiness:'*

38 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a***

39 **man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it**

40 **to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, *that***

41 ***if he devotes it to a public use, he gives to the public a right to control that***

42 ***USE; and third, that whenever the public needs require, the public may take it upon payment of due***

43 ***compensation.***

44 ***[Budd v. People of State of New York, 143 U.S. 517 (1892)]***

45 Any legal person, whether it be a natural person, a corporation, or a trust, may become a “public office” if it volunteers to do  
46 so. A subset of those engaging in such a “public office” are federal “employees”, but the term “public office” or “trade or  
47 business” encompasses much more than just government statutory “employees”. In law, when a legal “person” volunteers  
48 to accept the legal duties of a “public office”, it therefore becomes a “trustee”, an agent, and fiduciary (as defined in [26 U.S.C.](#)  
49 [§6903](#)) acting on behalf of the federal government by the operation of private contract law. It becomes essentially a  
50 “franchisee” of the federal government carrying out the provisions of the franchise agreement, which is found in:

- 51 1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.  
52 2. The Social Security Act, which is found in Title 42 of the U.S. Code.

53 If you would like to learn more about how this “trade or business” scam works, consult the authoritative article below:

If you would like to know more about the extreme dangers of participating in all government franchises and why you destroy ALL your Constitutional rights and protections by doing so, see:

1. Government Instituted Slavery Using Franchises, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>
2. SEDM Liberty University, Section 4: Avoiding Government Franchises and Licenses:  
<http://sedm.org/LibertyU/LibertyU.htm>

The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in the "trade or business" franchise:

**Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)**

*You must obtain and enter a U.S. taxpayer identification number (TIN) for:*

- Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.

*[IRS Form 1042-S Instructions, p. 14]*

Engaging in a "trade or business" therefore implies a "public office", which makes the person using the number into a "public officer" who has donated his formerly private time and services to a "public use" and agreed to give the public the right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code, Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the equivalent of a "license number" to act as a "public officer" for the federal government, who is a fiduciary or trustee subject to the plenary legislative jurisdiction of the federal government pursuant to 26 U.S.C. §7701(a)(39), 26 U.S.C. §7408(d), and Federal Rule of Civil Procedure 17(b), regardless of where he might be found geographically, including within a state of the Union. The franchise agreement governs "choice of law" and where it's terms may be litigated, which is the District of Columbia, based on the agreement itself.

Now let's apply what we have learned to your employment situation. God said you cannot work for two companies at once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

*"No one can serve two masters [god and government, or two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."*  
*[Luke 16:13, Bible, NKJV. Written by a tax collector]*

Everything you make while working for your slave master, the federal government, is their property over which you are a fiduciary and "public officer".

*"THE" + "IRS" = "THEIRS"*

A federal "public officer" has no rights in relation to their master, the federal government:

*"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public*

1 *Workers v. Mitchell*, [330 U.S. 75, 101](#) (1947) ; *Civil Service Comm'n v. Letter Carriers*, [413 U.S. 548, 556](#) (1973)  
2 ; *Broadrick v. Oklahoma*, [413 U.S. 601, 616-617](#) (1973).”  
3 [*Rutan v. Republican Party of Illinois*, [497 U.S. 62](#) (1990) ]

4 Your existence and your earnings as a federal “public officer” and “trustee” and “fiduciary” are entirely subject to the whim  
5 and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

6 *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER*  
7 *OVER HIS WILL.”*  
8 [*Alexander Hamilton*, [Federalist Paper No. 79](#)]

9 You will need an “exemption” from your new slave master specifically spelled out in law to justify *anything* you want to  
10 keep while working on the federal plantation. The 1040 return is a profit and loss statement for a federal business trust wholly  
11 owned by the “United States” federal corporation. You are in partnership with your slave master and they decide what scraps  
12 they want to throw to you in your legal “cage” AFTER they figure out whatever is left in financing their favorite pork barrel  
13 project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of  
14 irresponsibility and surety?

15 The W-4 therefore essentially amounts to a federal employment application. It is your badge of dishonor and a tacit admission  
16 that you can’t or won’t trust God and yourself to provide for yourself. Instead, you need a corrupted “protector” to steal  
17 money from your neighbor or counterfeit (print) it to help you pay your bills and run your life. Furthermore, if your private  
18 employer forced you to fill out the W-4 against your will or instituted any duress to get you to fill it out, such as threatening  
19 to fire or not hire you unless you fill it out, then he/she is:

- 20 1. Acting as an employment recruiter for the federal government.
- 21 2. Recruiting you into federal slavery in violation of the Thirteenth Amendment, and [42 U.S.C. §1994](#).
- 22 3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you don’t  
23 want and don’t need.
- 24 4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).
- 25 5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation of  
26 [18 U.S.C. §1956](#).

27 The higher ups at the IRS probably know the above, and they certainly aren’t going to tell private employers or their  
28 underlings the truth, because they aren’t going to look a gift horse in the mouth and don’t want to surrender their defense of  
29 “plausible deniability”. They will NEVER tell a thief who is stealing for them that they are stealing, especially if they don’t  
30 have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil can  
31 rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty to  
32 correct it or become an “accessory after the fact” in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most hated  
33 by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

34 *“As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so*  
35 ***righteousness towards men is a branch of true religion, for he is not a godly man that is not honest**, nor can he*  
36 *expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in commerce.***  
37 ***A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-servants] in***  
38 ***dealing with any person [within the public], which are all an abomination to the Lord, and render those***  
39 ***abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It is an affront***  
40 ***to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the protector of. Men***  
41 ***[in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money***  
42 ***to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit,***  
43 ***Hos. 12:7, 8. But they are not the less an abomination to God, who will be the avenger of those that are***  
44 ***defrauded by their brethren. 2. **Nothing is more pleasing to God than fair and honest dealing, nor more*****  
45 ***necessary to make us and our devotions acceptable to him: A just weight is his delight.** He himself goes by a*  
46 *just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein*  
47 *followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater*  
48 *abomination to God.”*  
49 [*Matthew Henry’s Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1*]

50 The Bible also says that those who participate in this kind of “commerce” with the government are practicing harlotry and  
51 idolatry. The Bible book of Revelation describes a woman called “Babylon the Great Harlot”.

52 *“And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten*  
53 *horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and pearls,*

1 *having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her forehead a*  
2 *name was written:*

3 *MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE*  
4 *EARTH.*

5 *I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw*  
6 *her, I marveled with great amazement.”*  
7 *[Rev. 17:3-6, Bible, NKJV]*

8 This despicable harlot is described below as the “woman who sits on many waters”.

9 *“Come, I will show you the judgment of the great harlot [Babylon the Great Harlot] who sits on many waters,*  
10 *with whom the kings of the earth [politicians and rulers] committed fornication, and the inhabitants of the earth*  
11 *were made drunk [indulged] with the wine of her fornication.”*  
12 *[Rev. 17:1-2, Bible, NKJV]*

13 These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast  
14 and who have made it their false, man-made god and idol:

15 *“The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues.”*  
16 *[Rev. 17:15, Bible, NKJV]*

17 The Beast is then defined in Rev. 19:19 as “the kings of the earth”, which today would be our political rulers:

18 *“And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who*  
19 *sat on the horse and against His army.”*  
20 *[Rev. 19:19, Bible, NKJV]*

21 Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary  
22 defines “commerce” as “intercourse”:

23 *“**Commerce.** ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or*  
24 *inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the*  
25 *instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it*  
26 *is carried on...”*  
27 *[Black’s Law Dictionary, Sixth Edition, p. 269]*

28 If you want your rights back people, you can’t pursue government employment in the context of your private job. If you do,  
29 the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

30 *And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest*  
31 *you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities. Render*  
32 *to her just as she rendered to you, and repay her double according to her works; in the cup which she has mixed,*  
33 *mix double for her. In the measure that she glorified herself and lived luxuriously, in the same measure give her*  
34 *torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow, and will not see sorrow.’*  
35 *Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned*  
36 *with fire, for strong is the Lord God who judges her.*  
37 *[Rev. 18:4-8, Bible, NKJV]*

38 If you would like to know more about why Subtitle A of the Internal Revenue Code only applies to federal instrumentalities  
39 and payments to or from the federal government, we refer you to the free memorandum of law below:

[Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes, Form #05.008](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

40 **11.2.10.3 All government “benefits” amount to private business activity that is beyond the core purposes of**  
41 **government**

42 Based on the content of the preceding sections, all government programs which implement “benefits” of any kind amount to  
43 private law or special law:

1 "Private law. That portion of the law which defines, regulates, enforces, and administers relationships among  
2 individuals, associations, and corporations. As used in contradistinction to public law, the term means all that  
3 part of the law which is administered between citizen and citizen, or which is concerned with the definition,  
4 regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person  
5 upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public  
6 Law."

7 [Black's Law Dictionary, Sixth Edition, p. 1196]

8 "**special law.** One relating to particular persons or things; one made for individual cases or for particular places  
9 or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is  
10 "special" when it is different from others of the same general kind or designed for a particular purpose, or limited  
11 in range or confined to a prescribed field of action or operation. A "special law" relates to either particular  
12 persons, places, or things or to persons, places, or things which, though not particularized, are separated by any  
13 method of selection from the whole class to which the law might, but not such legislation, be applied. *Utah Farm  
14 Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754.* A special law applies only to an individual  
15 or a number of individuals out of a single class similarly situated and affected, or to a special locality. *Board of  
16 County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362.* See also Private bill;  
17 Private law. Compare General law; Public law."

18 [Black's Law Dictionary, Sixth Edition, pp. 1397-1398]

19 Government benefits are private law and special law because they activate with your consent to a contract or agreement. That  
20 consent can take many forms, such as:

- 21 1. Signing a federal job application.
- 22 2. Completing and submitting an SSA Form SS-5 to participate in Social Security as a government employee. It is  
23 ILLEGAL for the government to offer social security to private persons and those who sign up implicitly become "federal  
24 personnel":

25 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II](#) > § 552a  
26 [§552a. Records maintained on individuals](#)

27 (a) Definitions.— For purposes of this section—

28 (13) the term "Federal personnel" means officers and employees of the Government of the United States,  
29 members of the uniformed services (including members of the Reserve Components), individuals entitled to  
30 receive immediate or deferred retirement benefits under any retirement program of the Government of the  
31 United States (including survivor benefits).

- 32 3. Applying for a professional license.
- 33 4. Applying for a driver's license.
- 34 5. Applying for a marriage license.

35 Because they are an exercise in private law and special law, all government "benefits" amount to private business activity  
36 between the government as a business and the private individuals who decide to work for it as "officers" or "employees".  
37 The statutes that implement these so-called "benefits" essentially form the body of what most private companies would  
38 describe as an "employment agreement". The government, like any other private employer, has always had the right to  
39 regulate the conduct of its employees in the context of their official duties

40 "The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the  
41 regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity  
42 as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees.  
43 Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v. Johnson, 425*  
44 *U.S. 238, 247* (1976). Private citizens cannot have their property searched without probable cause, but in many  
45 circumstances government employees can. *O'Connor v. Ortega, 480 U.S. 709, 723* (1987) (plurality opinion);  
46 *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the  
47 government information that may incriminate them, but government employees can be dismissed when the  
48 incriminating information that they refuse to provide relates to the performance of their job. *Gardner v.*  
49 *Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278* (1968). With regard to freedom of speech in particular:  
50 Private citizens cannot be punished for speech of merely private concern, but government employees can be fired  
51 for that reason. *Connick v. Myers, 461 U.S. 138, 147* (1983). Private citizens cannot be punished for partisan  
52 political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public*  
53 *Workers v. Mitchell, 330 U.S. 75, 101* (1947); *Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556* (1973);  
54 *Broadrick v. Oklahoma, 413 U.S. 601, 616-617* (1973)."

55 [Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990) ]

1 When the government is acting as an “employer” rather than a government, and paying workplace “benefits” to its “public  
2 employees”, it is engaging essentially in private business concerns and in that capacity, it:

- 3 1. Implicitly surrenders sovereign immunity and agrees to be subject to the same laws and regulations as everyone else.  
4 This is the foundation of the notion of “equal protection”, whereby all men, and all creations of men called “government”,  
5 are entitled to equal protection and equal treatment.

6 “No language is more worthy of frequent and thoughtful consideration than these words of Mr. Justice Matthews,  
7 speaking for this court, in *Yick Wo v. Hopkins*, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: ‘When we consider  
8 the nature and the theory of our institutions of government, the principles upon which they are supposed to rest,  
9 and review the history of their development, we are constrained to conclude that they do not mean to leave room  
10 for the play and action of purely personal and arbitrary power.’ The first official action of this nation declared  
11 the foundation of government in these words: ‘We hold these truths to be self-evident, [165 U.S. 150, 160] that  
12 all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among  
13 these are life, liberty, and the pursuit of happiness.’ While such declaration of principles may not have the force  
14 of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases  
15 referenced must be had to the organic law of the nation for such limits, yet the latter is but the body and the  
16 letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution  
17 in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the  
18 enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation  
19 of free government.”  
20 [*Gulf, C. & S. F. R. Co. v. Ellis*, 165 U.S. 150 (1897)]

- 21 2. Comes down to the status of any other private business and not a government:

22 *Moreover, if the dissent were correct that the sovereign acts doctrine permits the Government to abrogate its  
23 contractual commitments in “regulatory” cases even where it simply sought to avoid contracts it had come to  
24 regret, then the Government’s sovereign contracting power would be of very little use in this broad sphere of  
25 public activity. We rejected a virtually identical argument in Perry v. United States, 294 U.S. 330 (1935), in which  
26 Congress had passed a resolution regulating the payment of obligations in gold. **We held that the law could not  
27 be applied to the Government’s own obligations, noting that “the right to make binding obligations is a  
28 competence attaching to sovereignty.”** *Id.* at 353.*

29 *See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) (“**The United States does business on  
30 business terms**”)) (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926));  
31 *Perry v. United States*, *supra* at 352 (1935) (“**When the United States, with constitutional authority, makes  
32 contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such  
33 instruments. There is no difference . . . except that the United States cannot be sued without its consent**”)  
34 (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) (“**The United States, when they contract with  
35 their citizens, are controlled by the same laws that govern the citizen in that behalf**”); *Cooke v. United States*,  
36 91 U.S. 389, 398 (1875) (explaining that when the United States “comes down from its position of sovereignty,  
37 and enters the domain of commerce, it submits itself to the same laws that govern individuals there”).*

38 *See Jones, 1 Cl.Ct. at 85 (“**Wherever the public and private acts of the government seem to commingle, a citizen  
39 or corporate body must by supposition be substituted in its place, and then the question be determined whether  
40 the action will lie against the supposed defendant**”); *O’Neill v. United States*, 231 Ct.Cl. 823, 826 (1982)  
41 (sovereign acts doctrine applies where, “[w]here [the] contracts exclusively between private parties, the party hurt  
42 by such governing action could not claim compensation from the other party for the governing action”). The  
43 dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its  
44 reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need  
45 to treat the government-as-contractor the same as a private party.*

46 *Our Contract Clause cases have demonstrated a similar concern with governmental self-interest by recognizing  
47 that “complete deference to a legislative assessment of reasonableness and necessity is not appropriate because  
48 the State’s self-interest is at stake.” *United States Trust Co. of N.Y. v. New Jersey*, 431 U.S. 1, 26 (1977); see also  
49 *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 412-413, and n. 14 (1983) (noting that  
50 a stricter level of scrutiny applies under the Contract Clause when a State alters its own contractual obligations);  
51 cf. *Perry*, *supra* at 350-351 (drawing a “clear distinction” between Congress’ power over private contracts and  
52 “the power of the Congress to alter or repudiate the substance of its own engagements”).*

53 *The generality requirement will almost always be met where, as in Deming, the governmental action “bears upon  
54 [the government’s contract] as it bears upon all similar contracts between citizens.” *Deming v. United States*, 1  
55 Ct.Cl. 190, 191 (1865). Deming is less helpful, however, in cases where, as here, the public contracts at issue  
56 have no obvious private analogs.  
57 [*United States v. Winstar Corp.*, 518 U.S. 839 (1996)]*

- 58 3. When it borrows money, does so on the same terms as any other private business:

1 "What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the  
2 State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division  
3 of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to  
4 raise contributions out of the money promised to be paid before payment? **That cannot be, because if it could,**  
5 **the contract (in the language of Alexander Hamilton) would 'involve two contradictory things: an obligation**  
6 **to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It**  
7 **is against the rules, both of law and of reason, to admit by implication in the construction of a contract a**  
8 **principle which goes in destruction of it.'** The truth is, States and cities, when they borrow money and contract  
9 to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals.  
10 Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of  
11 there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment,  
12 the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with  
13 a reserved right to deny or change the effect of the promise, is an absurdity."  
14 [Murray v. City of Charleston, 96 U.S. 432 (1877)]

15 Because all government "benefits" are a product of private law and your right to contract, then they are subject to the same  
16 limitations as every other private individual. Namely:

- 17 1. Government may not compel persons to do business with it or to participate in government benefits or franchises. Thus,  
18 it may not compel participation in any of the following franchises:
  - 19 1.1. Domicile.
  - 20 1.2. Residence.
  - 21 1.3. Social Security.
  - 22 1.4. Medicare.
  - 23 1.5. Unemployment insurance.
  - 24 1.6. Federal income tax.
  - 25 1.7. State income tax.
- 26 2. Government may not call funds collected to support the program a "tax" if the benefits are paid to private individuals.  
27 Rather, they must call it "insurance" or "social insurance" and must emphasize that participation is voluntary and can be  
28 terminated at any time. This is the same requirement that private employers must abide by in offering employment  
29 benefits to their employees.
- 30 3. Government may not criminalize non-payment for the service or benefit. Like every other kind of commercial offering,  
31 payment can only lawfully be enforced in a civil and not criminal proceeding.
- 32 4. Government, like any other business, may not have a monopoly on any of the "benefits" it offers or outlaw competition  
33 from private industry in offering such a benefit. Monopolies, including government monopolies, are illegal under the  
34 Sherman Anti-Trust Act codified in [15 U.S.C. Chapter 1](#).

#### 35 **11.2.10.4 "Benefits" defined**

36 The term "benefit" is defined in the following statute.

37 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
38 [§ 552a. Records maintained on individuals](#)

39 *Definitions.— For purposes of this section—*

40 *(12) the term "Federal benefit program" means any program administered or funded by the Federal*  
41 *Government, or by any agent or State on behalf of the Federal Government, providing cash or in-kind*  
42 *assistance in the form of payments, grants, loans, or loan guarantees to individuals: . . .*

43 The two criteria to receive a "benefit" are:

- 44 1. The recipient must be an "Individual", who is defined in 5 U.S.C. §552a(a)(2) as a "citizen or resident of the United  
45 States" domiciled on federal territory and not within any state of the Union.
- 46 2. The recipient must receive cash or in-kind assistance in the form of payments, grants, loans, or loan guarantees.

47 The above definition excludes Federal Reserve Notes as "cash, grants, Loans, or loan guarantees", which are not lawful  
48 money, as we prove below:

[The Money Scam, Form #05.041](#)  
<http://sedm.org/Forms/FormIndex.htm>

1 Below is yet another definition from Black's Law Dictionary:

2 **Benefit.** Advantage; profit; fruit; privilege; gain; interest. The receiving as the exchange for promise some  
3 performance or forbearance which promisor was not previously entitled to receive. *Graphic Arts Finishers, Inc.*  
4 *v. Boston Redevelopment Authority*, 357 Mass. 49, 255 N.E.2d. 793, 795. Benefits are something to advantage  
5 of, or profit to, recipient. *Cheltenham Tp. v. Cheltenham Tp. Police Dept.*, 11 Pa.Cmwlth. 348, 312 A.2d. 835,  
6 838.

7 *Financial assistance received in time of sickness, disability, unemployment, etc. either from insurance or public*  
8 *programs such as social security.*

9 Contracts. When it is said that a valuable consideration for a promise may consist of a benefit to the promisor,  
10 "benefit" means that the promisor has, in return for his promise, acquired some legal right to which he would  
11 not otherwise have been entitled. *Woolum v. Sizemore*, 267 Ky. 384, 102 S.W.2d. 323, 324. "Benefits" of contract  
12 are advantages which result to either party from performance by other. *DeCarlo v. Geryco, Inc.* 46 N.C.App. 15,  
13 264 S.E.2d. 370, 375.

14 Eminent domain. It is a rule that, in assessing damages for private property taken or injured for public use,  
15 "special benefits" may be set off against the amount of damage found, but not "general benefits," Within the  
16 meaning of this rule, general benefits are such as accrue to the community at large, to the vicinage, or to all  
17 property similarly situated with reference to the work or improvement in question; while special benefits are such  
18 as accrue directly and solely to the owner of the land in question and not to others.

19 *As respects eminent domain law, "general benefits" are those which arise from the fulfillment of the public object*  
20 *which justified the taking, while "special benefits" are those which arise from the particular relation of the land*  
21 *in question to the public improvement. Morehead v. State Dept. of Roads*, 195 Neb. 31, 236 N.W.2d. 623, 627.  
22 [*Black's Law Dictionary, Sixth Edition, p. 158*]

23 The above meaning of the word "benefit" is vague and depends on which of the two parties to a franchise or prospective  
24 franchise is permitted to define it. There are many reasons why legislators might purposefully leave words undefined. Some  
25 of these reasons include the fact that they might want:

- 26 1. The definition to be subjective so as to replace a "society of law" with a "society of men".
- 27 2. The jury and the judge, who are usually "benefit" recipients, to be subjectively in charge of defining it and to have the  
28 ability to COMPEL others to PRESUME that what is offered is in fact a "benefit". This, however, causes a criminal  
29 violation of:
  - 30 2.1. 18 U.S.C. §208 on the part of the judge.
  - 31 2.2. 18 U.S.C. §201 in the case of the jurists, who are public officials.
- 32 3. To delegate to federal judges the authority to reach beyond the government's constitutionally delegated power. Typically  
33 this is done by giving undue and excessive "policy" discretion to federal judges in order to convert a society of law into  
34 a society of men.
- 35 4. To politicize and compel the court to engage in public policy questions rather than legal questions and therefore violate  
36 the separation of powers doctrine. See:

Political Jurisdiction, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>

37 Any attempt to delegate arbitrary power to a judge represents slavery itself, according to the U.S. Supreme Court:

38 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
39 *are supposed*<sup>370</sup> *to rest, and review the history of their development, we are constrained to conclude that they*  
40 *do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,*  
41 *of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are*  
42 *delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all*  
43 *government exists and acts. And the law is the definition and limitation of power. It is, indeed, quite true that*  
44 *there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many*  
45 *cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal*  
46 *of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. **But the***  
47 ***fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are***  
48 ***secured by those maxims of constitutional law which are the monuments showing the victorious progress of***  
49 ***the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the***  
50 ***famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a***  
51 ***government of laws and not of men.'** For the very idea that one man may be compelled to hold his life, or the*  
52 ***means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to***  
53 ***be intolerable in any country where freedom prevails, as being the essence of slavery itself."***

1 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (U.S. 1886)]

2 If the word “benefit” is not defined within the context of the specific franchise you are accused of violating, then the word is  
3 what the legal profession calls “void for vagueness”, thus rendering it a violation of due process of law and a tort to prosecute  
4 anyone for a crime involving receipt of “benefits”:

5 *That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are*  
6 *subject to it what conduct on their part will render them liable to its penalties is a well- recognized requirement,*  
7 *consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids*  
8 *or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its*  
9 *meaning and differ as to its application violates the first essential of due process of law. International Harvester*  
10 *Co. v. Kentucky, 234 U.S. 216, 221 , 34 S.Ct. 853; Collins v. Kentucky, 234 U.S. 634, 638 , 34 S.Ct. 924*

11 ...  
12 *... The dividing line between what is lawful and unlawful cannot be left to conjecture. **The citizen cannot be held***  
13 ***to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit***  
14 ***of different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime, and the***  
15 ***elements constituting it, must be so clearly expressed that the ordinary person can intelligently choose, in***  
16 ***advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and***  
17 ***providing a punishment for their violation, should not admit of such a double meaning that the citizen may act***  
18 ***upon the one conception of its requirements and the courts upon another.’***  
19 *[Connally vs. General Construction Co., 269 U.S. 385 (1926)]*

20 How can we prove that a statute is vague in court? That’s easy: Conduct a poll and ask people who don’t receive the benefit  
21 on the jury and who therefore do not have a criminal conflict of interest what a “benefit” is and whether they regard the  
22 benefit at issue in the case as a “consideration” based on the content of this section. If there is any variation among the  
23 persons polled and if their answers are not entirely consistent, then the law is void for vagueness.

24 Absent a clear, unambiguous, objective definition of the word “benefit”, any crime or prosecution based on its definition is  
25 required to give the defendant the benefit of the doubt under a practice called the “rule of lenity”:

26 *This expansive construction of § 666(b) is, at the very least, **inconsistent with the rule of lenity -- which the***  
27 ***Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term***  
28 ***“benefits,” we should resolve that ambiguity in favor of the defendant. See United States v. Bass, 404 U.S. 336,***  
29 ***347 (1971) (“In various ways over the years, we have stated that, when choice has to be made between two***  
30 ***readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher***  
31 ***alternative, to require that Congress should have spoken in language that is clear and definite” (internal***  
32 ***quotation marks omitted)).***  
33 *[Fischer v. United States, 529 U.S. 667 (2000)]*

34 *“When Congress leaves to the Judiciary the task of imputing to Congress an undeclared will, **the ambiguity***  
35 ***should be resolved in favor of lenity. And this not out of any sentimental consideration, or for want of sympathy***  
36 ***with the purpose of Congress in proscribing evil or antisocial conduct. It may fairly be said to be a***  
37 ***presupposition of our law to resolve doubts . . . against the imposition of a harsher punishment.”***  
38 *[Bell v. United States, 349 U.S. 81, 83 (1955)]*

39 If the defendant in a criminal trial involving “benefits” is a Christian, it is also important to point out that the Bible forbids  
40 us to regard anything that is offered by the government as a “benefit”. Anyone who compels you to regard what the  
41 government offers as a benefit is therefore compelling you to violate your religious beliefs and violate the First Amendment:

42 *“Behold, **the nations [and governments and politicians of the nations] are as a drop in the bucket, and are***  
43 ***counted as the small dust on the scales.”***  
44 *[Isaiah 40:15, Bible, NKJV]*

45 *“**All the inhabitants of the earth are reputed as nothing;** He does according to His will in the army of heaven  
46 **And among the inhabitants of the earth. No one can restrain His hand Or say to Him, ‘What have You done?’”***  
47 *[Daniel 4:35, Bible, NKJV]*

48 *“**All nations [and governments] before Him [God] are as nothing,** and they are counted by Him **less than***  
49 ***nothing and worthless.”***  
50 *[Isaiah 40:17, Bible, NKJV]*

51 *“**He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth useless.”***  
52 *[Isaiah 40:23, Bible, NKJV]*

1 "Indeed **they [the governments and the men who make them up in relation to God] are all worthless; their**  
2 **works are nothing; their molded images [and their bureaus and agencies and usurious "codes" that are not**  
3 **law] are wind [and vanity] and confusion."**  
4 [Isaiah 41:29, Bible, NKJV]

5 Understanding the meaning of the word "benefit", however, is hugely important because:

- 6 1. The definition of the term becomes the metric for whether sufficient "consideration" was rendered by both parties to the  
7 contract or franchise so as to make the contract or agreement binding on both of them.
- 8 2. Receipt of "benefit" is the basis for criminally prosecuting those participating in federal franchises who don't "pay their  
9 fair share".
- 10 3. The person granted authority to define the word in any legal contest will always win, which will end up being the judge  
11 if you don't define it on the government form that administers the franchise you are either involved in or accused of  
12 being involved in.

13 Since the word can and often is very deliberately and purposefully not legislatively defined, it is therefore our job whenever  
14 we submit a government form to identify that we are the only ones who can define it and then to define it unambiguously so  
15 that silver-tongued judges, government prosecutors, and other vermin cannot later invent a unilateral definition that we  
16 disagree with and which ultimately will advantage and benefit them at your expense. This approach, in fact, was taken into  
17 account in the following form on our website which we religiously attach to all government tax forms we are compelled to  
18 submit:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

19 The definition of the word "benefit" that provides the most protection for your rights is the following:

20 ***Benefit:*** Advantage; profit; fruit; gain; interest associated with a specific transaction which conveys a right or  
21 property interest which:

- 22 1. *Is not dispensed by an administrative agency of any state or federal government, but by a private individual.*
- 23 2. *Does not require the recipient to be an officer, agent, employee, or "personnel" within any government.*
- 24 3. *Is not called a "tax" or collected by the Internal Revenue Service, but is clearly identified as "private*  
25 *business activity beyond the core purposes of government".*
- 26 4. *Does not confer upon the grantor any form of sovereign, official, or judicial immunity.*
- 27 5. *Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard in*  
28 *equity within a true, Article III constitutional court and NOT a legislative franchise court.*
- 29 6. *True constitutional courts are provided in which to litigate disputes arising under the benefit and those with*  
30 *said disputes are not required to exhaust administrative remedies with an executive branch agency BEFORE*  
31 *they may litigate. These constitutional courts are required to produce evidence that they are constitutional*  
32 *courts with OTHER than strictly legislative franchise powers when challenged by the recipients of said*  
33 *benefits.*
- 34 7. *The specific value of the consideration can be quantified at any time.*
- 35 8. *Monies paid in by the recipient to subsidize the program are entirely refundable if the benefits they pay for*  
36 *have not been received or employed either partially or in full.*
- 37 9. *A person who dies and never collects a benefit is refunded ALL of the monies they paid in.*
- 38 10. *Participation in the program is not also attached to any other government program. For instance, being a*  
39 *recipient of "social insurance" does not also make the recipient liable for unrelated or other federal taxes.*
- 40 11. *The term "benefit" must be defined in the franchise agreement that dispenses it, and its definition may not*  
41 *be left to the subjective whims of any judge or jury.*
- 42 12. *If the "benefit" is financial, then it is paid in lawful money rather than Federal Reserve Notes, which are*  
43 *non interest bearing promissory notes that are not lawful money and are backed by nothing.*
- 44 13. *The franchise must expressly state that participation is voluntary and that no one can be prosecuted or*  
45 *punished for failure to participate.*
- 46 14. *The identifying numbers, if any, that administer the program may not be used for identification and may not*  
47 *be shared with or used by any nongovernmental entity other than the recipient him or her self.*
- 48 15. *May not be heard by any judge, jurist, or prosecutor who is a recipient or beneficiary of the same benefit,*  
49 *because this would cause a conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C.*  
50 *§455.*
- 51 16. *During any litigation that involving the "benefit", both the grantor and the grantee share equal obligation*  
52 *to prove that equally valuable consideration was provided to the other party. Note that Federal Reserve*  
53 *Notes do not constitute lawful money or therefore consideration.*

1 Anything offered by the government that does not meet ALL of the above criteria is herein defined as an INJURY  
2 and a TORT. Compelled participation is stipulated by both parties as being slavery in criminal violation of 18  
3 U.S.C. §1583, 42 U.S.C. §1994, and the Thirteenth Amendment.

4  
5 Receipt of the attached government application constitutes consent by the recipient of the application to use the  
6 above definition of "benefit" in any disputes that might arise over this transaction. Government recipient and its  
7 agents, employees, and assigns forfeit their right as private individuals acting in any government office to define  
8 the term "benefit" and agree to use ONLY the above definition.

9 The above definition is intended to prevent the creation of a state sponsored religion or fantasy in which people may be fooled  
10 into believing that they receive anything of value from the government:

11 "BELIEF. A conviction of the truth of a proposition, existing subjectively in the mind, and induced by  
12 argument, persuasion [GOVERNMENT LIES, PROPAGANDA], or proof addressed to the judgment. Keller  
13 v. State, 102 Ga. 506, 31 S.E. 92. Latrobe v. J. H. Cross Co., D.C.Pa., 29 F.2d. 210, 212. A conclusion arrived at  
14 from external sources after weighing probability. Ex parte State ex rel. Attorney General, 100 So. 312, 313, 211  
15 Ala. 1.

16 Conviction of the mind, arising not from actual perception or knowledge, but by way of inference, or from  
17 evidence received or information derived from others.

18 A conviction of the truth of a given proposition or an alleged fact resting upon grounds insufficient to constitute  
19 positive knowledge. Boone v. Merchants' & Farmers' Bank, D.C.N.C.. 285 F. 183. 191.

20 With regard to things which make not a very deep impression on the memory, it may be called "belief."  
21 "Knowledge" is nothing more than a man's firm belief. The difference is ordinarily merely in the degree; to be  
22 judged of by the court, when addressed to the court; by the jury, when addressed to the jury. Hatch v. Carpenter,  
23 9 Gray (Mass.) 274.

24 Knowledge is an assurance of a fact or proposition founded on perception by the senses, or intuition; while  
25 "belief" is an assurance gained by evidence, and from other persons. Brooks v. Sessoms, 47 Ga.App. 554, 171  
26 S.E. 222, 224. "Suspicion" is weaker than "belief," since suspicion requires no real foundation for its existence.  
27 while "belief" is necessarily based on at least assumed facts. Pen. Code. Ci 836, subd. 3. Cook v. Singer Sewing  
28 Mach. Co., 32 P.2d. 430, 431. 138 Cal.App. 418."  
29 [Black's Law Dictionary, Fourth Edition, p. 197]

30 If you submit a government form with the above Tax Form Attachment, Form #04.201 and the application is rejected, this is  
31 a great way to prove to anyone who was trying to force you to participate that you weren't eligible! Hurt me! It is a maxim  
32 of law that any act which is compelled is not YOUR act, and that the law cannot require an impossibility, which means that  
33 no one can require you to obtain or punish you for failure to obtain that which the government won't issue you or which you  
34 can prove you aren't even legally qualified to obtain. For an example of this phenomenon, see:

- 35 1. Why You Aren't Eligible for Social Security, Form #06.001  
36 <http://sedm.org/Forms/FormIndex.htm>  
37 2. Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205  
38 <http://sedm.org/Forms/FormIndex.htm>

### 39 **11.2.11 How franchises are used to destroy equal protection that is the foundation of the Constitution and all free** 40 **government**

41 The foundation of all free governments is equal protection. We have published an entire memorandum of law on the subject  
42 of equal protection on our website below, because it is such an important subject:

Requirement for Equal Protection and Equal Treatment, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

43 The U.S. Supreme Court agreed with the above assertion and emphasized that preserving equal protection is the most  
44 important priority of the courts when it said:

45 "The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of  
46 frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick  
47 Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our  
48 institutions of government, the principles upon which they are supposed to rest, and review the history of their

1 development, we are constrained to conclude that they do not mean to leave room for the play and action of purely  
2 personal and arbitrary power.' The first official action of this nation declared the foundation of government in  
3 these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that  
4 they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the  
5 pursuit of happiness.' While such declaration of principles may not have the force of organic law, or be made  
6 the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the  
7 organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the  
8 thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of  
9 Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional  
10 provisions intended to secure that equality of rights which is the foundation of free government."  
11 [Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897) ]

12 Therefore, any attempt to destroy equal protection is a direct assault on our rights and our freedom as persons protected by  
13 the Constitution and the Bill of Rights. Ironically, the very purpose of franchises is to replace equal protection with privileges,  
14 partiality, favoritism, and hypocrisy, and to make the entity granting the franchise unequal in relation to those it offers the  
15 franchise to. All government franchises inevitably result in making the government into a "parens patriae", king, or "parent"  
16 and cause those who partake of the benefits of the franchise to become "persons under legal disability".<sup>123</sup> To wit:

17 FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not  
18 belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360.  
19 In England it is defined to be a royal privilege in the hands of a subject.

20 A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference  
21 to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from  
22 the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege  
23 conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general.  
24 State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

25 In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised  
26 without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations are  
27 franchises. The execution of a policy of insurance by an insurance company [e.g. Social Insurance/Socialist  
28 Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are  
29 franchises. People v. Utica Ins. Co., 15 Johns. (N.Y.) 387, 8 Am.Dec. 243. But it does not embrace the property  
30 acquired by the exercise of the franchise. Bridgeport v. New York & N.H. R. Co., 36 Conn. 255, 4 Am.Rep. 63.  
31 Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. In a  
32 popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc.  
33 Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A.1918E,  
34 352.

35 [Black's Law Dictionary, Fourth Edition, pp. 786-787]

36 Note based on the definition above the following language, which implies that those who participate are UNEQUAL in  
37 relation to common citizens:

38 "A special privilege conferred by government on individual or corporation, and which does not belong to  
39 citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360. "

40 [ . . . ]

41 "today we understand a franchise to be some special privilege conferred by government on an individual, natural  
42 or artificial, which is not enjoyed by its citizens in general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639,  
43 86 A.L.R. 240."

44 [Black's Law Dictionary, Fourth Edition, pp. 786-787]

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<sup>123</sup> For instance, Am.Jur.2d Legal Encyclopedia says of those participating in the "public office" franchise the following:

"Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level  
of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under  
every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain  
from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity  
on whose behalf he or she serves. and owes a fiduciary duty to the public. It has been said that the fiduciary  
responsibilities of a public officer cannot be less than those of a private individual. Furthermore, it has been  
stated that any enterprise undertaken by the public official which tends to weaken public confidence and  
undermine the sense of security for individual rights is against public policy."  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

1 Participating in franchises is therefore the way that we become a “subject” and nominate a “king” or “*parens patriae*” to be  
2 above us:

3 “A “franchise,” as used by Blackstone in defining *quo warranto*, (3 Com. 262 [4th Am. Ed.] 322), had reference  
4 to a royal privilege or branch of the king’s prerogative **subsisting in the hands of the subject**, and must arise  
5 from the king’s grant, or be held by prescription,”  
6 [Black’s Law Dictionary, Fourth Edition, pp. 786-787]

7 Franchises are therefore the vehicle of choice that governments use to maliciously destroy and undermine the legal obligation  
8 they would otherwise have to deliver equal protection and equal treatment to all. In that sense, equal protection on the one  
9 hand and franchises on the other are opposites, cannot coexist, and undermine each other. There can be no equal protection  
10 where there are franchises or privileges granted to only a select few, and there can be no franchises where pure equality reigns  
11 among all.

12 The Constitutional requirement for equal protection found in Section 1 of the Fourteenth Amendment and Article 4, Section  
13 2, Clause 1 is the heart of the United States Constitution. The requirement for equal protection is the reason why, for instance:

- 14 1. Persons domiciled within states of the Union are considered “nonresident aliens” as defined in [26 U.S.C. §7701](#)(b)(1)(B).  
15 Everything that happens on federal territory is a franchise and a privilege, and there is no equal protection there.  
16 Consequently, persons domiciled in states of the Union would be denied equal protection to even be subject to federal  
17 statutory law.
- 18 2. There is no federal common law within states of the Union. Everything that happens on federal territory is a franchise  
19 and a privilege and there is no equal protection there. It would be unjust to impose the edicts of this totalitarian socialist  
20 democracy against persons who have rights and are protected by the Federal Constitution.

21 “There is no Federal Common Law, and Congress has no power to declare substantive rules of Common Law  
22 applicable in a state. Whether they be local or general in their nature, be they commercial law or a part of the  
23 Law of Torts”  
24 [Erie Railroad v. Tompkins, 304 U.S. 64 (1938)]

- 25 3. Persons domiciled in states of the Union pay a flat 30% tax rate as mandated by Article 1, Section 8, Clause 1 and [26](#)  
26 [U.S.C. §871](#)(a) instead of the graduated, discriminatory tax found in [26 U.S.C. §1](#). Making everyone domiciled in states  
27 of the Union pay the same percentage excise tax is the only way for persons protected by the Constitution to not be  
28 subject to a discriminatory, unequal taxing measure or penalty imposed based on their degree of wealth.

29 *United States Constitution*  
30 *Article 1, Section 8, Clause 1*

31 *The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and*  
32 *provide for the common Defence and general Welfare of the United States; **but all Duties, Imposts and Excises***  
33 ***shall be uniform throughout the United States;***

34 Given all the above, any public servant who offers franchises to persons domiciled in states of the Union who are protected  
35 by the Constitution or the Bill of Rights is therefore engaged in a criminal conspiracy to destroy equal protection and deprive  
36 you of Constitutional rights by the following means:

- 37 1. Attempting to destroy equal protection that is the foundation of the Declaration of Independence and the United States  
38 Constitution. They are replacing “equal protection” with unequal privilege.
- 39 2. Attempting to make you into a “subject” instead of a sovereign and cause you to waive sovereign immunity pursuant to  
40 [28 U.S.C. §1605](#)(a).
- 41 3. Trying to assimilate you into the federal corporation called “government” as a “public officer”, an officer of a federal  
42 corporation, and a fellow coworker. See section 11.2 earlier.
- 43 4. Trying to bribe you with moneys that were stolen from others who also did not want to participate in government  
44 franchises and wouldn’t sign up if offered an informed choice.
- 45 5. Conspiring to undermine, waive, and destroy your constitutional rights that they as a public servant took an oath to  
46 protect and defend.
- 47 6. Seeking to impose upon you the legal disabilities associated with participating in the franchise:

48 “The Government urges that **the Power Company is estopped to question the validity of the Act creating the**  
49 **Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297

1 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot  
2 be heard to question its constitutionality. *Great Falls Manufacturing Co. v. Attorney General*, 124 U.S. 581;  
3 *Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407; *St. Louis Casting Co. v. Prendergast Construction Co.*, 260  
4 U.S. 469.  
5 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

- 6 7. Seeking to deprive you of a remedy to seek redress of grievances or protection of your constitutional rights in other than  
7 a “franchise court”.

8 “These general rules are well settled: (1) That the United States, when it creates rights in individuals against  
9 itself [a “public right”, which is a euphemism for a “franchise” to help the court disguise the nature of the  
10 transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v.*  
11 *Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United*  
12 *States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys*  
13 *v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108 That where a statute creates a right and provides a special remedy, that  
14 remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59  
15 L.Ed. 520, Ann.Cas. 1916A, 118; *Amson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v.*  
16 *National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers’ & Mechanics’ National Bank v. Dearing*, 91 U.S. 29,  
17 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood  
18 alone, require U.S. to hold that the remedy expressly given excludes a right of review by the Court of Claims,  
19 where the decision of the special tribunal involved no disputed question of fact and the denial of compensation  
20 was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct.  
21 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*,  
22 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340,  
23 63 L.Ed. 696, decided April 14, 1919.:  
24 [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

25  
26 The appellant poses the following questions: (1) Does the superior court have jurisdiction to review an  
27 administrative decision of the Department of Public Welfare? (2) Are extraordinary writs available to review  
28 such administrative decisions? (3) Is A.R.S. s 12-902, subsec. A unconstitutional?

29 A.R.S. s 12-901 et seq., provide for judicial review of ‘a final decision of an administrative agency.’ However,  
30 decisions of the State Department of Public Welfare are specifically expected therefrom. A.R.S. s 12-902, subsec.  
31 A. Judicial review of administrative decisions is not a matter of right except when authorized by law. *Roer v.*  
32 Superior Court, 4 *Ariz.App.* 46, 417 P.2d. 559 (1966) and cases cited therein. In view of the exception of the  
33 State Department of Public Welfare from the Judicial Review Act, the appellant had no Right of review  
34 thereunder. *Bennett v. Arizona State Board of Public Welfare*, 95 *Ariz.* 170, 172, 388 P.2d. 166 (1963). Nor does  
35 the Act creating that administrative agency or any other Act provide for judicial review of its decisions. There  
36 being \*338 \*\*242 no ‘positive enactment of law’, *Roer, supra*, the appellant had no Right to judicial review of  
37 the welfare agency’s denial of Old Age Assistance. The trial court apparently concluded, and correctly so, that  
38 judicial review was foreclosed.

39 [ . . . ]

40 The State has no common law or constitutional duty to support its poor [e.g. Social Security]. *Division of Aid*  
41 *for the Aged, etc., v. Hogan*, 143 *Ohio.St.* 186, 54 N.E.2d. 781 (1944); *Beck v. Buena Park Hotel Corp.*, 30 *Ill.2d.*  
42 *343*, 196 N.E.2d. 686 (1964). Aid to needy persons is solely a matter of statutory enactment. In *re O’Donnell’s*  
43 *Estate*, 253 *Iowa* 607, 113 N.W.2d. 246 (1962); *Williams v. Shapiro*, 4 *Conn.Cir.* 449, 234 A.2d. 376 (1967).

44 Pension and relief programs not involving contributions to specific funds by the actual or prospective  
45 beneficiaries provide only a voluntary bounty. *Senior Citizens League v. Dept. of Social Security*, 38 *Wash.2d.*  
46 *142*, 228 P.2d. 478 (1951). Recipients or applicants have no inherent or vested right in the public assistance  
47 they are receiving or desire to receive. 16 C.J.S. *Constitutional Law* s 245; *Senior Citizens League v. Dept. of*  
48 *Social Security, supra*; *Smith v. King*, 277 *F.Supp.* 31 (M.D.Ala.1967), probable jurisdiction noted, 390 *U.S.*  
49 *903*, 88 S.Ct. 821, 19 L.Ed.2d. 869; see also, *Flemming v. Nestor*, 363 U.S. 603, 80 S.Ct. 1367, 4 L.Ed.2d. 1435  
50 (1960). The term ‘property’ as used in the due process clause refers to vested rights. It has no reference to mere  
51 concessions or privileges which a State may control and bestow or withhold at will. *Senior Citizens League v.*  
52 *Dept. of Social Security, supra*; 16A C.J.S. *Constitutional Law* s 599 c.<sup>124</sup>

53 Appellant appears to take the position that a Right of appeal is essential to due process of law. Due process is  
54 not necessarily judicial process, *Reetz v. People of State of Michigan*, 188 U.S. 505, 23 S.Ct. 390, 47 L.Ed. 563  
55 (1903), and a Right of appeal is not essential to due process of law. *Inland Navigation Co. v. Chambers*, 202 *Or.*

<sup>124</sup> FN3. In the case of *Flemming v. Nestor*, 363 U.S. 603, 80 S.Ct. 1367 (1960), the Supreme Court of the United States declined to engraft upon the Social Security system a concept of ‘accrued property rights’. A person covered by the Social Security Act was not considered to have such a ‘right’ in benefit payments as would make every defeasance of ‘accrued’ interest violative of the due process clause of the Fifth Amendment.

1 [339, 274 P.2d. 104 \(1954\); Board of Education, etc. v. County Board of School Trustees, 28 Ill.2d. 15, 191 N.E.2d.](#)  
2 [65 \(1963\); In re Durant Community School District, 252 Iowa 237, 106 N.W.2d. 670 \(1960\); Commonwealth,](#)  
3 [Dept. of Highways v. Fister, 376 S.W.2d. 543 \(Ky. 1964\); Weiner v. State Dept. of Roads, 179 Neb. 297, 137](#)  
4 [N.W.2d. 852 \(1965\); Real Estate Commission v. McLemore, 202 Tenn. 540, 306 S.W.2d. 683 \(1957\); Beck v.](#)  
5 [Missouri Valley Drainage District of Holt County, 46 F.2d. 632, 84 A.L.R. 1089 \(8th Cir. 1931\); Reetz v. People](#)  
6 [of State of Michigan, supra.](#)

7 **Appellant argues that, notwithstanding welfare benefits are more gratuities, access to the courts via a Right of**  
8 **appeal is a constitutional requisite. We do not agree. Welfare benefits are grants by the legislature which has**  
9 **delegated to the Department of Public Welfare the power to determine the recipients of such grants. Under**  
10 **such circumstances, i.e., when the state creates rights in individuals against itself, it is not bound to provide a**  
11 **remedy in the courts and may withhold all remedy or it may provide an administrative remedy and make it**  
12 **exclusive, however mistaken its exercise. Dismuke v. United States, 297 U.S. 167, 56 S.Ct. 400, 80 L.Ed. 361**  
13 **(1936); United States v. Babcock, 250 U.S. 328, 39 S.Ct. 464, 63 L.Ed. 1011 (1919); Blanc v. United States, 140**  
14 **F.Supp. 481 (E.D.N.Y.1956).**

15 *We are cognizant of the recent decisions which require that a state, having undertaken to provide a statutory*  
16 *program of assistance, must do so in conformity with constitutional mandates. See, \*340 \*\*244 [Thompson v.](#)*  
17 *[Shapiro](#), 270 F.Supp. 331 (Conn.1967); [Green v. Dept. of Public Welfare of the State of Delaware](#), 270 F.Supp.*  
18 *[173 \(Del.1967\); Smith v. Reynolds](#), 277 F.Supp. 65 (E.D.Pa.1967), probable jurisdiction noted, 390 U.S. 940, 88*  
19 *S.Ct. 1054, 19 L.Ed.2d. 1129; [Smith v. King](#), supra; [Harrell v. Tobriner](#), 279 F.Supp. 22 (D.C.1967), probable*  
20 *jurisdiction noted, 390 U.S. 940, 88 S.Ct. 1053, 19 L.Ed.2d. 1129. However, in each of these cases, a*  
21 *constitutional infirmity was found to exist because the statutory scheme for determining eligibility for benefits*  
22 *is predicated upon an arbitrary classification. These decisions are therefore inapposite here where no attack*  
23 *is directed to the constitutionality of the statutory program of assistance.*  
24 *[Allen v. Graham, 446 P.2d. 240, 243. (Ct. App. Ariz, 1968)]*

- 25 8. Appoint himself or herself as a king or “*parens patriae*” to administratively supervise your activities and your private life  
26 as a “franchisee”.

27 **“The proposition is that the United States, as the grantor of the franchises of the company, the author of its**  
28 **charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee,**  
29 **invested with power to enforce the proper use of the property and franchises granted for the benefit of the**  
30 **public.”**

31 [U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]  
32

33 *PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the*  
34 *state, as a sovereign-referring to the sovereign power of guardianship over persons under disability; In re*  
35 *Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent*  
36 *persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.*  
37 *[Black’s Law Dictionary, Sixth Edition, p. 1269]*

- 38 9. Entering the private market for goods and services and lowering themselves to the level of ordinary private persons who  
39 are contracting with other private persons such as yourself. In that capacity, they implicitly surrender sovereign immunity  
40 and must compete on equal terms with every other private corporation that offers or could offer the same service:  
41 9.1. [Clearfield Trust Co. v. United States](#), 318 U.S. 363, 369 (1943) (“The United States does business on business  
42 terms”) (quoting [United States v. National Exchange Bank of Baltimore](#), 270 U.S. 527, 534 (1926))  
43 9.2. [Perry v. United States](#), supra at 352 (1935) (“When the United States, with constitutional authority, makes contracts,  
44 it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is  
45 no difference . . . except that the United States cannot be sued without its consent”) (citation omitted);  
46 9.3. [United States v. Bostwick](#), 94 U.S. 53, 66 (1877) (“The United States, when they contract with their citizens, are  
47 controlled by the same laws that govern the citizen in that behalf”);  
48 9.4. [Cooke v. United States](#), 91 U.S. 389, 398 (1875) (explaining that when the United States “comes down from its  
49 position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern  
50 individuals there”).  
51 9.5. [Jones](#), 1 Cl.Ct. at 85 (“Wherever the public and private acts of the government seem to commingle, a citizen or  
52 corporate body must by supposition be substituted in its place, and then the question be determined whether the  
53 action will lie against the supposed defendant”);  
54 9.6. [O’Neill v. United States](#), 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, “[w]ere [the] contracts  
55 exclusively between private parties, the party hurt by such governing action could not claim compensation from  
56 the other party for the governing action”).  
57 10. Attempting to destroy the separation of powers between the states and the federal government. The federal government  
58 is not supposed to be invading states of the Union and entering the private marketplace of goods and “social insurance

services” in order to enslave all the persons domiciled therein. Worst yet, they are not empowered to deceive the American public by calling the fees for these services “taxes”. Rather, they are simply private insurance premiums and their payment cannot be criminalized like nonpayment of “taxes” can.

11. Violating the Constitutional requirement to protect and defend the sovereign states of the Union and the sovereign people in them from invasion or subjugation:

*United States Constitution  
Article IV, Section 4*

*The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.*

We as Americans must be vigilant in defending our God given rights by avoiding franchises and continually reminding ourselves of why they are used, and the criminal purposes that they usually are put to by our public servants as described above.

#### **11.2.12 Hiding Methods to Terminate Participation in the Franchise**

As long as a franchisee is in the position of being able to receive “benefits” under the terms of the franchise agreement, he is subject to its provisions, even if he or she in fact does not receive any benefits or consideration. This was alluded to by the U.S. Supreme Court when it said:

*“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”*

*[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

Governments, being keenly aware of the above, will go out of their way to eliminate or hide all methods of terminating participation in franchises in an attempt to perpetuate their ability to enforce the terms of the franchise agreement against those who do not wish to participate. This is clearly a criminal abuse of the voluntary nature of participation in franchises and indirectly results in the equivalent of criminal slavery against those who do not wish to participate and who refuse to receive any benefits, in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1583. The end result of this slavery is “peonage”, which is surety as a slave to pay off an endless public debt:

*“The constitutionality and scope of sections 1990 and 5526 present the first questions for our consideration. They prohibit peonage. What is peonage? It may be defined as a state or condition of compulsory service, based upon the indebtedness of the peon to the master. The basal fact is indebtedness. As said by Judge Benedict, delivering the opinion in Jaramillo v. Romero, 1 N.Mex. 190, 194: ‘One fact existed universally; all were indebted to their masters. This was the cord by which they seemed bound to their masters’ service.’ Upon this is based a condition of compulsory service. Peonage is sometimes classified as voluntary or involuntary, but this implies simply a difference in the mode of origin, but not in the character of the servitude. The one exists where the debtor voluntarily contracts to enter the service of his creditor. The other is forced upon the debtor by some provision of law. But peonage, however created, is compulsory service, involuntary servitude. The peon can release himself therefrom, it is true, by the payment of the debt, but otherwise the service is enforced [by the I.R.C.]. A clear distinction exists between peonage and the voluntary performance of labor or rendering of services in payment of a debt. In the latter case the debtor, though contracting to pay his indebtedness by labor or service, and subject like any other contractor to an action for damages for breach of that contract, can elect at any time to break it, and no law or force compels performance or continuance of the service.”*

*[Clyatt v. U.S., 197 U.S. 207 (1905)]*

Let’s give you an example of the most prevalent franchise, which is Social Security, to show how the Social Security Administration (S.S.A.) and its twin sister, the Internal Revenue Service, maliciously interfere with the ability to terminate participation in Social Security and to discontinue using the de facto license numbers associated with participation:

1. If you visit your local Social Security Administration (S.S.A.) office and request instructions on how to terminate participation, they will LIE to you by telling you that you can’t. Not only will they lie to you, but in our case, they had us escorted out of the office in front of a long line of other people there and told us we could not come back into the office.

- 1 2. If you call the Social Security 800 number and ask them how to terminate participation, they will LIE to you by telling  
2 you that you can't.
- 3 3. When you submit the proper forms to terminate Social Security Participation, the Social Security Administration (S.S.A.)  
4 will try to deceive you and say that is not the correct procedure and refuse to provide the correct procedure. You  
5 practically have to show them the procedure in their own Social Security Program Operations Manual System (P.O.M.S.)  
6 in order for them to quit arguing with you.
- 7 4. The Social Security Website does not contain consumer instructions on how to specifically terminate participation in  
8 Social Security.
  - 9 4.1. They have a generic SSA Form SSA-521 called "Request for Withdrawal of Application". See:  
10 [http://sedm.org/Forms/06-AvoidingFranch/ssa\\_521.pdf](http://sedm.org/Forms/06-AvoidingFranch/ssa_521.pdf)
  - 11 4.2. The SSA Form SSA-521 does not mention Social Security or any other franchise offered by SSA.
  - 12 4.3. Unlike all the other forms offered by SSA on their website, there are no published consumer instructions.
  - 13 4.4. The Social Security Program Operations Manual System (P.O.M.S.) provides deliberately vague instructions on  
14 how to process the form but no instructions on how to fill it out or how to terminate Social Security participation  
15 with it. See:  
16 <https://secure.ssa.gov/apps10/>
- 17 5. When employers submit IRS Forms W-2 and W-3 to the IRS without Taxpayer Identification Numbers, the IRS rejects  
18 ALL forms submitted in the batch, including those that have valid numbers. They do this as a punishment against those  
19 who allow people to work for private employers that do not have federal identifying numbers and do not want to be  
20 compelled to get them. After your IRS Forms W-2 and W-3 are rejected and you call them to explain that Social Security  
21 Numbers are NOT "Taxpayer Identification Numbers" and read to them 26 C.F.R. §301.6109-1(d)(3) to prove that they  
22 aren't, and demand that they not penalize you because they are violating the law, they will LIE to you and say you MUST  
23 provide a Social Security Number on the IRS Forms W-2 and W-3 and refuse to provide the statute and regulation that  
24 makes a Social Security Number equivalent to a "Taxpayer Identification Number". Since they know they are violating  
25 the law, they will also refuse to provide their full legal name in order to protect themselves from legal liability for the  
26 lie. See:

*Notice of Pseudonym Use and Unreliable Tax Records*, Form #04.206  
<http://sedm.org/Forms/FormIndex.htm>

27 A justly administered franchise, on the other hand will:

- 28 1. Provide clear instructions on how to terminate participation that directly mention:
  - 29 1.1. Each franchise by name.
  - 30 1.2. Exact procedures for terminating participation.
  - 31 1.3. Statutes and regulations authorizing termination of participation.
- 32 2. Provide clear forms for use in terminating participation in each franchise offered.
- 33 3. Provide forms and procedures for dealing with the government in the context of all government services OTHER than  
34 the franchise which do not require one to participate in any franchises.
- 35 4. Not require the use of license numbers associated with franchises when submitting every government form. This includes  
36 Social Security Numbers and Taxpayer Identification Numbers.

37 If you want forms and instructions on how to lawfully and permanently quit Social Security, see section 11.3.1 later. It took  
38 the authors of the document provided there several years to discover how to terminate participation in Social Security because  
39 the procedures is so carefully hidden from the public.

#### 40 **11.2.13 How the Courts attempt to illegally compel "nontaxpayers" into "franchise courts" and deprive them of due** 41 **process**

##### 42 **11.2.13.1 Congress Cannot Pass a law to Compel those who are not Franchisees to Litigate in a Franchise Court**

43 It is very important to realize that no one can force a "nontaxpayer" into a legislative Court, such as an Article I or Article IV  
44 court, to adjudicate a matter relating to taxes. Filing a case in these courts is entirely consensual in the case of a "nontaxpayer"  
45 but not in the case of a "taxpayer".

1 “The distinction between public rights and private rights has not been definitively explained in our precedents.<sup>125</sup>  
2 Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a  
3 minimum arise “between the government and others.” *Ex parte Bakelite Corp.*, *supra*, at 451, 49 S.Ct., at 413.<sup>126</sup>  
4 In contrast, “the liability of one individual to another under the law as defined,” *Crowell v. Benson*, *supra*, at 51,  
5 52 S.Ct., at 292, is a matter of private rights. **Our precedents clearly establish that only controversies in the**  
6 **former category may be removed from Art. III courts and delegated to legislative courts or administrative**  
7 **agencies for their determination. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*,**  
8 **430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); *Crowell v. Benson*, *supra*, 285 U.S.,**  
9 **at 50-51, 52 S.Ct., at 292. See also *Katz*, *Federal Legislative Courts*, 43 *Harv.L.Rev.* 894, 917-918 (1930).FN24**  
10 ***Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.*”**

11 [ . . . ]

12 Although *Crowell* and *Raddatz* do not explicitly distinguish between rights created by Congress and other rights,  
13 such a distinction underlies in part *Crowell*'s and *Raddatz*' recognition of a critical difference between rights  
14 created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us  
15 to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected  
16 in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or  
17 aggrandizement” by Congress at the expense of the other branches of government. *Buckley v. Valeo*, 424 U.S.,  
18 at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” in this case, such as a “trade  
19 or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of  
20 proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before  
21 particularized tribunals created to perform the specialized adjudicative tasks related to that right.FN35 Such  
22 provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to  
23 define the right that it has created. No comparable justification exists, however, when the right being adjudicated  
24 is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally  
25 been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to  
26 define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial  
27 power of the United States, which our Constitution reserves for Art. III courts.  
28 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

29 The above considerations explain many important unlawful activities of the District Courts and U.S. attorneys who litigate  
30 in these courts on tax matters:

- 31 1. They frequently try to evade or disguise the nature of Internal Revenue Code, Subtitles A and C as an excise taxes upon  
32 the “trade or business” franchise. See:
- 33 *The “Trade or Business” Scam*, Form #05.001  
34 <http://sedm.org/Forms/FormIndex.htm>
- 35 2. They will refuse to acknowledge: that the ALL CAPS rendition of your name or the federal identifying number associated  
36 with it are all of the following:
- 37 2.1. Is not the entity identified on your birth certificate.
  - 38 2.2. Is the “res” or legal person against whom they are proceeding.

39 ***Res.* Lat. The subject matter of a trust or will [or legislation]. In the civil law, a thing; an object. As a term**  
40 **of the law, this word has a very wide and extensive signification, including not only things which are objects of**  
41 **property, but also such as are not capable of individual ownership. And in old English law it is said to have a**  
42 **general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By**  
43 **“res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition**  
44 **to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises**  
**actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring**  
**BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions.**

<sup>125</sup> *Crowell v. Benson*, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

“Familiar illustrations of administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate and foreign commerce, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans.” *Id.*, at 51, 52 S.Ct., at 292 (footnote omitted).

<sup>126</sup> Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” *Murray’s Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdanok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, *The Federal Courts and the American Law Institute*, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

**Res is everything that may form an object of rights and includes an object, subject-matter or status.** In re *Riggle's Will*, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. **The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken.** Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See *In personam; In Rem.*) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_". [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

2.3. Is the "public office", "taxpayer", "trust", and "individual" against whom they are enforcing.

In practice, you must petition the court in what is called an "identity hearing" in order to force them to acknowledge that the person they are enforcing against is not you, but your "straw man". When you finally get to the point where they admit it, it becomes a matter of choice whether you choose to represent this entity. To the extent that you do is the extent to which all obligations associated with the franchise are "voluntary".

3. When judges in District Courts are challenged to produce the statute from the Statutes at Large conferring Article III jurisdiction upon their court and are told that case law doesn't answer the question, they will respond in the following evasive and dilatory ways:

3.1. They are silent instead of just admitting that no such statute exists.

3.2. They will cite case law that doesn't answer the question. NO case law ever has identified a statute and if the judge or U.S. attorney knew what it was, he would directly provide it but can't.

3.3. The judge will fraudulently claim "I have Article III jurisdiction". This is ridiculous, because:

3.3.1. Even if the Judge was appointed with Article III powers and is an Article III judge, he must ALSO preside in an Article III court.

3.3.2. We are a society of laws, not men or the policy of men. *Marbury v. Madison*, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803). Consequently, the ONLY authority he can cite to answer the question is a statute.

3.3.3. Courts CANNOT lawfully confer Constitutional jurisdiction upon themselves and only Congress can:

*It is contended that Congress has reversed this current by permitting the Supreme Court to legislate upon it. Congress could not confer, nor could the Supreme Court exercise the authority to ordain and establish 'inferior federal courts' and fix the jurisdiction thereof which power was given to Congress alone by the Constitution. Suffice it to say Congress gave the Supreme Court 'power to prescribe \* \* \* rules of pleading, practice, and procedure \* \* \* in criminal cases in district courts of the United States. ' 18 U.S.C.A. §687. Unless the transfer of jurisdiction from one court to another is governed by rules of pleading, practice and procedure, the statute was of no avail. FN41*  
[U.S. v. Bink, 74 F.Supp. 603, D.C.Or. (1947)]

*"This court has no authority to interpolate a limitation that is neither expressed nor implied. Our duty is to execute the law, not to make it."*  
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

4. When litigants submit affidavits to the court claiming under penalty of perjury that they are "nontaxpayers", then these affidavits are ignored by the court, because addressing them would require an admission by the court that it may not hear the matter as a legislative "franchise court" only.

5. When the United States as Plaintiff cites I.R.C. provisions directly against a defendant and is challenged to produce evidence supporting one of the following two MANDATORY sources of jurisdiction, they are silent and cannot respond, because they would have to admit that they are making a prejudicial presumption that the defendant is a "public officer" working in the Executive Branch:

5.1. Implementing regulations published in the Federal Register authorizing enforcement actions against private parties who are "nontaxpayers" domiciled outside the "United States"

5.2. Proof that the defendant falls within one of the following three groups specifically exempted from the requirement for publication of enforcement regulations in the Federal Register:

5.2.1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1).

5.2.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5 U.S.C. §553(a)(2).

5.2.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).

For further information on the above, see:

[Federal Enforcement Authority Within States of the Union](http://sedm.org/Forms/FormIndex.htm), Form #05.032

<http://sedm.org/Forms/FormIndex.htm>

1 If a federal prosecutor tries to force a “nontaxpayer” into a “franchise court”, such as Tax Court, U.S. District Court, or the  
2 Court of Appeals, the defendant in such a case has standing to sue for:

- 3 1. Involuntary servitude in violation of the Thirteenth Amendment and [42 U.S.C. §1994](#).
- 4 2. Deprivation of rights pursuant to [42 U.S.C. §1983](#).
- 5 3. Theft of your time and labor without just compensation in violation of the Fifth Amendment takings clause and , and [18](#)  
6 [U.S.C. §1589](#)(3). Mandatory restitution is warranted pursuant to [18 U.S.C. §1593](#).

7 When the above happens, you can sue the federal actor civilly and personally as a constitutional tort action for damages  
8 indicated above. The following resources would be very helpful in the context of such a suit:

- 9 1. *Federal Enforcement Authority Within States of the Union*, Form #05.032  
10 <http://sedm.org/Forms/FormIndex.htm>
- 11 2. *Silence as a Weapon and a Defense in Legal Discovery*, Form #05.021  
12 <http://sedm.org/Forms/FormIndex.htm>
- 13 3. *Federal Jurisdiction*, Form #05.018  
14 <http://sedm.org/Forms/FormIndex.htm>
- 15 4. *Jailhouse Lawyer’s Handbook*, Litigation Tool #10.002. Describes how to prosecute a Constitutional Tort Action  
16 <http://sedm.org/Litigation/LitIndex.htm>
- 17 5. 42 U.S.C.A. §1983 (42 Mbytes, large file!). All the case law on how to prosecute a Constitutional Tort.  
18 <http://famguardian.org/Subjects/Freedom/Sovereignty/42USCA1983-20070311.pdf>

### 19 **11.2.13.2 How Courts Unlawfully Compel Nontaxpayers into Franchise Courts**

20 The federal District and Circuit courts, being legislative franchise courts and not true Constitution Article III Courts, have  
21 adopted the following unlawful and unethical techniques to:

- 22 1. Reduce their workload.
- 23 2. Force “nontaxpayers” into franchise courts.
- 24 3. Manufacture more “taxpayers” out of innocent “nontaxpayers”.
- 25 4. Limit exposure to IRS abuses to those serving on jury duty.
- 26 5. Increase IRS collection “efficiency” and reduce collection costs.

27 The unlawful techniques are as follows:

- 28 1. The U.S. Supreme Court created the judicial doctrine known as the “Full Payment Rule”. This doctrine requires that  
29 “taxpayers” challenging an IRS assessment or collection action must pay the FULL amount owed BEFORE they may  
30 file suit in court. This doctrine was first appeared in explained in *Flora v. United States*, 362 U.S. 145, 80 S.Ct. 630, 647  
31 (1960). The Full Payment Rule, however, can only apply to “taxpayers” without violating the Constitution, but courts  
32 commonly attempt to apply it unlawfully to innocent “nontaxpayers” and in so doing, compel many into slavery by  
33 fulfilling the obligations of franchisees called “taxpayers” without being able to avail themselves of any of the “benefits”.
- 34 2. The District and Circuit Courts frequently and unlawfully invoke the Anti-Injunction Act against “nontaxpayers” who  
35 are not subject to it. The act only applies to “taxpayers”, as the U.S. Supreme Court revealed in *South Carolina v. Regan*,  
36 465 U.S. 367 (1984).
- 37 3. The District Courts frequently invoke the Declaratory Judgments Act, 28 U.S.C. §2201(a) when they are petitioned to  
38 declare rights or status of persons who are “nontaxpayers” so that the IRS will leave them alone.

39 [TITLE 28 > PART VI > CHAPTER 151 > § 2201](#)  
40 [§ 2201. Creation of remedy](#)

41 *(a) In a case of actual controversy within its jurisdiction, **except with respect to Federal taxes other than actions***  
42 ***brought under section 7428 of the Internal Revenue Code of 1986**, a proceeding under section 505 or 1146 of*  
43 *title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or*  
44 *kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as*  
45 *determined by the administering authority, **any court of the United States, upon the filing of an appropriate***  
46 ***pleading, may declare the rights and other legal relations of any interested party seeking such declaration,***  
47 ***whether or not further relief is or could be sought. Any declaration shall have the force and effect of a***  
48 ***final judgment or decree and shall be reviewable as such.***

1 All of the above techniques are unlawful and violative of the Constitution for the following reasons:

- 2 1. There are no Article III courts that “nontaxpayers” may avail themselves of and therefore no remedy. See:  
3 

<i>What Happened to Justice?</i> , Form #06.012: Why there is no justice in federal court and what to do about it <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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4 2. They impose unlawful deprivations of rights and bills of attainder against those who never explicitly surrendered any of  
5 their rights by consenting to participate in any franchise.  
6 3. The judges who issue these orders are, themselves, surety for a “taxpayer” office who are incapable of being impartial.  
7 Any judge with an economic interest in the outcome at tax trial and especially one who judges without the supervision  
8 of an impartial jury is in violation of the following:  
9 3.1. 28 U.S.C. §144  
10 3.2. 28 U.S.C. §455  
11 3.3. The Code of Conduct for United States Judges  
12 <http://www.uscourts.gov/guide/vol2/ch1.html>  
13 The U.S. Supreme Court even sanctioned this type of conflict of interest when a case concerning it was put before them.  
14 See O’Malley v. Woodrough, 309 U.S. 277 (1939) . Prior to that time, Congress had attempted to impose federal income  
15 taxes upon the judges and lost. See Evans v. Gore, 253 U.S. 245. The policy of the U.S. Supreme Court since O’Malley  
16 has consistently authorized federal judges to become subject to enforcement by the IRS, which has completely destroyed  
17 their partiality and caused the illegal enforcement of the Internal Revenue Code by the IRS to expand within states of the  
18 Union unchecked, even though it is not authorized by the Constitution.  
19 4. The effect of being forced into an Article I franchise court such as U.S. Tax Court is that the accused is deprived of a  
right of trial by jury guaranteed by the Seventh Amendment.

20 **11.2.14 Defending Yourself Against Compelled Participation in Franchises using the Government’s Own Tactics**

21 Government employs several weapons for defending itself against legal against by others. We should understand these tactics  
22 and employ them prudently in our own defense to prevent compelled participation in franchises. If they try to interfere with  
23 our ability to do the same thing they are doing, we can claim they are violating equal protection protected by the Constitution:

- 24 1. Sovereign immunity. The “state” may not be sued in its own courts without its consent. This is a judicial doctrine that  
25 is also codified in 28 U.S.C., Chapter 97. An implied waiver of sovereign immunity occurs:  
26 1.1. For any of the conditions specified in 28 U.S.C. §1605.  
27 1.2. If the sovereign inadvertently misrepresents themselves as a “citizen” within the government’s jurisdiction pursuant  
28 to 28 U.S.C. §1603(b)(3).  
29 The important thing to remember is that the government protects its attempts to compel participation in franchises by  
30 connecting activities of those who do it with the “color of law” and official duty and by creating at least the “appearance”  
31 that it is being done lawfully.  
32 2. No delegated authority. Government will defend actions of employees, officers, and agents accused of wrongdoing by  
33 claiming that they were acting outside their delegated authority and that you should have known that by reading the law.  
34 Then they will blame you for trusting what the agent told you as a basis for belief because he was outside of his or her  
35 authority. See:  
36 

<i>Federal Courts and the IRS’ Own IRM Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or For</i> <i>Following Its Own Written Procedures, Family Guardian Fellowship</i> <a href="http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm">http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm</a>
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37 3. Disclaimer on speech. Government will claim that their publication, form, or speech was covered by a disclaimer and  
38 therefore was untrustworthy when those who rely upon it are injured. Then they will blame the person who relied on  
39 their unreliable forms or statements as the cause for their own injury. The IRS Internal Revenue Manual (I.R.M.), for  
instance, says in section 4.10.7.2.8 that all IRS publications are untrustworthy. See also:  
40 

<i>Reasonable Belief About Income Tax Liability</i> , Form #05.007 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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41 4. Requirement that all contracts with the government be reduced to writing. Congress has on several occasions enacted  
42 statutes requiring that all contracts or franchises with the government must be reduced to writing and that anything not  
43 reduced to writing is unenforceable. The U.S. Supreme Court ruled on such a statute in the case of Clark v. United States  
(1877):

1 "Every man is supposed to know the law. A party who makes a contract with an officer [of the government]  
2 without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids  
3 in the violation of the law."  
4 [Clark v. United States, 95 U.S. 539 (1877)]

- 5 5. Official Immunity. Employees of the government may not be sued in the government's courts if the Attorney General  
6 certifies in writing pursuant to 28 U.S.C. §2679(d) that they were acting within the bounds of their lawfully delegated  
7 authority. An officer of the government who exceeds the bounds of his or her authority, the courts have ruled, "ceases  
8 to represent the government":

9 "The Government may not be sued except by its consent. The United States has not submitted to suit for specific  
10 performance\*99 or for an injunction. This immunity may not be avoided by naming an officer of the Government  
11 as a defendant. **The officer may be sued only if he acts in excess of his statutory authority or in violation of the**  
12 **Constitution for then he ceases to represent the Government.**"  
13 [U.S. ex. rel. Brookfield Const. Co. v. Stewart, 284 F.Supp. 94 (1964)]  
14

15 "... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in  
16 respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not  
17 to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which  
18 therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the  
19 word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread  
20 and act in its name."

21 "This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line  
22 of demarcation that separates constitutional government from absolutism, free self- government based on the  
23 sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the  
24 state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written constitutions,  
25 whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs  
26 shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with  
27 impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the  
28 sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles  
29 of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit  
30 penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the  
31 state? **The doctrine is not to be tolerated.** The whole frame and scheme of the political  
32 institutions of this country, state and federal, protest against it. Their continued existence is not compatible with  
33 it. **It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double**  
34 **progeny of the same evil birth.**"  
35 [Pointexter v. Greenhow, 114 U.S. 270, 5 S.Ct. 903 (1885)]

- 36 6. Judicial Immunity. Judges in the government's courts may not be sued if they were acting in the bounds of their own  
37 lawfully delegated authority. The person responsible for determining whether they acted within the bounds of their  
38 authority is the United States Attorney General, who must certify that under 28 U.S.C. §2679(d) above at the  
39 commencement of any lawsuit against a judge.
- 40 7. Government pays the legal fees and/or court judgments against its own employees, even if they violated the law. 26  
41 U.S.C. §7423 authorizes the Secretary of the Treasury to reimburse any IRS employee for damages and costs recovered  
42 against him in court for wrongful collection actions.
- 43 8. Indemnification of their business partners for criminal or unlawful acts. 26 U.S.C. §3403 says that "employers" who  
44 pay over withheld taxes shall not be liable to any person for the amount deducted and withheld. Judges and prosecutors  
45 abuse this provision to infer that it protects those who withhold:
- 46 8.1. Illegally  
47 8.2. Against persons who do not consent as required by 26 U.S.C. §3402(p).  
48 8.3. Against persons who are not "taxpayers" and who have no liability.  
49 8.4. Who are not "employers" and therefore not engaged in the "trade or business" franchise.  
50 None of the above are true, but covetous public servants just love to create the impression that they are.

51 We employ many of the same protections for our Members as the government does above. For instance, Members are  
52 required to employ all of the following documents throughout their interactions with the government to ensure that their rights  
53 are fully protected:

- 54 1. SEDM Member Agreement, Form #01.001. This form:  
55 1.1. Establishes a franchise that protects Members against government moles who join our ministry and use participation  
56 as a method to gather evidence about or prosecute other Members.

- 1.2. Places the physical location of all Members outside the “United States” during the time that they are conducting any financial transactions with the ministry.
- 1.3. Adds a disclaimer to all speech and writings of the ministry making them NON-factual, NONactionable pursuant to Federal Rule of Evidence 610. This prevents the ministry or from ever being the target of any legal proceeding.
2. Resignation of Compelled Social Security Trustee, Form #06.002. This form surrenders all entitlement to Social Security and does so in strict accordance with the rules and procedures of the Social Security Administration (S.S.A.). Once you lose eligibility for the benefit, they can’t enforce either the Social Security or “trade or business” franchises against you.
3. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001. Members are required to send this form to the Secretary of State and Attorney General of both the federal government and of their state government.
  - 3.1. Section 4.1 requires that all contracts with the government must be reduced to writing, must include consideration that is specified in both directions in the contract itself. No government franchises satisfy all the requirements of section 4.1 of the following document, and therefore they become unenforceable for the same reasons that contracts against the government are enforceable. If the government argues with you, they are violating your right of equal protection.
  - 3.2. Section 4.2 reserves all rights under the Uniform Commercial Code, U.C.C. §1-308 and its predecessor, U.C.C. §1-207.
  - 3.3. Section 8.6 defines all terms on government forms IN ADVANCE so that they may not be used to employ prejudicial presumptions that judges or prosecutors might use to destroy your rights.
  - 3.4. Section 8.2 redefines the penalty of perjury statements on all government forms you submit pursuant to 28 U.S.C. §1746(1) in order to place you outside of the “United States” and therefore outside of the jurisdiction of federal courts.
  - 3.5. Section 8.5 prevents the use of government identifying numbers against you by establishing that their use violates the law.
  - 3.6. Asks in advance of filing that all those filing information return reports that might connect you to the “trade or business” franchise, such as IRS Forms W-2, 1042-S, 1098, and 1099, be criminally prosecuted by the Department of Justice because you don’t consent to participate and because it is illegal for you to impersonate a “public officer” in the government pursuant to 18 U.S.C. §912.
  - 3.7. Establishes an anti-franchise franchise whereby all those using or storing information about you, and especially with a commercial purpose in mind, agree to become personally liable for all assessments and penalties. The franchise also makes the perpetrators into the “substitute defendant” for you.
4. Corrected Information Return Attachment Letter, Form #04.002. This form:
  - 4.1. Surrenders all right to any government “benefit” and requests that the recipient identify any benefits they think you are eligible for that might cause a surrender of sovereign immunity. Failure to respond constitutes a court-admissible admission by the recipient that you are not eligible for any government “benefits” or franchises.
  - 4.2. Rebutts all information returns filed against you that connect you to the “trade or business” franchise that is the heart of the income tax.
  - 4.3. Asks that those filing these false reports be criminally prosecuted pursuant to 26 U.S.C. §§7206, 7207, 18 U.S.C. §912, etc.
  - 4.4. Places a tremendous burden of proof upon the IRS to rebut if any part of the submission is incorrect and prescribes a time limit that quickly puts them in default for silence.
5. Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205. This form proves that it would be a criminal act for you to request or use a Taxpayer Identification Number. You can give this to financial institutions, private employers, and business associates in order to prevent them from using government identification numbers in association with you or any transactions you might have with them. This prevents you from being connected to the “trade or business” franchise or from being confused with an “alien”. All “taxpayers” within the I.R.C. are statutory “aliens” engaged in the “trade or business” franchise.
6. Tax Form Attachment, Form #04.201. Attach this form to all tax forms you are compelled under threat of not being hired or fired, to submit.
  - 6.1. Establishes an anti-franchise franchise whereby all those using or storing information about you, and especially with a commercial purpose in mind, agree to become personally liable for all assessments and penalties and must reimburse you for any demand placed upon your time and resources. The franchise also makes the perpetrators into the “substitute defendant” in any criminal prosecutions they attempt against you. The anti-franchise franchise also causes the Recipient to surrender official, judicial, and sovereign immunity and stipulate that they are acting as a private rather than public entity.
  - 6.2. Requires that all contracts or franchises with the recipient must be reduced to writing and that implied contracts are not allowed.

- 6.3. Defines all terms used on government forms to prevent false presumptions that prejudice the rights of the Submitter.
- 6.4. Declares the status of the submitter as a “nontaxpayer” with no domicile on federal territory who is not engaged in the “trade or business” franchise to prevent false presumptions.
- 6.5. Identifies all identifying numbers as OTHER than Social Security Numbers or Taxpayer Identification Numbers so that they may not lawfully be used and fraud and identity theft results if they are used. Indicates that Submitter is not eligible for any government benefit or Social Security to prevent being connected with government franchise.
- 6.6. The form establishes that you have no delegated authority to contract with the government, and therefore any signatures or paper that might imply consent to engage in a franchise does not in fact produce it.
- 6.7. Requires the Recipient to provide witness immunity for the Submitter pursuant to 18 U.S.C. §6002.
7. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001. Attach this form to all withholding documents.
  - 7.1. Section 1, Box 14 Section indemnifies withholding agents from all liability for failure to withhold by transferring the liability to the Submitter.
  - 7.2. Declares the status of the submitter as a “nontaxpayer” with no domicile on federal territory who is not engaged in the “trade or business” franchise to prevent false presumptions.

15 All of the above forms are available at the following location on our website:

[SEDM Forms/Publications Page](http://sedm.org/Forms/Publications Page)  
<http://sedm.org/Forms/FormIndex.htm>

16 **11.3 Lawfully Avoiding government franchises and licenses**

17 Those wishing to retain their God-given “private rights” and not surrender them to procure a “privilege” should:

- 18 1. Demand that any court hearing a matter involving them and the opposing parties MAY NOT cite any provision of the franchise agreement, such as the Social Security Act or Internal Revenue Code, Subtitle A, against them without FIRST satisfying the burden of proof that you are subject to the agreement as a “taxpayer”. See:

[Government Burden of Proof](http://sedm.org/Forms/FormIndex.htm), Form #05.025  
<http://sedm.org/Forms/FormIndex.htm>

- 21 2. Insist that all disputes they litigate in federal courts MUST be heard by Article III judges in Article III courts. This means that the Court’s jurisdiction must be challenged and that it MUST produce the statute from the Statutes at Large which confers Article III powers upon the court. We have searched every enactment of Congress from the Statutes at Large and determined that NO United States District Court has Article III powers. See:

[What Happened to Justice?](http://sedm.org/Forms/FormIndex.htm), Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

- 25 3. Avoid engaging in franchises and “public rights” at all costs.
- 26 4. Not generate any evidence that might connect you to the franchise. For instance, NEVER:
  - 27 4.1. Use a federal identifying number when corresponding with the government.
  - 28 4.2. Open financial accounts with SSN’s or as a “U.S. person”. Instead, use the procedures below:

[About IRS Form W-8BEN](http://sedm.org/Forms/FormIndex.htm), Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>

- 29 4.3. Submit IRS Form W-4 when you go to work. It’s the WRONG form. See:
 

[Federal and State Tax Withholding Options for Private Employers](http://sedm.org/Forms/FormIndex.htm), Form #04.101  
<http://sedm.org/Forms/FormIndex.htm>

- 30 4.4. Submit IRS Form 1040, which is the WRONG form. Everything that goes on this form is “trade or business” earnings. See:

[The “Trade or Business” Scam](http://sedm.org/Forms/FormIndex.htm), Form #05.001  
<http://sedm.org/Forms/FormIndex.htm>

- 32 4.5. Sign up for Social Security using SSA Form SS-5. If you did this, you should quit using the instructions below:
 

[Resignation of Compelled Social Security Trustee](http://sedm.org/Forms/FormIndex.htm), Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

- 33 5. Promptly rebut all evidence generated by third parties which might connect you with a franchise, such as all IRS information returns, which are usually false because most people are NOT engaged in a “public office” or “trade or business”. See the following resources on how to rebut information returns that connect you to the “trade or business” franchise pursuant to [26 U.S.C. §6041](http://www.uscourts.gov/uscourts/26%20U.S.C.%20%246041) or which are useful in rebutting tax collection notices based on these forms of FALSE hearsay evidence:

5.1. Rebut all uses of federal identifying numbers on any government correspondence you receive. See:

*Wrong Party Notice*, Form #07.105

<http://sedm.org/Forms/FormIndex.htm>

5.2. *Correcting Erroneous Information Returns*, Form #04.001

<http://sedm.org/Forms/FormIndex.htm>

5.3. *Correcting Erroneous IRS Form W-2s*, Form #04.006

<http://sedm.org/Forms/FormIndex.htm>

5.4. *Correcting Erroneous IRS Form 1042s*, Form #04.003

<http://sedm.org/Forms/FormIndex.htm>

5.5. *Correcting Erroneous IRS Form 1098s*, Form #04.004

<http://sedm.org/Forms/FormIndex.htm>

5.6. *Correcting Erroneous IRS Form 1099s*, Form #04.005

<http://sedm.org/Forms/FormIndex.htm>

6. Vociferously oppose any attempts to “presume” that they are engaged in franchises by any government employee. All such presumptions which might prejudice constitutionally guaranteed rights are an unlawful violation of due process of law. See:

*Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017

<http://sedm.org/Forms/FormIndex.htm>

For instance, if someone cites any provision of the I.R.C. against you, which is private law that only pertains to those engaged in the “trade or business” franchise, then you should insist that they meet the burden of proving that you are a “taxpayer” who is subject BEFORE they may cite or enforce any of its provisions against you. See:

*Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?*, Form #05.013

<http://sedm.org/Forms/FormIndex.htm>

If you would like to learn more about how to avoid franchises and licensed activities, please visit the following section of our website:

SEDM Liberty University, Section 4: Avoiding Government Franchises and Licenses

<http://sedm.org/LibertyU/LibertyU.htm>

The following subsections address specific tools available on our website that you can use to avoid various government franchises.

### 11.3.1 Franchises Generally

The IRS has no form that [nonresident aliens](#) domiciled in states of the Union who are not engaged in the "[trade or business](#)" franchise can use to describe their lawful citizenship and tax status to the government, businesses, and financial institutions. These persons are described in 26 C.F.R. §1.871-1(b)(1)(i) but they have no form to use to document their immunity or sovereignty.

1. [IRS Form 8233](#) is inadequate because it is for "[personal services](#)" rendered within the federal zone. The I.R.C. and regulations presume that "[personal services](#)" means services connected with a "[trade or business](#)".
2. There is no form available to exempt from withholding for a person not in receipt of taxable "privileges" because not engaged in "[personal services](#)" ("trade or business" services), not working within the federal zone ("[United States](#)"), not engaged in a "[trade or business](#)", not a "[beneficial owner](#)", [not participating in Socialist INSecurity](#), and not in receipt of treaty benefits. In effect, they are refusing to acknowledge that a person can be a nontaxpayer without accepting a "privilege" because they want to compel everyone into a privileged state to destroy their rights and sovereignty.
3. The closest we have been able to come in searching for such a needed form is the [AMENDED IRS Form W-8BEN](#), but it still leaves much to be desired because it doesn't specifically indicate that withholding is impermissible, even though [IRS Publication 519](#), the I.R.C., and the Treasury regulations authorize such an exemption from withholding and tax liability. See 26 C.F.R. §1.872-2(f), 26 C.F.R. §31.3401(a)(6)-1(b), [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#), [26 U.S.C. §3401\(a\)\(6\)](#), [26 U.S.C. §1402\(b\)](#), and [26 U.S.C. §7701\(a\)\(31\)](#).
4. The [original IRS Form W-8](#), discontinued in 2002, served the required purpose. The IRS modified the form by replacing it with [the W-8BEN](#) so that people with the correct status above would have no remedy to defend their status using what the law allows. They did this to dupe even more people unwittingly into becoming "[taxpayers](#)".

1 People have been asking us for a substitute form that does the job to make it easier to defend and explain their sovereignty  
2 on certain key occasions, and now they have authoritative tools to use to defend their status! This item solves these problems  
3 and provides a very potent and compact form that can be used for several important occasions in order to explain, defend,  
4 and justify your status as a constitutional citizen, not a statutory "[U.S. citizen](#)" as defined [8 U.S.C. §1401](#), a "national", a "  
5 [nonresident alien](#)", and a "nontaxpayer". It is specifically designed to attach to any one of the following important applications  
6 to clarify your citizenship, domicile, and tax status:

- 7 1. Financial account applications along with an [AMENDED IRS Form W-8BEN](#) in order to open an account without a  
8 SLAVE SURVEILLANCE NUMBER or any kind of 1099 reporting or tax withholding. **NOTE:** DO NOT use the  
9 standard IRS Form W-8BEN, because it makes you into a "beneficial owner" and therefore a "taxpayer".
- 10 2. Job application
- 11 3. Voter registration
- 12 4. Jury summons response
- 13 5. Government application or form

14 Below is a link to this very important form. The form is electronically fillable, so that you can fill in the fields from Adobe  
15 Acrobat and save your copy locally for reuse in the future to save you LOTS of time responding to tax collection notices.

*Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001*  
<http://sedm.org/Forms/02-Affidavits/AffCitDomTax.pdf>

16 Resources for further study:

- 17 1. [Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001 - Forms](#)  
18 [page](#)  
19 <http://sedm.org/Forms/FormIndex.htm>
- 20 2. [Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002-SEDM Forms page](#)  
21 <http://sedm.org/Forms/FormIndex.htm>
- 22 3. [Why You are a "National", "State National", and Constitutional but not Statutory Citizen, Form #05.006-SEDM](#)  
23 <http://sedm.org/Forms/FormIndex.htm>

24 **11.3.2 Using the Uniform Commercial Code (U.C.C.) to Defeat Administrative Attempts to Compel Participation in**  
25 **Government Franchises**

26 **11.3.2.1 Introduction to the U.C.C.**

27 The Uniform Commercial Code (U.C.C.) governs all commercial interactions at the federal and state levels. This code is  
28 PRIVATE law published by Unidroit. Entire reference libraries exist on the subject of the U.C.C. The most famous one is  
29 published by the American Bar Association (A.B.A.):

*ABC's of the UCC*, American Bar Association  
<https://www.americanbar.org/products/inv/book/414195649/>

30 Every commercial transaction is an exercise of your right to contract and it has all the elements of a valid contract:

- 31 1. An offer. The person making the offer is called the "merchant". U.C.C. §2-206(1).
- 32 2. An acceptance. The person making the acceptance is attempting to contract with the merchant for a specific product or  
33 service. Acceptance can be signaled expressly in writing or impliedly through performance of the obligation  
34 demanded. U.C.C. §2-206(2) and (3) and U.C.C. §2-207.
- 35 3. Mutual consideration or obligation. Without mutual consideration or obligation, a valid contract cannot be created.
- 36 4. Absence of duress. Any contract entered into in the presence of duress is voidable but not necessarily void.

37 Every time you interact with the government, you are engaging in a commercial transaction where you exchange PRIVATE  
38 rights for government "benefits" or "privileges". Filling out any kind of government "application" is an example of an  
39 attempt on your part to:

- 40 1. Consensually contract with the government.

2. Exchange PRIVATE rights for PUBLIC privileges.
3. Possibly ALSO consent to become a public officer within the government called “taxpayer” (under the tax code), “driver” (under the vehicle code), “spouse” (under the family code).
4. “Purposefully avail” yourself of commerce within the legislative jurisdiction of said government and thereby waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. In particular, see 28 U.S.C. §1605(a).

A knowledge of the Uniform Commercial Code (U.C.C.) is essential in order to defeat attempts to compel you to participate in government franchises such as Social Security, Medicare, unemployment insurance, driver licensing, etc. Such compulsion is very common and often invisible to the average American. Being able to recognize when the compulsion occurs and having tools at your disposal to fight the compulsion is crucial to preserving your rights and sovereignty.

### 11.3.2.2 Merchant or Buyer?

Within the Uniform Commercial Code (U.C.C.), there are only two types of entities that you can be:

1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.

Playing well the game of commerce means being a Merchant, not a Buyer, in relation to any and every government. Governments try to ensure that THEY are always the Merchant, but astute freedom minded people ensure that any and every government form they fill out switches the roles and makes the GOVERNMENT into the Buyer and debtor in relation to them. On this subject, the Bible FORBIDS believers from EVER becoming “Buyers” in relation to any and every government:

***“You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a “resident” or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a snare to you.”***  
*[Exodus 23:32-33, Bible, NKJV]*

*“I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and I said, ‘I will never break My covenant with you. And **you shall make no covenant [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their [man/government worshipping socialist] altars.**’ But you have not obeyed Me. Why have you done this?”*

*“Therefore I also said, **I will not drive them out before you; but they will become as thorns [terrorists and persecutors] in your side and their gods will be a snare [slavery!] to you.**”*

*So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up their voices and wept.*  
*[Judges 2:1-4, Bible, NKJV]*

The Bible also forbids believers from ever being borrowers or surety, and hence, from ever being a Buyer. It says you can LEND, meaning offer as a Merchant, but that you cannot borrow, meaning be a “Buyer” under the U.C.C., in relation to any and every government:

*“For the Lord your God will bless you just as He promised you; **you shall lend to many nations, but you shall not borrow;** you shall reign over many nations, but they shall not reign over you.”*  
*[Deut. 15:6, Bible, NKJV]*

*“The Lord will open to you His good treasure, the heavens, to give the rain to your land in its season, and to bless all the work of your hand. **You shall lend to many nations, but you shall not borrow.**”*  
*[Deut. 28:12, Bible, NKJV]*

*“**You shall not charge interest to your brother**--interest on money or food or anything that is lent out at interest.”*  
*[Deut. 23:19, Bible, NKJV ]*

*“To a foreigner you may charge interest, but to your brother you shall not charge interest, that the Lord your God may bless you in all to which you set your hand in the land which you are entering to possess.”*

2 Buyers take positions, defend what they know and make statements about it; they ignore, argue and/or contest. Extreme  
3 buyer-minded people presume victimhood and seek to limit their liability. Buyers operate unwittingly from and within the  
4 public venue. They are satisfied with mere equitable title - they can own and operate, but not totally control their property.  
5 Buyer possibilities are limited and confining, as debtors are slaves.

6 Merchants are present to whatever opportunity arises; they ask questions to bring remedy if called for; they accept, either  
7 fully or conditionally. Accomplished Merchants take full responsibility for their life, their finances and their world.  
8 Merchants understand and make use of their unlimited ability to contract privately with anyone they want at any time. They  
9 maintain legal title and control of their property. Merchant possibilities are infinite. Merchants are sovereign and free.

10 Governments always take the Merchant role by ensuring that every "tax" paid to them is legally defined as and treated as a  
11 "gift" that creates no obligation on their part:

12 [31 USC § 321 - General authority of the Secretary](#)

13 (d)

14 *(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real  
15 and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and  
16 bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited  
17 in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property  
18 accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with  
19 the terms of the gift or bequest.*

20 *(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be*  
21 *considered as a gift or bequest to or for the use of the United States.*

22 Hence, you should never describe ANYTHING you pay to them as a "tax" or a "gift", but rather a temporary GRANT that  
23 comes with strings, just like the way they do with all their socialist franchises. Likewise, you should emulate their behavior  
24 as a Merchant and ensure that EVERYTHING they pay you is characterized and/or legally defined as a GIFT rather than a  
25 GRANT with conditions. This is consistent with the following scripture:

26 *"The rich rules over the poor,  
27 And the borrower is servant to the lender."*  
28 *[Prov. 22:7, Bible, NKJV]*

29 Remember:

- 30 1. If everything you give any government is a GRANT with conditions rather than a GIFT, then they always work for you  
31 and you can NEVER work for them.
- 32 2. They can only govern you civilly with your consent. If you don't consent, everything they do to you will be unjust and  
33 a tort per the Declaration of Independence.
- 34 3. Everyone starts out EQUAL. An entire government cannot have any more rights than a single human being. That's  
35 what a government of delegated authority means. NEVER EVER consent to:
- 36 3.1. Become CIVILLY unequal.
- 37 3.2. Be civilly governed under civil statutory law.
- 38 3.3. Waive your sovereign immunity. Instead insist that you have the SAME sovereign immunity as any and every  
39 government because we are ALL equal. If they assert their own sovereign immunity they have to recognize  
40 YOURS under the concept of equal protection and equal treatment.
- 41 4. Any attempt to penalize you or take away your property requires that all of the affected property had to be donated to a  
42 public use and a public purpose VOLUNTARILY and EXPRESSLY before it can become the subject of such a  
43 penalty. The right of property means that you have a right to deny any and every other person, including  
44 GOVERNMENTS, the right to use, benefit, or profit from your property. If they can take away something you didn't  
45 hurt someone with, they have the burden of proving that it belonged to them and that you gave it to them BEFORE  
46 they can take it. All property is presumed to be EXCLUSIVELY PRIVATE until the government meets the burden of  
47 proof that you consented to donate it to a public use, public purpose, and/or public office.

1 Below is a sample from our Tax Form Attachment, Form #04.201, showing how we implement the approach documented in  
2 this section:

3 *This form and all attachments shall NOT be construed as a consent or acceptance of any proposed government*  
4 *“benefit”, any proposed relationship, or any civil status under any government law per U.C.C. §2-206. It instead*  
5 *shall constitute a COUNTER-OFFER and a SUBSTITUTE relationship that nullifies and renders unenforceable*  
6 *the original government OFFER and ANY commercial, contractual, or civil relationship OTHER than the one*  
7 *described herein between the Submitter and the Recipient. See U.C.C. §2-209. The definitions found in section*  
8 *4 shall serve as a SUBSTITUTE for any and all STATUTORY definitions in the original government offer that*  
9 *might otherwise apply. Parties stipulate that the ONLY “Merchant” (per U.C.C. §2-104(1)) in their relationship*  
10 *is the Submitter of this form and that the government or its agents and assigns is the “Buyer” per U.C.C. §2-*  
11 *103(1)(a).*

12 *Pursuant to U.C.C. §1-202, this submission gives REASONABLE NOTICE and conveys FULL KNOWLEDGE to*  
13 *the Recipient of all the terms and conditions exclusively governing their commercial relationship and shall be*  
14 *the ONLY and exclusive method and remedy by which their relationship shall be legally governed. Ownership*  
15 *by the Submitter of him/her self and his/her PRIVATE property implies the right to exclude ALL others from using*  
16 *or benefitting from the use of his/her exclusively owned property. All property held in the name of the Submitter*  
17 *is, always has been, and always will be stipulated by all parties to this agreement and stipulation as: 1. Presumed*  
18 *EXCLUSIVELY PRIVATE until PROVEN WITH EVIDENCE to be EXPRESSLY and KNOWINGLY and VOLUNTARILY (absent duress)*  
19 *donated to a PUBLIC use IN WRITING; 2. ABSOLUTE, UNQUALIFIED, and PRIVATE; 3. Not consensually shared in any way with any government or pretended DE FACTO government.*  
20 *Any other commercial use of any submission to any government or any property of the Submitter shall be*  
21 *stipulated by all parties concerned and by any and every court as eminent domain, THEFT, an unconstitutional*  
22 *taking in violation of the Fifth Amendment, and a violation of due process of law.*  
23

24 [Tax Form Attachment, Form #04.201]

### 25 **11.3.2.3 Why Definitions are Important**

26 Governments can only tax or regulate that which they create:

27 **"The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power**  
28 **to create; and there is a plain repugnance in conferring on one government [THE FEDERAL**  
29 **GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other,**  
30 **with respect to those very measures, is declared to be supreme over that which exerts the control."**  
31 [Van Brocklin v. State of Tennessee, [117 U.S. 151](#) (1886)]

32 **"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which**  
33 **certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the**  
34 **permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,**  
35 **and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing**  
36 **stroke must proceed from the same hand."**  
37 [VanHorne's Lessee v. Dorrance, [2 U.S. 304](#) (1795)]

38 **"The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law**  
39 **[including a tax law] involving the power to destroy. "**  
40 [Providence Bank v. Billings, [29 U.S. 514](#) (1830)]

41 DEFINITIONS found in franchise statutes are the precise place where government CREATES things. If you want to attack  
42 a tax or regulation, you have to attack and undermine its DEFINITIONS.

43 Governments didn't create human beings. God did. Therefore, if they want to tax or regulate PRIVATE human beings, they  
44 must do it INDIRECTLY by creating a PUBLIC office or franchise, fooling you into volunteering for it (usually  
45 ILLEGALLY), and then regulating you INDIRECTLY by regulating the PUBLIC office.

- 46 1. The PUBLIC OFFICE was created by the government and therefore is PROPERTY of the government.
- 47 2. The PUBLIC OFFICE is legally in partnership with the CONSENTING human being volunteer filling the office. It is  
48 the ONLY lawful "person" under most franchises.
- 49 3. Most people are enticed to volunteer for the PUBLIC OFFICE by having a carrot dangled in front of their face called  
50 "benefits". See:

[The Government "Benefits" Scam, Form #05.040](#)  
<http://sedm.org/Forms/FormIndex.htm>

1 4. The human being volunteer becomes SURETY for and a representative of the PUBLIC office and a debtor, but is not  
2 the PUBLIC OFFICE itself. Instead, the human being is called a PUBLIC OFFICER and is identified in Federal Rule  
3 of Civil Procedure 17(d). The all caps name in association with the de facto license, the Social Security Number, is the  
4 name of the OFFICE, not the human filling the office.

5 [Rule 17. Plaintiff and Defendant; Capacity; Public Officers](#)

6 (d) Public Officer's Title and Name.

7 *A public officer who sues or is sued in an official capacity may be designated by official title rather than by name,*  
8 *but the court may order that the officer's name be added.*

9 5. Once you take the bait and apply for the PUBLIC OFFICE by filling out a government “benefit” form such as an SS-5,  
10 W-4, etc, they GRANT you the office, which is THEIR property and continues to be THEIR property AFTER you  
11 receive it. The RECIPIENT of said property is ALWAYS the servant, “PUBIC SERVANT”, and DEBTOR relative to  
12 the lender, which is “U.S. Inc.”:

13 *“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by*  
14 *equity alone. **But how can one person impose an obligation upon another? By giving property to the latter on***  
15 ***the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of***  
16 ***the donor could be at all accomplished, consistently with the entire ownership of the property passing to the***  
17 ***donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the***  
18 ***donee to a condition subsequent.** The first of these the law does not permit; the second is entirely inadequate.*  
19 *Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by*  
20 *imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or*  
21 *with notice) **a personal obligation with respect to the property; and accordingly this is what equity does.** It is in*  
22 *this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created)*  
23 *by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in*  
24 *which the trustee incurs a legal as well as an equitable obligation. **In short, as property is the subject of every***  
25 ***equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating***  
26 ***an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect***  
27 ***to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal***  
28 ***obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just***  
29 ***explained.”***

30 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]*

31 *“The rich rules over the poor, and the borrower is slave to the lender.”*  
32 *[Proverbs 22:7, Bible, NKJV]*

33 The above is confirmed by the statutory definition of “person” within the Internal Revenue Code Subtitle A “trade or  
34 business” franchise agreement. Without this partnership, there is no statutory “person” to regulate or tax:

35 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.](#)  
36 [Sec. 7343.](#) - Definition of term "person"

37 *The term "person" as used in this chapter [Chapter 75] includes an officer or employee of a corporation [U.S.*  
38 *Inc.], or a member or employee of a partnership, who as such officer, employee, or member is under a duty to*  
39 *perform the act in respect of which the violation occurs*

40 The PUBLIC office that they reach you through is also called the “straw man”:

41 *“Straw man. A “front”; a third party who is put up in name only to take part in a transaction. Nominal party to*  
42 *a transaction; one who acts as an agent for another for the purpose of taking title to real property and executing*  
43 *whatever documents and instruments the principal may direct respecting the property. Person who purchases*  
44 *property, or to accomplish some purpose otherwise not allowed.”*  
45 *[Black's Law Dictionary, Sixth Edition, p. 1421]*

46 Once you volunteer for the office or acquiesce to OTHER PEOPLE volunteering you for the office with FALSE information  
47 returns such as IRS Forms W-2, 1042-S, 1098, and 1099, etc., then and only then do you become “domestic” and thereby  
48 subject to the otherwise “foreign” franchise agreement:

49 *26 U.S.C. §7701 - Definitions*

(a)When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

**(4) Domestic**

The term “domestic” when applied to a corporation or partnership means **created or organized in the United States [GOVERNMENT, U.S. Inc., NOT the geographical “United States”] or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.**

If you never volunteer or you were nonconsensually volunteered by others, then you remain both “foreign” and “not subject” but not statutorily “exempt” from the provisions of the franchise agreement:

26 U.S.C. §7701 - Definitions

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(31) Foreign estate or trust

**(A) Foreign estate**

The term “foreign estate” means an estate the income of which, from sources without the United States [U.S. Inc. the government] which is not effectively connected with the conduct of a trade or business [public office, per 26 U.S.C. §7701(a)(26)] within the United States[U.S. Inc. the government corporation, not the geographical “United States”], is not includible in gross income under subtitle A.

Jesus warned of this above mechanism of enslaving you as follows:

*“Most assuredly, I say to you, he who does not enter the sheepfold by the door, but climbs up some other way, the same is a thief and a robber. <sup>2</sup> But he who enters by the door is the shepherd of the sheep.”*  
[John 10:1-2, Bible, NKJV]

Consonant with the right of governments to CREATE franchises and the PUBLIC offices that animate them, is the right to DEFINE every aspect of the thing they created:

But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right [such as “Tax Court”, “Family Court”, “Traffic Court”] etc.].FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress’ power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress’ power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.  
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

**11.3.2.4 UCC provisions useful in defeating franchises**

The key constraints that the U.C.C. places upon commercial transactions which are useful in defeating compelled participation in franchises are the following:

1. There are two parties to every transaction:
  - 1.1. Merchant (U.C.C. §2-104(1)). Sometimes also called a Creditor.
  - 1.2. Buyer (U.C.C. §2-103(1)(a)). Sometimes also called a Debtor.
2. The Merchant making the offer has the duty of giving NOTICE to the Buyer of the terms of the sale. U.C.C. §1.202.
3. The Merchant has the power and duty to define the precise MODE by which the Buyer signals acceptance of his/her/its offer. U.C.C. §1.303.
4. The Buyer may signal non-acceptance by reserving all their rights pursuant to U.C.C. §1-308.
5. The language of the offer and the acceptance MUST be the same. Otherwise, a meeting of minds has not occurred. See U.C.C. §2-206(1).

1 *Uniform Commercial Code*  
2 *§ 2-206. Offer and Acceptance in Formation of Contract.*

3 (1) Unless otherwise unambiguously indicated by the language or circumstances.

4 6. A counteroffer by the original Buyer invalidates or modifies the original offer and turns the applicant from a Buyer to a  
5 Merchant. U.C.C. §2-209.

6 *Uniform Commercial Code*  
7 *§ 2-209. Modification, Rescission and Waiver.*

8 (1) An agreement modifying a contract within this Article needs no consideration to be binding.

9 (2) An agreement in a signed record which excludes modification or rescission except by a signed record may  
10 not be otherwise modified or rescinded, but except as between merchants such a requirement in a form supplied  
11 by the merchant must be separately signed by the other party.

12 (3) The requirements of Section 2-201 must be satisfied if the contract as modified is within its provisions.

13 (4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3), it  
14 may operate as a waiver.

15 (5) A party that has made a waiver affecting an executory portion of a contract may retract the waiver by  
16 reasonable notification received by the other party that strict performance will be required of any term waived,  
17 unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

18 The following two videos insightfully illustrate how the above two principles can be used to defeat an offer of a franchise by  
19 the government and make YOU the Merchant and THEM the Buyer, rather than the other way around. In effect, you are  
20 using their own secret weapon against them and turning the tables. Under the concept of equal protection and equal treatment,  
21 they HAVE to let you do this and if they deny you the ability, indirectly they have to deny THEMSELVES the ability as  
22 well!:

- 23 1. This Form is Your Form, Mark DeAngelis  
24 <http://www.youtube.com/embed/b6-PRwhU7cg>  
25 2. Mirror Image Rule, Mark DeAngelis  
26 <http://www.youtube.com/embed/j8pgbZV757w>

27 Those seeking to undermine compelled participation in government franchises should consider the following tactics:

- 28 1. Attaching a MANDATORY attachment to the application indicating the duress and saying the applicant does NOT  
29 consent to receive any “benefit”.
- 30 2. Defining all terms on the form to completely exclude any government jurisdiction over them.
- 31 3. Identifying the application NOT as an ACCEPTANCE of any kind, but a counter offer that makes the  
32 GOVERNMENT the recipient of the “benefit” of the temporary use of YOUR property and labor and thereby subject  
33 to YOUR anti-franchise franchise.

34 We use the above tactics throughout our ministry in the following forms:

- 35 1. Tax Form Attachment, Form #04.201 – turns the government’s offer of the “trade or business” franchise into a  
36 COUNTER-OFFER and you into the Merchant instead of them. Proposes an anti-franchise franchise that obligates the  
37 GOVERNMENT and not YOU. Signifies that a failure to deny constitutes acceptance of the offer.  
38 <https://sedm.org/Forms/FormIndex.htm>
- 39 2. Socialism: The New American Civil Religion, Form #05.016, Section 13-describes how to defeat word games intended  
40 to unknowingly recruit you into a franchise status.  
41 <https://sedm.org/Forms/FormIndex.htm>
- 42 3. Injury Defense Franchise and Agreement, Form #06.027- provides a SUBSTITUTE franchise you can cite and use in  
43 your counter-offer as a Merchant rather than a Buyer.  
44 <https://sedm.org/Forms/FormIndex.htm>

1 The only defense the de facto government has against the above tactics is sovereign immunity, but the agreement turns anyone  
2 receiving the “benefits” into YOUR public officer instead of an officer of the de facto government, so that defense can’t and  
3 doesn’t work.

#### 4 **11.3.2.5 Using definitions to destroy or replace the government’s offer**

5 Socialism is state worship and idolatry from a religious perspective. It places civil rulers and/or government above the  
6 average man and imputes supernatural powers to them that ordinary men do not have. THAT is the ONLY lawful technique  
7 by which they can “govern” you. From a legal perspective, state worship can only be maintained when equal protection and  
8 equal treatment can be replaced with inequality and hypocrisy. This inequality is manufactured using the following means  
9 within the legal field:

- 10 1. Using franchises to make the applicants subservient to the grantor of the franchises. In legal terms, the grantor is  
11 referred to as a “*parens patriae*”.
- 12 2. Confusing STATUTORY and CONSTITUTIONAL contexts for words. They will try to make you believe that BOTH  
13 contexts are the same, even though they are NOT. The difference between STATUTORY and CONSTITUTIONAL  
14 contexts is described in:

*Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006, Sections 3  
and 4

<http://sedm.org/Forms/FormIndex.htm>

- 15 3. Confusing the LEGAL and ORDINARY meaning of words. This is done using “words of art”. They will use the  
16 words in the ORDINARY sense when speaking to the jury and on government forms, but when actually ENFORCING  
17 the implications of the forms, they will interpret them in their LEGAL sense. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

<http://sedm.org/Forms/FormIndex.htm>

- 18 4. Using government forms that promote policies inconsistent with what the law actually says. This is an abuse of  
19 government forms to in effect “invisibly contract” with the applicant.
- 20 5. Refusing to define words on government forms and publications, and telling you that you can’t trust the content of  
21 government forms. This allows the forms to be misused as propaganda devices and conveys what the supreme court  
22 calls “arbitrary power” to the government bureaucrat to MISINTERPRET the meaning of the words in their favor.  
23 Thus, a “society of law” is replaced with a “society of men”.
- 24 6. Not providing statutory definitions for key words, so that they can be subjectively defined by judges to prejudice your  
25 rights and advantage a corrupted government.
- 26 7. PRESUMING that the form or application being submitted is being done voluntarily and that the applicant  
27 CONSENTS to the jurisdiction of the government. Anything you consent to cannot form the basis for an injury in a  
28 court of law:

29 *“Voluntati non fit injuria.*

30 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

31 *Consensus tollit errorem.*

32 *Consent removes or obviates a mistake. Co. Litt. 126.*

33 *Melius est omnia mala pati quam malo consentire.*

34 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

35 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*

36 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*

37 *[Bouvier’s Maxims of Law, 1856;*

38 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

39 The way to destroy any religion is to discredit or contradict the underlying belief with legal evidence. Therefore, the way to  
40 prevent all of the above abuses from a legal perspective is to use the following approach to all government forms or  
41 applications:

- 42 1. Ensuring that you DO NOT apply for any franchise, license, or privilege and terminating participation in any and all  
43 franchises. See:

*Government Instituted Slavery Using Franchises*, Form #05.030

<http://sedm.org/Forms/FormIndex.htm>

- 1 2. The CONTEXT for each word is carefully defined to be EITHER STATUTORY or CONSTITUTIONAL.
- 2 3. The specific statutory definition for each term is referenced as NOT applying. This places the applicant OUTSIDE the
- 3 jurisdiction of the government.
- 4 4. Proposals or statements on the form or publication which are in conflict with the written law are identified as FALSE
- 5 and FRAUDULENT.
- 6 5. Emphasizing that since the terms on the form are NOT defined and the government says you can't trust their forms,
- 7 then you MUST define all terms to leave NO room for unconstitutional presumption that might damage your rights.
- 8 For proof that you can't trust most government forms, and especially tax forms, see:

Reasonable Belief About Income Tax Liability, Form #05.007

<http://sedm.org/Forms/FormIndex.htm>

- 9 6. Disassociating yourself from government jurisdiction by defining geographical "words of art" to place you outside the
- 10 government's jurisdiction.
- 11 7. Ensuring that the government application or form you are filling out is identified NOT as an "acceptance" of anything,
- 12 but rather a COUNTER-OFFER under the Uniform Commercial Code (U.C.C.) in which the government is asking for
- 13 something from you rather than the other way around.
- 14 8. Providing an affidavit of duress, stating that you were compelled to fill out the form and asking the source of the duress
- 15 to be criminally prosecuted for criminal coercion, theft, and slavery.
- 16 9. Removing any and all discretion by any judge or government administrator to DEFINE or REDEFINE any of the key
- 17 words on the form.
- 18 10. Stating that you are the only one who can decide the definitions on the form, because you are the only witness signing
- 19 the form and that if they try to modify your testimony, they are criminally tampering with a witness.

20 The reason the above tactics work is insightfully described in the following two entertaining videos on the Uniform  
21 Commercial Code (U.C.C.):

- 22 3. This Form is Your Form, Mark DeAngelis
- 23 <http://www.youtube.com/embed/b6-PRwhU7cg>
- 24 4. Mirror Image Rule, Mark DeAngelis
- 25 <http://www.youtube.com/embed/j8pqbZV757w>

26 To give you an idea of how the above process works, you may want to examine the following form on our website which is  
27 attached to all government tax forms:

Tax Form Attachment, Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

28 In the legal field, the MOST important power you can have is the power to DEFINE words. In practice, HE who defines the  
29 word FIRST wins ALL legal battles. That is why all contracts usually contain a definitions section. Notably ABSENT from  
30 all GOVERNMENT forms is such a definition section. This is deliberate, because:

- 31 1. The government is an insurance company that NEVER accepts responsibility for its own actions and abuses sovereign
- 32 immunity to avoid all such responsibility.
- 33 2. The government and courts will ALWAYS tell you that you can't trust the accuracy of the form. Therefore, even if
- 34 they DID define it, they would make sure they included a disclaimer that said you couldn't trust their definition
- 35 anyway. For an example of this, see:

Reasonable Belief About Income Tax Liability, Form #05.007

<http://sedm.org/Forms/FormIndex.htm>

- 36 3. The purpose of the form is to unlawfully and unconstitutionally convey to a bureaucrat or judge the power to define the
- 37 words ANY WAY THEY WANT and thus, to corruptly turn a "society of law" into a "society of men".

38 All government forms usually contain a perjury statement at the end which gives the form the character of "testimony of a  
39 witness" and assigns the content of the form the status of legally admissible evidence in court. As such, it is a criminal  
40 offense to influence the person filling out the form or to change their testimony. That crime is called witness tampering.

41 [18 U.S.C. §1512 - Tampering with a witness, victim, or an informant](#)

42 a)

1 (1)Whoever kills or attempts to kill another person, with intent to—

2 (A)prevent the attendance or testimony of any person in an official proceeding;

3 (B)prevent the production of a record, document, or other object, in an official proceeding; or

4 (C)prevent the communication by any person to a law enforcement officer or judge of the United States of  
5 information relating to the commission or possible commission of a Federal offense or a violation of conditions  
6 of probation, parole, or release pending judicial proceedings;

7 shall be punished as provided in paragraph (3).

8 (2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with  
9 intent to—

10 (A)influence, delay, or prevent the testimony of any person in an official proceeding;

11 (B)cause or induce any person to—

12 (i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;

13 (ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object  
14 for use in an official proceeding;

15 (iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or  
16 other object, in an official proceeding; or

17 (iv)be absent from an official proceeding to which that person has been summoned by legal process; or

18 (C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of  
19 information relating to the commission or possible commission of a Federal offense or a violation of conditions  
20 of probation, supervised release, parole, or release pending judicial proceedings;

21 shall be punished as provided in paragraph (3).

22 If you want to win ANY and EVERY battle against the government in court, all you have to do is be the FIRST to define the  
23 words using the techniques in this section, and to turn their own form against them to make THEM the franchisee and YOU  
24 the grantor of the franchise. Since you are signing the form under penalty of perjury, they can't tell you what to put on it or  
25 they are criminally tampering with and threatening a protected witness. If they don't like the terms of YOUR offer, then all  
26 they can do is respond by saying YOU ARE NOT ELIGIBLE to participate in THEIR franchise or to receive the Mark of the  
27 Beast, the Social Security Number. You can even define a non-response in your offer as a statement by them that YOU ARE  
28 NOT ELIGIBLE. Then you can tell everyone who wants such a number that the government says you are NOT eligible, and  
29 therefore, that they cannot demand the Mark of the Beast. Hurt me!

30 Finally, they can't respond to the tactics suggested in this section by saying that you can't use them, because these are  
31 EXACTLY the same tactics the GOVERNMENT uses and if they deny you the ability to use them, then under the concept  
32 of equal protection and equal treatment, they HAVE to deny THEMSELVES the SAME ability.

33 You should view EVERY opportunity to fill out any government form as an act of contracting away your God given,  
34 unalienable rights and to thereby become INFERIOR and UNEQUAL in relation to the pagan government.

### 35 **11.3.3 Social Security**

36 Many people have asked if we have any information that may be helpful to those who wish to legally terminate participation  
37 in Social Security. The document below should help with that very popular goal. Sending this document in according to the  
38 instructions included is also a MANDATORY requirement of our [Member Agreement, Form #01.001](#).

<p>Resignation of Compelled Social Security Trustee, Form #06.002 <a href="http://sedm.org/Forms/10-Emancipation/SSTrustIndenture.pdf">http://sedm.org/Forms/10-Emancipation/SSTrustIndenture.pdf</a></p>
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39 Resources for further study:

#### **Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001 - [Forms page](#)  
<http://sedm.org/Forms/FormIndex.htm>
2. Socialism: The New American Civil Religion, Form #05.016- proves that in contemporary America, government has become a false god and is attempting to replace the true God  
<http://sedm.org/Forms/FormIndex.htm>
3. About SSNs and TINs on Government Forms and Correspondence, Form #07.004  
<http://sedm.org/Forms/FormIndex.htm>
4. Sovereignty Forms and Instructions Online, Form #10.004, Step 3.17: Quit Social Security and Rescind the Social Security Number -Family Guardian  
<http://famguardian.org/TaxFreedom/Instructions/3.17QuitSocialSecurity.htm>
5. Social Security: Mark of the Beast, Form #11.407 - Family Guardian  
<http://sedm.org/Forms/FormIndex.htm>

#### 11.3.4 **Income taxes**

##### 11.3.4.1 **Tax Form Attachment**

STANDARD IRS Forms are famous for creating the following [false presumption](#):

1. That you are a "[taxpayer](#)"
2. That because you provided a federal identifying number, you are a "franchisee" engaged in a "[trade or business](#)" and a "[public office](#)"
3. That you maintain a [domicile](#) in the "[United States](#)", which is defined in the I.R.C. as the federal zone and nowhere expressly includes any state of the Union. The IRS Form 1040, for instance, is only for use by those who maintain a "[domicile](#)" or "residence" within the federal zone, which people domiciled in states of the Union do not.
4. That you are an "[individual](#)", which is defined in [5 U.S.C. §552a\(a\)\(13\)](#) as "federal personnel" and a federal "[employee](#)".

All four of the above [false presumptions](#) have the desired consequences of causing you to surrender your sovereign immunity pursuant to [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1605\(a\)\(2\)](#) and making you into an indentured servant of the federal government who is surety for public debts and every pork barrel spending bill your public servants dream up. There are three methods for preventing or overcoming these deliberately [false presumptions](#):

1. Use AMENDED IRS Forms that remove the presumptions. See the following for a source of AMENDED IRS Forms.  

<u>Federal Forms and Publications, Family Guardian Fellowship</u> -Family Guardian Website <a href="http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm">http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm</a>
---
2. Use STANDARD IRS Forms and then modify them to correctly reflect your status. The modifications required are listed in [Section 1 of this link](#). Sometimes, the IRS tries to penalize people who "alter" their forms.
3. Use STANDARD IRS Forms that you don't modify but above your signature write "Not valid without signed Tax Form Attachment attached" and then attach this form. This approach avoids any penalties the IRS might attempt to impose for "altering" their forms, and yet avoids you having to commit perjury under penalty of perjury on a government form.

This form provides a standardized and very effective way to accomplish the last option above. The last option above implemented with this form is the most convenient of the above three options and provides a very consistent and bullet-proof way to correctly describe your status as a Member using any government form. Using this form with EVERY STANDARD IRS Form you submit is a mandatory requirement of our Member Agreement, Form #01.001. This form comes from our [Forms Page](#), and is Form #04.201.

<u>Tax Form Attachment</u> , Form #04.201 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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#### Resources for further study:

1. [Federal Forms and Publications, Family Guardian Fellowship](#) -Family Guardian. Place where you can obtain AMENDED versions of IRS Forms that remove presumptions that misrepresent or threaten your sovereign status as a "nontaxpayer"  
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>

- 1 2. [Non-Resident Non-Person Position, Form #05.020](#) - Sections 11 through 11.2 explain why using this form is VERY  
2 IMPORTANT  
3 <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

#### 4 **11.3.4.2 Correcting Erroneous Information Returns**

5 False information returns filed against people are the main method by which "nontaxpayers" are compelled unlawfully to  
6 become "taxpayers". Filing of these false returns is a quite common criminal violation of [26 U.S.C. §7206](#) and [7207](#) and a  
7 civil violation of [26 U.S.C. §7434](#) for those who file them. Our *Member Agreement*, Form #01.001 requires Members to  
8 prevent these false returns from being filed in the first place and also calls for correcting all those that are filed so that they  
9 don't erroneously become connected to the "[trade or business](#)" franchise that is codified within [Internal Revenue Code](#),  
10 [Subtitles A and C](#).

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

#### 11 Resources for further study:

12 NOTE: The above document consolidates the first four links below into a single, convenient, terse PDF file that you can  
13 take on the road, which is also indexed and has tables of authorities so you can hand it to payroll clerks and company  
14 legal counsel.

- 15 1. [Correcting Erroneous IRS Form 1042s, Form #04.003](#)  
16 <http://sedm.org/Forms/FormIndex.htm>  
17 2. [Correcting Erroneous IRS Form 1098s, Form #04.004](#)  
18 <http://sedm.org/Forms/FormIndex.htm>  
19 3. [Correcting Erroneous IRS Form 1099s, Form #04.005](#)  
20 <http://sedm.org/Forms/FormIndex.htm>  
21 4. [Correcting Erroneous IRS Form W-2s, Form #04.006](#)  
22 <http://sedm.org/Forms/FormIndex.htm>  
23 5. [Federal Tax Withholding, Form #04.102](#)  
24 <http://sedm.org/Forms/FormIndex.htm>  
25 6. [Federal and State Tax Withholding Options for Private Employers, Form #04.101](#) -Family Guardian. Shows how to  
26 prevent having these forms illegally filed against you by properly preparing and submitting valid and lawful withholding  
27 forms that correctly and truthfully represent your status as a "nonresident alien" not engaged in a "trade or business".  
28 <http://sedm.org/Forms/FormIndex.htm>

#### 29 **11.3.5 Litigation franchises**

##### 30 **11.3.5.1 Licenses to Practice Law**

31 This memorandum of law describes why licenses to practice law are a fraud and are not necessary in most cases.

*Unlicensed Practice of Law*, Form #05.029  
<http://sedm.org/Forms/05-MemLaw/UnlicPractLaw.pdf>

#### 32 Resources for further study:

- 33 1. [Law and Government Page, Family Guardian Fellowship](#) -Family Guardian  
34 <http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>  
35 2. [SEDM Litigation Tools Page](#)-SEDM  
36 <http://sedm.org/Litigation/LitIndex.htm>  
37 3. [Why You Don't Want to Hire an Attorney, Family Guardian Fellowship](#) -Family Guardian  
38 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDontWant>  
39 [AnAttorney.htm](#)  
40 4. [Petition for Admission to Practice, Family Guardian Fellowship](#) -Family Guardian  
41 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

1 5. What is Law Practice? -ABA eJournal  
2 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/WhatIsLawPractice.pdf>

3 **11.3.5.2 Federal Pleading/Motion/Petition Attachment**

4 Attach this form to every motion, petition, or pleading you file in federal court so that you can prevent all the following  
5 important games and obstruction of justice by the U.S. Attorney and the de facto judge:

- 6 1. Prejudicial [presumptions](#) about the meaning of specific "words of art".
- 7 2. Prejudicial [presumptions](#) that you are a "taxpayer" subject to the I.R.C.
- 8 3. Prejudicial [presumptions](#) about the use of Taxpayer Identification Numbers by the U.S. attorney.
- 9 4. The default false presumption that you are a statutory "U.S. citizen" pursuant to [8 U.S.C. §1401](#).
- 10 5. The default false presumption that you have a domicile on federal territory.
- 11 6. The de facto judge or magistrate assuming you consent to their jurisdiction under [28 U.S.C. §636](#), which is mandatory  
12 if heard by a magistrate. This form establishes that you have NO DELEGATED AUTHORITY to consent to their  
13 jurisdiction.
- 14 7. The judge or U.S. Attorney from gaining an advantage by ignoring or omitting to address any objection or factual  
15 statement you make.

16 Below is the form:

*Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002  
<http://sedm.org/Litigation/General/PleadingAttachment.pdf>

17 Resources for further study:

- 18 1. [SEDM Litigation Tools Page](#)

19 **11.3.6 Marriage Licenses**

20 When you get a state-issued marriage license, you become a public officer and a contractual partner with the government.  
21 You gave up your rights voluntarily in doing this. Here is the proof.

22 *[4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is*  
23 *its province and its duty to forbid interference by another state as well as by any foreign power with the status of*  
24 *its own citizens. **Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister***  
25 ***state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an***  
26 ***established domicile in the state which resents such interference with matters which disturb its social serenity***  
27 ***or affect the morals of its inhabitants.** [5] Jurisdiction over divorce proceedings of residents of California by the*  
28 *courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of the morals of her*  
29 *people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage by the decree of a*  
30 *court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its power it evades the*  
31 *performance of such duty, marriage will ultimately be considered as a formal device and its dissolution freed*  
32 *from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d. 880] residents by a court of another*  
33 *state void because of the plaintiff's lack of bona fide residence in the foreign state, but it is void also for lack of*  
34 *the court's jurisdiction over the State of California. [8] **This state is a party to every marriage contract of its own***  
35 ***residents as well as the guardian of their morals.** Not only can the litigants by their collusion not confer*  
36 *jurisdiction upon Nevada courts over themselves but neither can they confer such jurisdiction over this state.*

37 *[9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own*  
38 *laws acquired...*  
39 *[Roberts v. Roberts, 81 Cal.App.2d. 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947]*

41 *JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and*  
42 *John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born*  
43 *January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John's deceased son...*

44 *However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. Prince*  
45 *v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S.Ct. 438, 442 (1944). "[T]he state has*  
46 *a wide range of power for limiting parental freedom and authority in things affecting the child's welfare." Prince,*  
47 *321 U.S. at 167, 88 L.Ed. 645, 64 S.Ct. at 442. **In fact, the entire familial relationship involves the State. When***

1 *two people decide to get married, they are required to first procure a license from the State. If they have children*  
2 *of this marriage, they are required by the State to submit their children to certain things, such as school*  
3 *attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not*  
4 *working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the*  
5 *woman, and the State. Linneman v. Linneman, 1 Ill. App. 2d 48, 50, 116 N.E.2d. 182, 183 (1953), citing Van*  
6 *Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the*  
7 *institution of marriage. Linneman, 1 Ill.App.2d. at 50, 116 N.E.2d. at 183. This public interest is what allows*  
8 *the State to intervene in certain situations to protect the interests of members of the family. The State is like a*  
9 *silent partner in the family who is not active in the everyday running of the family but becomes active and*  
10 *exercises its power and authority only when necessary to protect some important interest of family life. Taking*  
11 *all of this into consideration, the question no longer is whether the State has an interest or place in disputes such*  
12 *as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps*  
13 *intervened where no intervention was warranted? This question then directs our discussion to an analysis of the*  
14 *provision of the Act that allows the challenged State intervention (750 I.L.C.S. 5/607(b) (West 1996)).*  
15 *[West v. West, 689 N.E.2d. 1215 (1998)]*

16 This book is important for those who don't want the government or its pagan lawyers and laws running their family or their  
17 life.

*Sovereign Christian Marriage*, Form #06.009  
<http://sedm.org/Forms/FormIndex.htm>

18 Resources for further study:

- 19 1. [Family Constitution, Form #13.003](#) -Family Guardian. Shows how to start and run a sovereign family that is completely  
20 without the need for man-made government  
21 <http://famguardian.org/Publications/FamilyConst/FamilyConst.htm>  
22 2. [Family Law, Dating, Marriage, and Divorce Page, Family Guardian Fellowship](#) -Family Guardian  
23 <http://famguardian.org/Subjects/FamilyLaw/FamilyLaw.htm>  
24 3. [Family Issues and Feminism Page, Family Guardian Fellowship](#) -Family Guardian  
25 <http://famguardian.org/Subjects/FamilyIssues/familyissues.htm>  
26 4. [Sovereignty and Freedom Page](#) -Family Guardian. Describes many different aspects of sovereignty, including the right  
27 to travel without a license  
28 <http://famguardian.org/Subjects/Freedom/Freedom.htm>

29 **11.3.7 Drivers Licenses**

30 This book describes in detail how the driver's license franchise works and how to drive lawfully without a license.

*Defending Your Right to Travel*, Form #06.010  
<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>

31 Resources for further study:

- 32 1. [Sovereignty and Freedom Page](#) -Family Guardian. Describes many different aspects of sovereignty, including the right  
33 to travel without a license  
34 <http://famguardian.org/Subjects/Freedom/Freedom.htm>  
35 2. [State Legal Resources, Family Guardian Fellowship](#) -Family Guardian. Summary of all 50 States  
36 <http://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm>  
37 3. [State Vehicle Codes](#) -Family Guardian. Summary of all 50 States  
38 <http://famguardian.org/Subjects/Freedom/Travel/StateVehCodeLaws.htm>

39 **11.3.8 Citizenship/Domicile Protection franchise**

40 **11.3.8.1 Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States**

41 This document corrects false or misleading government records about your citizenship and domicile status and politically and  
42 legally divorces the federal/national government in order to restore your sovereignty. It makes you into a "stateless person"  
43 and a "foreign sovereign" in respect to the federal/national government. The document below should help with that very  
44 popular goal. This document is in ZIP format. Go to <http://sedm.org/DecompressionUtility.htm> for instructions on how to

**Government Identity Theft**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.046, Rev. 9-27-2015

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EXHIBIT: \_\_\_\_\_

1 use ZIP files. Sending this document in according to the instructions included is also a MANDATORY requirement of our  
2 [Member Agreement, Form #01.001](#).

*Legal Notice of Change in Domicile/Domicile Records and Divorce from the United States*, Form #10.001  
<http://sedm.org/Forms/FormIndex.htm>

3 Resources for further study:

- 4 1. [Resignation of Compelled Social Security Trustee, Form #06.002](#) - [Forms page](#)  
5 <http://sedm.org/Forms/FormIndex.htm>
- 6 2. [USA Passport Application Attachment, Form #06.007](#) - [Forms page](#). Prevents you from surrendering any part of your  
7 sovereignty when you ask for a passport. Completely consistent with the legal notice above.  
8 <http://sedm.org/Forms/FormIndex.htm>
- 9 3. [Voter Registration Attachment, Form #06.003](#) - [Forms page](#). Attach this to your state voter registration in order to  
10 preserve your status as a sovereign and a non-resident non-person.  
11 <http://sedm.org/Forms/FormIndex.htm>

### 12 **11.3.8.2 Lawfully Avoiding the Military Draft**

13 [Legal domicile](#) is a voluntary franchise by which We The People procure "protection" from a specific government. The  
14 military draft is a liability associated with "[domicile](#)" on federal [territory](#). It DOES NOT apply within states of the Union.  
15 This free memorandum of law provides legal authorities that describe how to lawfully avoid but not unlawfully "evade" the  
16 military draft in the United States.

*Lawfully Avoiding the Military Draft*, Form #09.003  
<https://sedm.org/Forms/FormIndex.htm>

17 Resources for further study:

- 18 1. [Military and War Page, Family Guardian Fellowship](#) -Family Guardian. Various subjects having to do with the military  
19 <http://famguardian.org/Subjects/Military/Military.htm>
- 20 2. [Why You Aren't Subject to the Draft or Selective Service Program, Family Guardian Fellowship](#) -Family Guardian  
21 <http://famguardian.org/Subjects/Military/Draft/NotSubjectToDraft.htm>

### 22 **11.3.8.3 Registering to Vote**

23 The terms used on state voter registration forms relating to citizenship are deliberately vague and ambiguous and do not  
24 provide an option for THREE types of American citizenship that a person can have. This is exhaustively explained in the  
25 following memorandum of law:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

26 Most state voter registration forms only give one choice, and that choice creates a [presumption](#) that one is a [statutory](#) rather  
27 than [constitutional](#) "[U.S. citizen](#)" as defined in [8 U.S.C. §1401](#). This presumption is FALSE in the case of all persons who  
28 are [domiciled](#) in a state of the Union. The only way to prevent this [false presumption](#) is to either modify the form before you  
29 submit it or to attach this form. Using this form is EXTREMELY important.

*Voter Registration Attachment*, Form #06.003  
<http://sedm.org/Forms/10-Emancipation/VoterRegAttachment.pdf>

30 Resources for further study:

- 31 1. [Political Rights v. Citizenship Status, Family Guardian Fellowship](#) -Family Guardian  
32 <http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>

2. [Sovereignty Forms and Instructions Online, Form #10.004, Instruction 3.13: Correct Government Records Documenting Your Citizenship Status](http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm) -Family Guardian  
<http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm>
3. [Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #06.005](http://sedm.org/Forms/FormIndex.htm) - [Forms page](http://sedm.org/Forms/FormIndex.htm)
4. [Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002](http://sedm.org/Forms/FormIndex.htm)-SEDM [Forms page](http://sedm.org/Forms/FormIndex.htm)
5. [Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006](http://sedm.org/Forms/FormIndex.htm)-SEDM

#### 11.3.8.4 Applying for a Passport

The terms used on the USA Passport Application, Dept. of State form DS-11, relating to citizenship are deliberately vague and ambiguous and do not provide an option for THREE types of American citizenship that a person can have. This is exhaustively explained in the following memorandum of law:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006*  
<http://sedm.org/Forms/FormIndex.htm>

The DS-11 Passport Application form only gives one choice, and that choice creates a presumption that one is a statutory rather than constitutional "U.S. citizen" as defined in 8 U.S.C. §1401. This presumption is FALSE in the case of all persons who are domiciled in a state of the Union. The only way to prevent this false presumption is to either modify the form before you submit it or to attach this form. Using this form is EXTREMELY important.

*USA Passport Application Attachment, Form #06.007*  
<http://sedm.org/Forms/10-Emancipation/PassportAttachment.pdf>

#### Resources for further study:

1. [Getting a USA Passport as a "state national", Form #09.007](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>
2. [Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001](http://sedm.org/Forms/FormIndex.htm) - [Forms page](http://sedm.org/Forms/FormIndex.htm)
3. [Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002](http://sedm.org/Forms/FormIndex.htm)-SEDM [Forms page](http://sedm.org/Forms/FormIndex.htm)
4. [Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006](http://sedm.org/Forms/FormIndex.htm)-SEDM

#### 11.3.9 Criminal Tax Prosecutions of Franchisees called "taxpayers: The Government "Benefits" Scam

Those who refuse to accept government franchises and services and lawfully refuse to pay for these services are sometimes illegally prosecuted by zealous but criminal government attorneys for "willful failure to file" under 26 U.S.C. §7203 and "tax evasion" under 26 U.S.C. §7201. The government's offense in these cases is like a broken record:

*"Mr./Ms. \_\_\_\_\_ accepts the 'benefits' of living in this country but refuses to pay his/her 'fair share'. He/she is a LEECH and you ought to hang him!"*

Well, this memorandum proves beyond a shadow of a doubt that all such rhetoric is not only FALSE, FRAUDULENT, and RIDICULOUS, but constitutes a criminal conspiracy against your constitutionally guaranteed rights. You have a constitutionally protected right to NOT contract with or do business with the government protected by Article 1, Section 10 of the Constitution. The government is just like any other corporation or business and the only service it provides is "protection". Those who are "customers" of this protection and social insurance service must voluntarily choose a domicile within the jurisdiction of the government and are then called "U.S. citizens", "U.S. residents", or "U.S. persons". When the "protection service" provided by government is ineffective, wasteful, inefficient, and/or actually harmful to us or our family, we always have the right to "fire the bastards" and cease to be "customers". The Declaration of Independence, in fact, makes

1 it our DUTY to pursue "better safeguards for our future security". Those who do this are called "nonresidents", "[nonresident](#)  
2 [aliens](#)", and "transient foreigners". Use this pamphlet as a powerful defense in court against such bogus charges.

*The Government "Benefits" Scam*, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

### 3 **11.3.10 Destruction of your Privacy by Other Franchisees**

4 The most important thing you can do to defend your sovereignty is to defend your privacy. The only thing the government  
5 can lawfully keep records on are its own agents, employees, officers, benefit recipients, and contractors without violating  
6 your Fourth Amendment right of privacy. In order to restore your privacy, you must systematically disconnect yourself from  
7 all of these franchises and continually emphasize nonparticipation whenever you provide information to third parties about  
8 yourself. This form protects your privacy from abuses and violations of law by government, private industry, and regulators  
9 by:

- 10 1. Preventing the illegal enforcement of [government franchises](#) against non-parties and restoring your character as a private  
11 person instead of a "public officer".
- 12 2. Preventing compelled or illegal use or disclosure of public property such as Social Security Cards and Social Security  
13 Numbers. See the following for details:

*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>

- 14 3. Preventing disclosure of personal information to government or regulatory agencies by disconnecting you from public  
15 benefits and franchises, thereby causing you to withdraw consent to maintain or disclose records or information about  
16 you pursuant to [5 U.S.C. §552a](#)(b).
- 17 4. Creating an anti-franchise franchise of your own whereby information about you is YOUR property and not that of the  
18 recipient and makes recipients of *your* personal information personally liable for any and all disclosures to third parties  
19 that are not expressly authorized IN WRITING.
- 20 5. Preventing the filing of Currency Transaction Reports (CTR) and Suspicious Activity Reports (SAR) against persons not  
21 engaged in the "[trade or business](#)" franchise.
- 22 6. Educating regulators and compliance people in the government and private industry about the limitations upon their  
23 authority to collect and maintain records about a person who does not participate in franchises. Public servants who  
24 regulate and supervise financial institutions, public entities, and federal franchises typically misrepresent the  
25 requirements of the law and illegally enforce these franchises against nonparticipants by compelling disclosure to them  
26 of information that is NOT public and does not relate to activities of "public officers" or agents of the government.

27 Attach this form to all financial, account, government, and medical forms to ensure your privacy is protected and that you do  
28 not become the unlawful subject of any financial transaction report. If you don't use this form, you could become the target  
29 of unlawful government enforcement and/or be prosecuted for "structuring" ([31 U.S.C. §5324](#)) or money laundering ([18](#)  
30 [U.S.C. §1956](#)) if someone in the government wants to make trouble for those who refuse to participate in federal franchises.

*Privacy Agreement*, Form #06.014  
<http://sedm.org/Forms/FormIndex.htm>

### 31 **11.3.11 Taxpayer Identification Number (TIN) Franchise**

32 There are many occasions in which Christians are called to either request, to use, or to disclose government issued identifying  
33 numbers such as Social Security Numbers or Taxpayer Identification Numbers (TINs). The Bible calls such numbers the  
34 "mark of the beast" and calls all governments who issue them "the beast".

35 *"And I saw **the beast, the kings of the earth, and their armies**, gathered together to make war against Him who*  
36 *sat on the horse and against His army."*  
37 *[[Rev. 19:19](#), Bible, NKJV]*

38 The focus of this form is to provide a compact, convenient form that can be presented by persons doing business with private  
39 employers and financial institutions that will prove that they may not lawfully have or use government issued identifying  
40 numbers and would be violating the criminal laws to do so. This places the recipient of the form in the awkward position of  
41 either willfully engaging in a conspiracy to commit a crime or removing their demand for such a number.

*Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205*  
<http://sedm.org/Forms/FormIndex.htm>

## **Resources for further study:**

1. [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>
2. [About SSNs and TINs on Government Forms and Correspondence, Form #07.004](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>
3. [Why You Aren't Eligible for Social Security, Form #06.001](http://sedm.org/Forms/FormIndex.htm). Proves that you aren't eligible for Social Security  
<http://sedm.org/Forms/FormIndex.htm>
4. *Social Security Policy Manual*, Form #06.013- bookstore item  
<http://sedm.org/Forms/FormIndex.htm>
5. [Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "Social Security Number \(SSN\)"](http://famguardian.org/TaxFreedom/CitesByTopic/SSN.htm) (OFFSITE LINK): Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic  
<http://famguardian.org/TaxFreedom/CitesByTopic/SSN.htm>
6. [Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "Taxpayer Identification Number \(TIN\)"](http://famguardian.org/TaxFreedom/CitesByTopic/TIN.htm) (OFFSITE LINK): Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic  
<http://famguardian.org/TaxFreedom/CitesByTopic/TIN.htm>
7. *Social Security: Mark of the Beast*, Form #11.407 (OFFSITE LINK) -Family Guardian  
<http://sedm.org/Forms/FormIndex.htm>
8. *Who are "Taxpayers" and Who Needs a "Taxpayer Identification Number"?*, Form #05.013. Proves that all "taxpayers" are aliens engaged in a "trade or business" and a "public office" within the United States Government and that these are the only persons who qualify for a government-issued identifying number  
<http://sedm.org/Forms/FormIndex.htm>

## **12. Administrative Remedies to Prevent Identity Theft on Government Forms**

We have prepared an entire short presentation showing you all the "traps" on government forms and how to avoid them:

*Avoiding Traps in Government Forms Course*, Form #12.023  
<http://sedm.org/Forms/FormIndex.htm>

All of the so-called "traps" described in the above presentation center around the following abuses and FRAUDS:

1. The perjury statement at the end of the form betrays where they PRESUME you geographically are. 28 U.S.C. 1746 identifies TWO possible jurisdictions, and if they don't use the one in 28 U.S.C. §1746(1), they are PRESUMING, usually falsely, that you are located on federal territory and come under territorial law.

*28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury*

*Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:*

*(1) If executed without the United States [federal territory or the government]: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).*

*(Signature)".*

*(2) If executed within the United States [federal territory or the government], its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).*

*(Signature)".*

- 1 2. Telling you when you submit the form that the terms on the form have their ordinary, PRIVATE, non-statutory  
2 meaning but after they RECEIVE the form, INTERPRETING all terms in their PUBLIC and STATUTORY context.  
3 This is bait and switch, deception, and FRAUD.
- 4 3. Confusing the CONSTITUTIONAL context with the STATUTORY context for geographical words of art such as  
5 "United States" and "State".
- 6 4. Confusing CONSTITUTIONAL "Citizens" or "citizens of the United States" in the Fourteenth Amendment with  
7 STATUTORY "U.S. citizen", or "nationals and citizens of the United states at birth" under 8 U.S.C. §1401.
- 8 5. Confusing CONSTITUTIONAL "persons" or "people" with STATUTORY "persons" or "individuals".  
9 CONSTITUTIONAL "persons" are all MEN OR WOMEN AND NOT ARTIFICIAL entities or offices, while civil  
10 STATUTORY persons are all PUBLIC offices and fictions of law created by Congress.
- 11 6. Connecting you with a civil status found in civil statutory law, which is a public office. The form itself does this:  
12 6.1. In the "status" block. It either doesn't offer a STATUTORY "non-resident non-person" status in the form or they  
13 don't offer ANY form for STATUTORY "non-resident non-persons".  
14 6.2. The Title of the form. The upper left corner of the 1040 identifies the applicant as a "U.S. individual", meaning a  
15 public office domiciled on federal territory.  
16 6.3. Underneath the signature, which usually identifies the civil status of the applicant, such as "taxpayer".

17 The remedy for the above types of deception and fraud is the following:

- 18 1. Avoid filling out any and every government form.
- 19 2. If FORCED to fill out a government form, ALWAYS attach a MANDATORY attachment that defines all  
20 geographical, citizenship, and status terms the form with precise definitions and betray whether the meaning is  
21 STATUTORY or CONSTITUTION. It CANNOT be both. If you think it is both, you are practicing a logical fallacy  
22 called "equivocation". State on the form you are attaching to that the form is "Not valid, false, and fraudulent if not  
23 accompanied by the following attachment: \_\_\_\_\_". The attachments on our site are good for this.
- 24 3. Tell the recipient that if they don't rebut the definitions you provide within a specified time limit, then they agree and  
25 are estopped from later challenging it.
- 26 4. Specify that none of the terms on the form submitted have the meaning found in any state or federal statutory code.  
27 Instead they imply only the common meaning.

28 There are many forms on our site you can attach to standard forms provided by the IRS, state revenue agencies, financial  
29 institutions, and employers that satisfy the above to ensure that your correct status is reflected in their records. Below are the  
30 most important ones.

- 31 1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001  
32 <http://sedm.org/Forms/FormIndex.htm>
- 33 2. *Tax Form Attachment*, Form #04.201  
34 <http://sedm.org/Forms/FormIndex.htm>
- 35 3. *USA Passport Application Attachment*, Form #06.007  
36 <http://sedm.org/Forms/FormIndex.htm>
- 37 4. *Voter Registration Attachment*, Form #06.003  
38 <http://sedm.org/Forms/FormIndex.htm>
- 39 5. *Affidavit of Domicile: Probate*, Form #04.223  
40 <http://sedm.org/Forms/FormIndex.htm>

41 The language after the line below is language derived from Form #04.223 above. The language included is very instructive  
42 and helpful to our readers in identifying HOW the identity theft happens. We strongly suggest reusing this language in the  
43 administrative record of any entity who claims you are a statutory "taxpayer", "person", or "individual" under the Internal  
44 Revenue Code or state revenue code.

45 \_\_\_\_\_  
46 ***AFFIDAVIT REGARDING ESTATE OF***  
47 ***DECEDENT: \_\_\_\_\_***  
48

49 I certify that the following facts are true under penalty of perjury under the criminal perjury laws of the state I am in but NOT under any  
50 OTHER of the civil statutory codes. I am not under any other civil codes as a civil non-resident non-person. The content of this form

1 defines all geographical, citizenship, and domicile terms used on any and all forms to which this estate settlement relates for all parties  
2 concerned.

3 1. Civil status and domicile of decedent: Decedent at the time of his death was:

4 1.1. A CONSTITUTIONAL "Citizen" or "citizen of the United States" as defined in the Fourteenth Amendment.

5 1.2. NOT a STATUTORY "U.S. citizen" or "national and citizen of the United States at birth" under 8 U.S.C. §1401, 26 C.F.R.  
6 §1.1-1(c), or 26 U.S.C. §3121(e). 26 C.F.R. §1.1-1(c) identifies an 8 U.S.C. §1401 "U.S. citizen" as the ONLY type of  
7 "citizen" subject to the Internal Revenue Code. All such "U.S. citizens" are territorial citizens born within and domiciled  
8 within federal territory and NOT a CONSTITUTIONAL "State".

9 1.3. Domiciled in the CONSTITUTIONAL "United States" and CONSTITUTIONAL State at the time of his death.

10 *... the Supreme Court in the Insular Cases*<sup>127</sup> provides authoritative guidance on the territorial scope of the  
11 term "the United States" in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court  
12 decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United  
13 States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the  
14 territorial scope of the term "the United States" in the Constitution and held that this term as used in the  
15 uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8  
16 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see  
17 Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("[I]t can nowhere be inferred  
18 that the territories were considered a part of the United States. The Constitution was created by the people of  
19 the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the  
20 Constitution deals with States, their people, and their representatives."); Rabang, 35 F.3d at 1452. Puerto Rico  
21 was merely a territory "appurtenant and belonging to the United States, but not a part of the United States  
22 within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787.

23 *The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and*  
24 *Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the*  
25 *United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The*  
26 *Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the*  
27 *jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend*  
28 *XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may*  
29 *be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth*  
30 *Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth*  
31 *Amendment, however, "is not extended to persons born in any place 'subject to [the United States']*  
32 *jurisdiction.'" but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251,*  
33 *21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties,*  
34 *the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories*  
35 *subject to the jurisdiction of the Federal government, wherever located."').<sup>128</sup>*  
36 *[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]*

37 1.4. NOT domiciled in the STATUTORY "United States" or "State" as that term is defined in 26 U.S.C. §7701(a)(9) and (a)(10)  
38 or 4 U.S.C. §110(d) or the state revenue codes. These areas are federal territory not within the exclusive jurisdiction of a state  
39 of the Union.

40 1.5. NOT a STATUTORY "U.S. person" as that term is defined in 26 U.S.C. §7701(a)(30), because it relies on the definition of  
41 "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes.

42 1.6. An "individual" in an ordinary or CONSTITUTIONAL sense. By this we mean he was a PRIVATE man or woman protected  
43 by the CONSTITUTION and the COMMON LAW and NOT subject to the jurisdiction of the STATUTORY civil law.

44 1.7. NOT an "individual" in a STATUTORY sense or as used in any revenue code. 26 C.F.R. §1.1441-1(c)(3) indicates that  
45 "individuals" are "aliens" by default and are both "foreign persons" and "aliens". Therefore the decedent could not possibly  
46 be an "individual" as that term is used in the Internal Revenue Code.

47 [26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

48 [\(c \) Definitions](#)

49 [\(3\) Individual.](#)

50 [\(i\) Alien individual.](#)

<sup>127</sup> De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901);  
Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

<sup>128</sup> Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of  
Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and  
Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

1 *The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.*  
2 *1.1-1(c).*

3  
4 [26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

5 **(c) Definitions**

6 **(3) Individual.**

7 **(ii) Nonresident alien individual.**

8 *The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who*  
9 *are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S.*  
10 *[tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern*  
11 *Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this](#)*  
12 *[chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of*  
13 *the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under*  
14 *chapter 3 of the Code and the regulations thereunder.*

15 2. **Warning NOT to confuse STATUTORY and CONSTITUTIONAL contexts for geographical or citizenship terms:**

- 16 2.1. Recipient of this form is cautioned NOT to PRESUME that the STATUTORY and CONSTITUTIONAL contexts of  
17 geographical, citizenship, or domicile terms are equivalent. They are NOT and are mutually exclusive.  
18 2.2. One CANNOT lawfully have a domicile in two different places that are legislatively “foreign” and a “foreign estate” in  
19 relation to each other. This is what George Orwell called DOUBLETHINK and the result is CRIMINAL IDENTITY THEFT.  
20 2.3. The U.S. Supreme Court held in Rogers v. Bellei, 401 U.S. 815 (1971) that an 8 U.S.C. §1401 STATUTORY “U.S. citizen” is  
21 NOT a CONSTITUTIONAL “citizen of the United States” under the Fourteenth Amendment. See also Valmonte v. I.N.S.,  
22 136 F.3d. 914 (C.A.2, 1998) earlier. Therefore, it is my firm understanding that the decedent:  
23 2.3.1. Was NOT domiciled in the STATUTORY “United States” or “State” defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4  
24 U.S.C. §110(d) or the state revenue codes. These areas are federal territory under the exclusive jurisdiction of the  
25 national government.  
26 2.3.2. Was NOT a STATUTORY “U.S. citizen” under 8 U.S.C. §1401, which is the ONLY type of “citizen” mentioned  
27 anywhere in the Internal Revenue Code. These are territorial citizens domiciled on federal territory, and the decedent  
28 was NOT so domiciled.

29 3. **“Intention” of the Decedent:**

30 The transaction to which this submission relates requires the affiant to provide legal evidence of the “domicile” of the decedent for  
31 the purposes of settling the estate. This requires that he/she make a “legal determination” about someone who he/she had a blood  
32 relationship with. “Domicile” is a legal term which includes both PHYSICAL presence in a place COMBINED with consent AND  
33 intent to dwell there permanently.

34 ***“domicile.** A person's legal home. That place where a man has his true, fixed, and **permanent home** and*  
35 *principal establishment, and to which whenever he is absent he has **the intention of** returning. Smith v. Smith,*  
36 *206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and **the intention** to make it one's*  
37 *home are the requisites of establishing a “domicile” therein. The permanent residence of a person or the place*  
38 *to which he **intends to** return even though he may actually reside elsewhere. A person may have more than one*  
39 *residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual***  
40 ***residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise***  
41 ***the privilege of voting and other legal rights and privileges.**”*  
42 *[Black's Law Dictionary, Sixth Edition, p. 485]*

43 3.1. Two types of domicile are involved in the estate of the decedent:

- 44 3.1.1. The domicile of the PRIVATE PHYSICAL MAN OR WOMAN under the common law and the constitution.  
45 3.1.2. The domicile of any PUBLIC OFFICES he/she fills as part of any civil statutory franchises, such as the revenue codes,  
46 family codes, traffic codes, etc. These “offices” are represented by the civil statutory “person”, “individual”,  
47 “taxpayer”, “driver”, “spouse”, etc.  
48 3.2. Legal publications recognize the TWO components of a MAN OR WOMAN, meaning the PUBLIC and the PRIVATE  
49 components as follows:

50 *“A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he*  
51 *administer or execute them.”*  
52 *[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

1 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be  
2 carried into operation by individual agency, either through the medium of public officers, or contracts made  
3 with [private] individuals."  
4 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

- 5 3.3. Man or woman can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO legal  
6 "persons": PUBLIC and PRIVATE.  
7 3.3.1. The CIVIL STATUTORY law attaches to the PUBLIC person. It can do so ONLY by EXPRESS CONSENT, because  
8 the Declaration of Independence, which is organic law, declares that all JUST powers derive from the CONSENT of the  
9 party. The implication is that anything NOT expressly and in writing consented to is UNJUST and a tort.  
10 3.3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person. This is the person most people  
11 think of when they refer to someone as a "person". They are not referring to the PUBLIC civil statutory "person".  
12 This is consistent with the following maxim of law.

13 *Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
14 *When two rights [public right v. private right] concur in one person, it is the same as if they were two separate*  
15 *persons. 4 Co. 118.*  
16 [Bouvier's Maxims of Law, 1856;  
17 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 18 3.4. The affiant would be remiss and malfeasant NOT to:  
19 3.4.1. Distinguish between the PRIVATE man or woman and the PUBLIC office that are both represented by the decedent.  
20 3.4.2. Condone or allow the recipient of the form to PRESUME that they are both equivalent. They are simply NOT.  
21 3.4.3. Require all those enforcing PUBLIC rights associated with a PUBLIC office in the government (such as "person",  
22 "individual", "taxpayer", etc.) to satisfy the burden of proving that the decedent lawfully CONSENTED to the office by  
23 making an application, taking an oath, and serving where the office (also called a statutory "trade or business" in 26  
24 U.S.C. §7701(a)(26)) was EXPRESSLY authorized to be executed.  
25 3.5. Regarding the "intent" of the decedent, affiant is certain that the decedent had NO DESIRE to occupy, accept the benefits of,  
26 or accept the obligations of any offices he/she was compelled to fill, and therefore:  
27 3.5.1. These offices DO NOT lawfully exist . . .and  
28 3.5.2. It would be UNJUST to enforce the obligations of said offices WITHOUT written evidence of consent being presented  
29 by those doing the enforcing. . .and  
30 3.5.3. The recipient of this form has a duty to provide a way NOT to accept any government "benefit" or franchise or the  
31 obligations that attach to such an acceptance in the context of any and all transactions which relate to his PRIVATE,  
32 exclusively owned property, including the entire estate that is the subject of probate. . .and

33 *"Invito beneficium non datur.*  
34 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*  
35 *considered as assenting. Vide Assent.*

36 *Quilibet potest renunciare juri pro se inducto.*  
37 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
38 *Inst. n. 83."*  
39 [Bouvier's Maxims of Law, 1856; SOURCE:  
40 <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

41  
42 CALIFORNIA CIVIL CODE  
43 DIVISION 3. OBLIGATIONS  
44 PART 2. CONTRACTS  
45 CHAPTER 3. CONSENT

46 1589. *A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*  
47 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 48 3.5.4. It would be criminal THEFT and IDENTITY THEFT to presume that the decedent did hold any such PUBLIC offices or  
49 to enforce the obligations of such offices upon the decedent. These offices include any and all civil statuses he might  
50 have under the Internal Revenue Code (e.g. "taxpayer", "person", or "individual") or the state revenue codes. Detailed  
51 documentation on the nature of this identity theft is included in:

Government Identity Theft, Form #05.046  
<http://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

- 52 4. Location of decedent, estate, and property of the estate:  
53 4.1. All property of the estate is WITHIN the CONSTITUTIONAL "United States" and the CONSTITUTIONAL State of  
54 domicile of the decedent.

4.2. All property is WITHOUT the STATUTORY "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10), and 4 U.S.C. §110(d).

4.3. The CONSTITUTIONAL and the STATUTORY "United States" and "State" are mutually exclusive and non-overlapping.

5. Definitions of all terms used on Petition for Probate and all papers filed in this action:

5.1. Any government-issued identifying number associated with the Heirs or the Decedent or the estate are hereby declared to be:

5.1.1. NOT those defined in 26 U.S.C. §6109 or any federal or state enactment, REGARDLESS of the name assigned to them or its "confusing similarity" with anything that is the property of the government.

5.1.2. NOT those defined 26 C.F.R. §301.6109-1 as being associated with a "trade or business" (public office) or STATUTORY "citizen" or "resident" under any government enactment, REGARDLESS of the name assigned to them or its "confusing similarity" with anything that is the property of the government.

5.1.3. Instead represent a LICENSE and FRANCHISE to any government actor to become the personal servant and "officer" exercising the privilege and agency of the Heirs and for the exclusive benefit of the Heirs. For their delegation of authority order while acting in such capacity, see:

[Injury Defense Franchise and Agreement, Form #06.027](http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf)  
<http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

5.2. The term "permanent address" and "residence":

5.2.1. Excludes a domicile or statutory "residence" of the Personal Representative or Heir.

5.2.2. Includes only the long-term mailing address.

5.2.3. Excludes any connection to the word "inhabitant" or "subject" under the laws of the Constitutional state where the Decedent or Heirs or Personal Representative are found.

5.3. The term "resident of the United States", "resident of the county":

5.3.1. Means a human PHYSICALLY PRESENT within a CONSTITUTIONAL "United States".

5.3.2. Means a human NOT physically present in and NOT domiciled within the STATUTORY "United States", meaning federal territory.

5.3.3. Means a human who is not a STATUTORY "resident" as defined in 26 U.S.C. §7701(b)(1)(A) to mean an "ALIEN". Neither the Decedent nor the Heirs are STATUTORY "aliens", but rather non-residents.

5.3.4. Excludes statutory "individuals" or "persons" in any act of the national for state government.

5.3.5. Includes only human beings under the common law and not statutory codes.

5.4. The terms "resident" or "resident of \_\_\_\_\_(statename)":

5.4.1. Excludes that defined in 26 U.S.C. §7701(b)(1)(A) to mean an "ALIEN".

5.4.2. Excludes any and all uses of that term within the state revenue codes. The state revenue codes have the same meaning as the Internal Revenue Code and incorporate the definitions within the Internal Revenue Code into their own title in most cases.

5.4.3. Excludes statutory "individuals" or "persons" in any act of the national or state government.

5.4.4. Includes only human beings under the common law and not statutory codes.

5.4.5. Excludes the following definition of "resident" found in the older version of the Treasury Regulations:

*26 C.F.R. §301.7701-5: Domestic, foreign, resident, and nonresident persons. [2005]*

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***

*[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]*

**[IMPORTANT NOTE!:** *Whether a "person" is a "resident" or "nonresident" has NOTHING to do with the nationality or physical location, but with whether it is engaged in a "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office. None of the heirs or the estate are engaging in a public office and cannot lawfully do so without a lawful political election or political appointment from OTHER than themselves]*

5.5. The purpose of the definitions in this section (Section 5) is to ensure then neither the Decedent, nor Personal Representative, nor the Heirs are treated as if they are the recipients of any statutory "benefit" or privilege in connection with any government, that they are acting entirely in a PRIVATE capacity, and that they are exercising rightful common law ownership and control over the property in question to exclude the government from receiving any commercial benefit or control over the estate by virtue of this proceeding. Any attempt to undermine this right TO EXCLUDE the government is a denial of an absolute property right and shall constitute a "purposeful availment" of commerce in a foreign jurisdiction and a waiver of official,

1 judicial, and sovereign immunity by all those so abrogating the very purpose of establishing government itself, which is to  
2 protect PRIVATE property and PRIVATE rights.

3 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and*  
4 *his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

5 *Invito beneficium non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he*  
6 *does not dissent he will be considered as assenting. Vide Assent.*

7 *Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To*  
8 *this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

9 *Quod meum est sine me auferri non potest. What is mine cannot be taken away without my consent. Jenk. Cent.*  
10 *251. Sed vide Eminent Domain.*

11 *[Bouvier's Maxims of Law, 1856; SOURCE:*  
12 <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

13 6. The estate and all affiants are a STATUTORY “foreign estate” per 26 U.S.C. §7701(a)(31) because:

14 *TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]*  
15 *Sec. 7701. – Definitions*

16 *(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
17 *thereof—*

18 *(31) Foreign estate or trust*

19 *(A) Foreign estate*

20 *The term “foreign estate” means an estate the income of which, from sources without the United States which*  
21 *is not effectively connected with the conduct of a trade or business within the United States, is not includible*  
22 *in gross income under subtitle A.*

23 *(B) Foreign trust*

24 *The term “foreign trust” means any trust other than a trust described in subparagraph (E) of paragraph (30).*

25 6.1. WITHOUT the STATUTORY “United States”.

26 *TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]*  
27 *Sec. 7701. – Definitions*

28 *(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent*  
29 *thereof—*

30 *(9) United States*

31 *The term “United States” when used in a geographical sense includes only the States and the District of Columbia.*

32 *(10) State*

33 *The term “State” shall be construed to include the District of Columbia, where such construction is necessary to*  
34 *carry out provisions of this title.*

35 \_\_\_\_\_  
36 *TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES*  
37 *CHAPTER 4 - THE STATES*  
38 *Sec. 110. Same; definitions*

39 *(d) The term “State” includes any Territory or possession of the United States.*

40 6.2. WITHIN the CONSTITUTIONAL “United States”, meaning states of the CONSTITUTIONAL union of states.

41 6.3. NOT WITHIN the STATUTORY “State” or STATUTORY “United States” under the state revenue codes. It may be within  
42 these things in OTHER titles of the state codes, because other titles use different definitions for “State” and “United States”.

1 REVENUE AND TAXATION CODE – RTC  
2 DIVISION 2. OTHER TAXES [6001 - 60709] ( Heading of Division 2 amended by Stats. 1968, Ch. 279. )  
3 PART 10. PERSONAL INCOME TAX [17001 - 18181] ( Part 10 added by Stats. 1943, Ch. 659. )  
4 CHAPTER 1. General Provisions and Definitions [17001 - 17039.2] ( Chapter 1 repealed and added by Stats.  
5 1955, Ch. 939. )

6 17017 “United States,” when used in a geographical sense, includes the states, the District of Columbia, and  
7 the possessions of the United States.  
8 (Amended by Stats. 1961, Ch. 537.)

9 17018. “State” includes the District of Columbia, and the possessions of the United States.  
10 (Amended by Stats. 1961, Ch. 537.)

11 6.4. Not connected with a STATUTORY “trade or business” within the STATUTORY “United States” as defined in 26 U.S.C.  
12 §7701(a)(26). Decedent was NOT engaged in a public office within the national but not state government.

13 26 U.S.C. §7701

14 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
15 thereof—

16 (26) trade or business

17 “The term ‘trade or business’ includes the performance of the functions of a public office.”

18 NOTE: The U.S. Supreme Court held in the License Tax Cases that Congress CANNOT establish the above “trade or  
19 business” in a state in order to tax it.

20 “Congress cannot authorize a trade or business within a State in order to tax it.”  
21 [License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

22 Keep in mind that the “license” they are talking about is the constructive license represented by the Social Security Number  
23 and Taxpayer Identification Number, which are only required for those ENGAGING in a STATUTORY “trade or business”  
24 per 26 C.F.R. §301.6109-1. The number therefore behaves as the equivalent of what the Federal Trade Commission (FTC)  
25 calls a “franchise mark”.

26 “A franchise entails the right to operate a business that is “identified or associated with the franchisor’s  
27 trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with  
28 the franchisor’s trademark.” The term “trademark” is intended to be read broadly to cover not only trademarks,  
29 but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the  
30 “trademark” or “mark” element.

31 The franchisor [the government] need not own the mark itself, but at the very least must have the right to  
32 license the use of the mark to others. Indeed, the right to use the franchisor’s mark in the operation of the  
33 business - either by selling goods or performing services identified with the mark or by using the mark, in  
34 whole or in part, in the business’ name - is an integral part of franchising. In fact, a supplier can avoid Rule  
35 coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark.”  
36 [FTC Franchise Rule Compliance Guide, May 2008;  
37 SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide/>]

38 Decedent, if he or she used any government issued identifying number, did so under compulsion, in violation of 42 U.S.C.  
39 §408(a)(8), and he/she hereby defines such use as NOT creating any presumption that he was engaged in any franchise or office, but  
40 rather evidence of unlawful duress against a non-resident non-person.

41 7. The above definitions of geographical and citizenship terms are NOT definitions as legally defined if they do not include all things  
42 or classes of things which are EXPRESSLY included. Furthermore, the rules of statutory construction require that anything and  
43 everything that is NOT EXPRESSLY INCLUDED in the above definitions is PURPOSEFULLY EXCLUDED:

44 “*Expressio unius est exclusio alterius*. A maxim of statutory interpretation meaning that the expression of one  
45 thing is the exclusion of another. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
46 *170 Okl. 487, 40 P.2d. 1097, 1100*. Mention of one thing implies exclusion of another. When certain persons or  
47 things are specified in a law, contract, or will, an intention to exclude all others from its operation may be  
48 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
49 of a certain provision, other exceptions or effects are excluded.”  
50 [Black’s Law Dictionary, Sixth Edition, p. 581]

1 **NOTE:** Judges and even government administrators are NOT legislators and cannot by fiat or presumption add ANYTHING they  
2 want to the definition of statutory terms. If they do, they are violating the separation of powers and conducting a commercial  
3 invasion of the states in violation of Article 4, Section 4 of the United States Constitution. Furthermore, according the creator of our  
4 three branch system of government, there is NO FREEDOM AT ALL and liberty is IMPOSSIBLE when the executive and  
5 LEGISLATIVE functions are united under a single person:

6 **"When the legislative and executive powers are united in the same person, or in the same body of magistrates,  
7 there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact  
8 tyrannical laws, to execute them in a tyrannical manner.**

9 **Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it  
10 joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge  
11 would be then the legislator. Were it joined to the executive power, the judge might behave with violence and  
12 oppression [sound familiar?].**

13 **There would be an end of everything, were the same man or the same body, whether of the nobles or of the  
14 people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of  
15 trying the causes of individuals."**

16 [. . .]

17 **In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,  
18 as executors of the laws, of the whole power they have given themselves in quality of legislators. They may  
19 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,  
20 every private citizen may be ruined by their particular decisions."**

21 *[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;*

22 *SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

23 It is FRAUD to presume that the use of the word "includes" in any definition gives unlimited license to anyone to add whatever they  
24 want to a statutory definition. This is covered in:

[Legal Deception, Propaganda, and Fraud](http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf), Form #05.014  
<http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>.

- 25 8. The recipient of this form is NOT AUTHORIZED to add anything to the above definitions or PRESUME anything is included that  
26 does not EXPRESSLY APPEAR in said definitions of the STATUTORY "United States" or "State". Even the U.S. Supreme Court  
27 admits that it CANNOT lawfully do that.

28 **"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.** *Colausti v.*  
29 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). *Congress' use of the term "propaganda" in this statute, as indeed*  
30 *in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe legislation*  
31 *as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even*  
32 *read it."*

33 *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

34 **"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's**  
35 **ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
36 of the term excludes unstated meanings of that term"); *Colausti v. Franklin*, 439 U.S. at 392-393, n. 10 ("**As a**  
37 **rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated**"); *Western*  
38 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
39 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
40 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
41 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include the Attorney  
42 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
43 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

- 44 9. How NOT to respond to this submission: In responding to this submission, please DO NOT:

- 45 9.1. Tell the affiant what to put or NOT to put in his/her paperwork. That would be practicing law on affiant's behalf, which I do  
46 not consent to.
- 47 9.2. Try to censor this addition or submission. That would be criminal subornation of perjury. This affidavit and the attached  
48 paperwork are signed under penalty of perjury and therefore constitute "testimony of a witness". Any attempt to influence  
49 that witness or restrict his or her testimony is criminal subornation of perjury.
- 50 9.3. Threaten to withhold service or in some way punish the affiant for submitting or insisting on including this mandatory  
51 affidavit. All such efforts constitute criminal witness tampering.
- 52 9.4. Violate the privacy of the affiant or anyone involved in this transaction by sharing any information about them or this  
53 transaction to any third party, whether private or in government.
- 54 9.5. Communicate emotions or opinions about this correspondence. The ONLY thing requested in response is FACTS and LAW  
55 admissible as evidence in court and immediately relevant and "material" to the issues raised herein. Opinions, beliefs, or

1 presumptions are not admissible as evidence in court under the rules of evidence and I don't consent or stipulate to admit  
2 them. Furthermore, even FACTS or LAW are not admissible as evidence unless and until they are communicated by a  
3 competent IDENTIFIED witness who signs under penalty of perjury. The identification required must include the full legal  
4 name, email address, phone number, and workplace address of the witness. Otherwise, the evidence is without foundation and  
5 will be excluded. All attempts to respond emotionally, with opinions, beliefs, or presumptions shall constitute malicious abuse  
6 of legal process per [18 U.S.C. §1589](#) and the equivalent state statutes.

7 9.6. Cite or try to enforce any company policy that might override or supersede what is requested here. Any company policy  
8 which promotes, condones, or protects the commission of CRIMINAL activity clearly is unenforceable and non-binding on  
9 anyone it is alleged to pertain to, including the recipient of this form and the submitter as a man or woman.

10 9.7. Contact the IRS or any government agency or rely on any government publication for help in dealing with this issue. The  
11 courts have repeatedly held that you CANNOT rely on anything said by any government representative and the IRS' own  
12 website says you can't rely on their publications as a source of reasonable belief. This is also covered in:

*Reasonable Belief About Income Tax Liability*, Form #05.007

<http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>.

13 10. Invitation and time limit to rebut by recipient of this form: If the recipient disagrees about the civil status, domicile, or location of  
14 the estate of the decedent, you are required to provide court admissible evidence proving EXACTLY where the term "U.S. citizen",  
15 "United States", and "State" as you used it in your communication includes CONSTITUTIONAL states of the Union or  
16 CONSTITUTIONAL "citizens" under the Fourteenth Amendment before the transaction that is related to this submission is  
17 completed. If you do not rebut the definitions appearing in this affidavit with court admissible evidence, then:

18 10.1. You constructively consent and stipulate to the definitions provided here both between us and between you and other parties  
19 who might be involved in this transaction.

20 10.2. You are equitably estopped and subject to laches in all future proceedings from contradicting the definitions herein provided.

21 11. Franchise agreement protecting commercial uses or abuses of this submission or any attachments: Any attempt to do any of the  
22 following shall constitute constructive irrevocable consent to the following franchise agreement by those accepting this submission  
23 or any of the attached forms or those third parties who use such information as legal evidence in any legal proceeding:

*Injury Defense Franchise and Agreement*, Form #06.027

<http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

24 11.1. Commercially or financially benefit anyone OTHER than the affiant and his/her immediate blood relatives.

25 11.2. Damage the affiant by sharing information about him/her provided in the context of this transaction with third parties.

26 11.3. PRESUME any thing or class of thing is included in the STATUTORY definitions of "State", "United States", "U.S. citizen",  
27 or "national and citizen of the United States at birth" in 8 U.S.C. §1401.

28 11.4. Enforce any portion of the Internal Revenue Code or state revenue code against this FOREIGN estate. This includes any type  
29 of withholding, reporting, or compliance to these revenue codes using any information about or provided by the affiant or  
30 anyone associated with this transaction. Any attempt to do otherwise shall be treated as a criminal offense.

31 12. Violations of this affidavit and agreement: Any attempt to enforce any civil status of the decedent or affiant against the affiant is a  
32 criminal offense described in the following:

*Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers*, Form #02.005;

<http://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>.

33 Signatures:

34 Executor #1: \_\_\_\_\_  
Date

### 35 **13. Court Remedies and Defenses**

#### 36 **13.1 Legal Remedies for Identity Theft**

37 If you are, in fact, not a public officer in the government or franchisee and someone else has compelled you, often without  
38 your knowledge and definitely without your consent, to involuntarily accept the duties of the public officer straw man, the  
39 laws listed in this section may be helpful in achieving a legal remedy against the person or organization that is the source of  
40 the duress. These laws are categorized by the jurisdiction they apply to.

41 The table above lists what is called a "Dual office prohibition". This means that you cannot simultaneously be a public officer  
42 in the federal government and a public officer in the state government at the same time. Anyone who participates in any  
43 federal franchise or office and also in state franchises or offices fits this description.

**Table 21: Statutory remedies for those compelled to act as public officers and straw man**

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Alabama	Constitution	Dual Office Prohibition	Article III, Section 25; Article IV, Sect. 22; Art. V, Sect. 10; Article VI, Section 12
Alabama	Statute	Crime: Impersonating Public Officer	C.O.A. § 13A-10-10
Alabama	Statute	Crime: Identity Theft	C.O.A. Title 13A, Article 10
Alaska	Constitution	Dual Office Prohibition	Const. Sections 2.5, 3.6, 4.8
Alaska	Statute	Crime: Identity Theft	A.S. § 11.46.160
Alaska	Statute	Crime: Impersonating Public Officer	A.S. § 11.56.830
Arizona	Constitution	Dual Office Prohibition	Const. Article 4, Part 2, Section 4; Const. Article 6, Section 28
Arizona	Statute	Crime: Identity Theft	A.R.S. § 13-2006
Arizona	Statute	Crime: Impersonating Public Officer	A.R.S. § 13-2406
Arkansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 10; Const. Article 5, Section 7; Article 5, Section 10; Art. 80, Sect. 14
Arkansas	Statute	Crime: Impersonating Public Officer	A.S.C. § 5-37-208
California	Constitution	Dual Office Prohibition	Const. Article 5, Section 2 (governor); Const. Article 5, Section 14; Article 7, Section 7
California	Statute	Crime: Identity Theft	Penal Code § 484.1
Colorado	Constitution	Dual Office Prohibition	Const. Article V, Section 8 (internal)
Connecticut	Constitution	Dual Office Prohibition	Const. Article 1, Section 11 (internal)
Connecticut	Statute	Crime: Identity Theft	C.G.S.A. § 53a-129a to 53a-129c
Delaware	Constitution	Dual Office Prohibition	Const. Article 1, Section 19
Delaware	Statute	Crime: Identity Theft	D.C. Title 11, Section 854
Delaware	Statute	Crime: Impersonating Public Officer	D.C. Title 11, Section 907(3)
District of Columbia	Constitution	Dual Office Prohibition	Const. of D.C., Article IV, Sect. 4(B) (judges); Art. III, Sect. 4(D) (governor)
District of Columbia	Statute	Crime: Impersonating Public Officer	D.C. Code § 22-1404
Florida	Constitution	Dual Office Prohibition	Const. Article II, Section 5
Florida	Statute	Crime: Impersonating Public Officer	F.S. Title XLVI, Section 817.02
Georgia	Constitution	Dual Office Prohibition	Const. Article I, Section II, Para. III; Const. Article III, Section II, Para. IV(b)
Georgia	Statute	Crime: Impersonating Public Officer	O.C.G.A. §16-10-23
Hawaii	Constitution	Dual Office Prohibition	Const. Article III, Section 8 (internal)
Hawaii	Statute	Crime: Impersonating Public Officer	H.R.S. § 710-1016
Idaho	Constitution	Dual Office Prohibition	Const. Article V, Section 7 (judges)

<b>Jurisdiction</b>	<b>Legal Cite Type</b>	<b>Title</b>	<b>Legal Cite</b>
Idaho	Statute	Crime: Impersonating Public Officer	I.S. § 18-3001
Illinois	Constitution	Dual Office Prohibition	Const. Article IV, Section 2(e) (legislative)
Illinois	Statute	Crime: Impersonating Public Officer	720 ILCS 5/17-2
Indiana	Constitution	Dual Office Prohibition	Const. Article 2, Section 9; Const. Article 4, Section 30 (legislative)
Indiana	Statute	Crime: Impersonating Public Officer	I.C. § 25-30-1-18
Iowa	Constitution	Dual Office Prohibition	Const. Article III, Section 22 (legislature); Const. Article IV, Section 14 (governor)
Iowa	Statute	Crime: Impersonating Public Officer	I.C. Title XVI, Section 718.2
Kansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 13 (judges)
Kansas	Statute	Crime: Impersonating Public Officer	K.R.S. § 21-3825
Kentucky	Statute	Crime: Impersonating Public Officer	K.R.S. § 434.570
Kentucky	Statute	Crime: Identity Theft	K.R.S. § 514.60; K.R.S. § 532.034
Kentucky	Statute	Dual Office Prohibition	K.R.S. § 61.080
Louisiana	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal); Const. Article IV, Section 2 (executive)
Louisiana	Statute	Crime: Impersonating Public Officer	R.S. § 14:112
Maine	Constitution	Dual Office Prohibition	Const. Article III, Section 2 (internal)
Maine	Statute	Crime: Impersonating Public Officer	17-A M.R.S. Section 457
Maryland	Constitution	Dual Office Prohibition	Const. Declaration of Rights, Article 33 (judges); Const. Const. Declaration of Rights, Article 35 (officers)
Maryland	Statute	Crime: Impersonating Public Officer	Statutes §8-301
Massachusetts	Constitution	Dual Office Prohibition	Const. Chapter VI, Article 2
Massachusetts	Statute	Crime: Impersonating Public Officer	G.L.M. Chapter 268, Section 33
Michigan	Constitution	Dual Office Prohibition	Const. Article IV, Section 8
Michigan	Statute	Crime: Impersonating Public Officer	Mich. Penal Code, Chapter XXXV, Section 750.217c
Minnesota	Constitution	Dual Office Prohibition	Const. Article IV, Section 5
Minnesota	Statute	Crime: Impersonating Public Officer	M.S. § 609.475
Mississippi	Statute	Crime: Impersonating Public Officer	M.C. § 97-7-43
Missouri	Constitution	Dual Office Prohibition	Const. Article VII, Section 9
Missouri	Statute	Crime: Impersonating Public Officer	M.R.S. § 570.223
Missouri	Statute	Crime: Identity Theft	M.R.S. § 570.223

<b>Jurisdiction</b>	<b>Legal Cite Type</b>	<b>Title</b>	<b>Legal Cite</b>
Montana	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article V, Section 9 (office); Article VII, Section 9 (judges)
Montana	Statute	Crime: Impersonating Public Officer	M.C.A. § 45-7-209
Nebraska	Constitution	Dual Office Prohibition	Const. Article III-9
Nebraska	Statute	Crime: Impersonating Public Officer	N.R.S. § 28-636
Nebraska	Statute	Crime: Identity Theft	N.R.S. § 28-639
Nevada	Constitution	Dual Office Prohibition	Const. Article 4, Section 9 (officers)
Nevada	Statute	Crime: Impersonating Public Officer	N.R.S. § 197.120
New Hampshire	Constitution	Dual Office Prohibition	Const. Art. 94-95
New Hampshire	Statute	Crime: Identity Theft	N.H.R.S. § 359-I:2
New Jersey	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article IV, Section V, Sections 3-4; Const. Article V, Section I, Section 3
New Jersey	Statute	Crime: Impersonating Public Officer	N.J.S.A. § 2C:28-8
New Mexico	Constitution	Dual Office Prohibition	Const. Article IV, Section 3 (senators); Const. Article VI, Section 19 (judge)
New Mexico	Statute	Crime: Identity Theft	N.M.S.A. § 30-16-21.1
New York	Constitution	Dual Office Prohibition	Const. Article III, Section 7 (legislature); Const. Article VI, Section 20(b)(1)
New York	Statute	Crime: Identity Theft	General Business Law 380-S; Penal Law 190.78
New York	Statute	Crime: Impersonating Public Officer	Penal Law § 190.23
North Carolina	Constitution	Dual Office Prohibition	Const. Article VI, Section 9
North Carolina	Statute	Crime: Impersonating Public Officer	N.C.G.S. § 14-277
North Dakota	Statute	Crime: Impersonating Public Officer	N.D.C.C. § 12.1-13-04
Ohio	Constitution	Dual Office Prohibition	Const. Article 2, Section 04 (legislature); Const. Article 4, Section 06, Para. (B)
Ohio	Statute	Crime: Impersonating Public Officer	
Oklahoma	Constitution	Dual Office Prohibition	Const. Article II, Section 12; Const. Article V, Section 18 (legislature)
Oklahoma	Statute	Crime: Impersonating Public Officer	O.S. Title 21, Section 1533
Oklahoma	Statute	Crime: Identity Theft	O.S. Title 21, Section 1533.1
Oregon	Constitution	Dual Office Prohibition	Const. Article II, Section 10
Oregon	Statute	Crime: Impersonating Public Officer	O.R.S. § 162.365
Oregon	Statute	Crime: Identity Theft	O.R.S. § 165.803
Pennsylvania	Constitution	Dual Office Prohibition	Const. Article V, Section 17 (judges)

<b>Jurisdiction</b>	<b>Legal Cite Type</b>	<b>Title</b>	<b>Legal Cite</b>
Pennsylvania	Statute	Crime: Identity Theft	18 Pa.C.A. § 4120
Rhode Island	Constitution	Dual Office Prohibition	Const. Article III, Section 6
Rhode Island	Statute	Crime: Impersonating Public Officer	G.L.R.I. § 11-14-1
South Carolina	Constitution	Dual Office Prohibition	Const. Article 1, Section 8(internal);Const. Article VI, Section 3 (officers)
South Carolina	Statute	Crime: Impersonating Public Officer	S.C.C.O.L. § 16-13-290
South Dakota	Constitution	Dual Office Prohibition	Const. Article 3, Section 3
South Dakota	Statute	Crime: Impersonating Public Officer	S.D.C.L. § 22-40-16
South Dakota	Statute	Crime: Identity Theft	S.D.C.L. § 22-40-8
Tennessee	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal);Const. Article II, Section 26 (officers)
Tennessee	Statute	Crime: Impersonating Public Officer	T.C. § 39-16-301
Texas	Constitution	Dual Office Prohibition	Const. Article 2, Section 1 (internal);Const. Article 3, Section 18 (legislature); Const. Article 4, Section 6 (executive)
Texas	Statute	Crime: Impersonating Public Officer	Penal Code, Section 37.11
Texas	Statute	Crime: Identity Theft	T.S. § 32.51
United States	Statute	Crime: Impersonating Public Officer	18 U.S.C. § 912
Utah	Constitution	Dual Office Prohibition	Const. Article V, Section 1 (internal);Const. Article VIII, Section 10 (judges)
Utah	Statute	Crime: Impersonating Public Officer	U.C. § 76-8-512
Vermont	Constitution	Dual Office Prohibition	Const. Chapter II, Section 54
Vermont	Statute	Crime: Impersonating Public Officer	13 V.S.A. § 3002
Virginia	Constitution	Dual Office Prohibition	Const. Article IV, Section 4 (legislature); Const. Article V, Section 4 (governor)
Virginia	Statute	Crime: Identity Theft	C.O.V. § 18.2-186.3
Washington	Constitution	Dual Office Prohibition	Const. Article II, Section 14 (legislature); Const. Article IV, Section 15 (judges)
Washington	Statute	Crime: Impersonating Public Officer	R.C.W. 18.71.190
West Virginia	Constitution	Dual Office Prohibition	Const. Article 6, Section 16 (senators); Const. Article 7, Section 4 (executive); Const. Article 8, Section 7 (judges)
West Virginia	Statute	Crime: Impersonating Public Officer	W.V.C. § 61-5-27a(e)
Wisconsin	Constitution	Dual Office Prohibition	Const. Article IV, Section 13
Wisconsin	Statute	Crime: Identity Theft	W.S. § 943.201
Wyoming	Constitution	Dual Office Prohibition	Const. Section 97-3-008 (legislature);Const. Section 97-5-027 (judges)

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
Wyoming	Statute	Crime: Identity Theft	W.S. § 6-3-901
Wyoming	Statute	Crime: Impersonating Public Officer	W.S. § 6-5-307

1 If you would like to research further the laws and remedies available in the specific jurisdiction you are in, we highly  
2 recommend the following free tool on our website:

- 3 1. *SEDM Jurisdictions Database*, Litigation Tool #09.003  
4 <http://sedm.org/Litigation/LitIndex.htm>
- 5 2. *SEDM Jurisdictions Database Online*, Litigation Tool #09.004  
6 <http://sedm.org/Litigation/LitIndex.htm>

7 The above tool is also available at the top row under the menu on our Litigation Tools page at the link below:

8 <http://sedm.org/Litigation/LitIndex.htm>

### 9 **13.2 Attacking illegal franchise enforcement in a court of law**

10 Government franchises may only be offered to those physically present within and domiciled within federal territory not  
11 protected by the USA Constitution. Offering them any place else constitutes PRIVATE business activity not protected by  
12 the Constitution or by sovereign immunity. The U.S. Supreme Court affirmed this concept when it held the following:

13 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
14 *with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to*  
15 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*  
16 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
17 *granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

18 *But very different considerations apply to the **internal commerce** or **domestic trade** of the States. **Over this***  
19 ***commerce and trade Congress has no power of regulation nor any direct control. This power belongs***  
20 ***exclusively to the States. No interference by Congress with the business of citizens transacted within a State is***  
21 ***warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to***  
22 ***the legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of*  
23 *the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given*  
24 *in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must*  
25 *impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and*  
26 *thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*  
27 ***Congress cannot authorize [e.g. LICENSE, using a Social Security Number (SSN) or Taxpayer Identification***  
28 ***Number (TIN)] a trade or business [per 26 U.S.C. §7701(a)(26)] within a State in order to tax it.”***  
29 *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]*

30 If you were domiciled OUTSIDE of federal territory at the time you were offered a government franchise, then those who  
31 offered it to you are not acting as a government but a private corporation PRETENDING to be a government. We explain it  
32 this way in our Member Agreement, Form #01.001:

33 *It's unconstitutional to convert Constitutional rights into “privileges” anyway, and the only place such a*  
34 *conversion can lawfully occur is on federal territory not protected by the Constitution and where rights don't*  
35 *exist. Otherwise, the Declaration of Independence says my Constitutional rights are “inalienable”, which means*  
36 *they are incapable of being sold, exchanged, transferred, or bargained away in relation to a REAL, de jure*  
37 *government by ANY means, including through any government franchise. A lawful de jure government cannot*  
38 *be established SOLELY to protect PRIVATE rights and at the same time:*

- 39 1. *Make a profitable business or franchise out of DESTROYING, taxing, regulating, and compromising rights*  
40 *and enticing people to surrender those same inalienable rights. See [Government Instituted Slavery Using](http://sedm.org/Forms/FormIndex.htm)*  
41 *[Franchises, Form #05.030, http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm).*
- 42 2. *Refuse to protect or even recognize the existence of private rights. This includes:*
  - 43 2.1. *Prejudicially presuming that there are no private rights because everyone is the subject of statutory*  
44 *civil law. All statutory civil law regulates GOVERNMENT conduct, not private conduct. See [Why](http://sedm.org/Forms/FormIndex.htm)*  
45 *[Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037,](http://sedm.org/Forms/FormIndex.htm)*  
46 *<http://sedm.org/Forms/FormIndex.htm>.*

- 2.2. *Compelling people to engage in public franchises by forcing them to use Social Security Numbers. See [Resignation of Compelled Social Security Trustee, Form #06.002, http://sedm.org/Forms/FormIndex.htm](#).*
- 2.3. *Presuming that all those interacting with the government are officers and employees of the government called "persons", "U.S. citizens" or "U.S. residents", "individuals", "taxpayers" (under the income tax franchise), "motorists" (under the driver's license franchise), "spouses" (under the marriage license Franchise), etc. The First Amendment protects our right NOT to contract or associate with such statuses and to choose any status that we want and be PROTECTED in that choice from the adverse and injurious presumptions of others. See [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008, http://sedm.org/Forms/FormIndex.htm](#).*
- 2.4. *Refusing the DUTY to prosecute employers who compel completing form W-4, which is the WRONG form for most Americans.*
- 2.5. *Refusing to prosecute those who submit false information returns against people NOT engaged in public offices within the government in the District of Columbia. See [Correcting Erroneous Information Returns, Form #04.001, http://sedm.org/Forms/FormIndex.htm](#).*
3. *Refuse to recognize anyone's right and choice not to engage in franchises such as a "trade or business" or to quit any franchise they may have unknowingly signed up for.*
  - 3.1. *Refusing to provide or hiding forms that allow you to quit franchises and/or telling people they can't quit. For instance, Social Security Administration hides the form for quitting Social Security and tells people they aren't allowed to quit. This is SLAVERY in violation of the Thirteenth Amendment.*
  - 3.2. *Offering "exempt" status on tax forms but refusing to provide or even recognize a "not subject" or "nontaxpayer" option. These two statuses are completely different and mutually exclusive. See [Flawed Tax Arguments to Avoid, Form #08.004, Section 8.13, http://sedm.org/Forms/FormIndex.htm](#).*
  - 3.3. *Refusing to file corrected information returns that zero out false reports of third parties, interfering with their filing, or not providing a form that the VICTIM, rather than the filer can use, to correct them. See [Correcting Erroneous Information Returns, Form #04.001, http://sedm.org/Forms/FormIndex.htm](#).*
  - 3.4. *Refusing to provide a definition of "trade or business" in their publication that would warn most Americans that they not only aren't involved in it, but are committing a CRIME to get involved in it in violation of [18 U.S.C. §912](#).*
4. *Deprive people of a remedy for the protection of private rights by turning all courts into administrative franchise/property courts in the Executive Branch instead of the Judicial Branch, such as Traffic Court, Family Court, Tax Court, and all federal District and Circuit Courts. See: [What Happened to Justice?, Form #06.012; http://sedm.org/Forms/FormIndex.htm](#). This forces people to fraudulently declare themselves a privileged franchisee such as a "taxpayer" before they can get a remedy. See Tax Court Rule 13(a), which says that only "taxpayers" can petition Tax Court.*

*REAL de jure Judges cannot serve two masters, Justice and Money/Mammon, without having a criminal conflict of interest and converting the Public Trust into a Sham Trust. Anyone who therefore claims the authority to use franchises to entice me to surrender or destroy the private rights which all just government were established ONLY to protect cannot lawfully or truthfully claim to be a "government" and is simply a [de facto private corporation](#), a usurper, and a tyrant pretending to be a government. In fact, I believe it constitutes an "invasion" within the meaning of [Article 4, Section 4 of the United States Constitution](#) as well as an act of [international terrorism](#) for the federal government to either offer or enforce any national franchise within any constitutional state of the Union, or for any state of the Union to condone or allow such activity. See:*

*[De Facto Government Scam, Form #05.043; http://sedm.org/Forms/FormIndex.htm](#)*

*[SEDM Member Agreement, Form #01.001, Section 1.2]*

In legal terms, it is a breach of fiduciary duty for a public officer such as a judge to offer or enforce government franchises within states of the Union. This can be seen by examining the legal definition of "public office" within the legal encyclopedia:

*"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer."<sup>129</sup> **Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.**<sup>130</sup> **That is, a public officer occupies a fiduciary relationship to the political***

<sup>129</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>130</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

1 entity on whose behalf he or she serves.<sup>131</sup> and owes a fiduciary duty to the public.<sup>132</sup> It has been said that  
2 the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>133</sup>  
3 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public  
4 confidence and undermine the sense of security for individual rights is against public policy.<sup>134</sup> “  
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

6 The details of how to attack illegal franchise enforcement are beyond the scope of this document. If you would like to  
7 investigate this matter further, see:

Government Instituted Slavery Using Franchises, Form #05.030, Sections 23 through 24  
<http://sedm.org/Forms/FormIndex.htm>

### 8 **13.3 Defenses against government illegal enforcement of franchises in court**<sup>135</sup>

#### 9 **13.3.1 Background on litigation in franchise courts**

10 When you are called before a franchise court, it is important to understand the nature of the proceeding.

- 11 1. Franchise courts include traffic court, family court, and tax court, etc.
- 12 2. Franchise courts are administrative agencies within the executive and not judicial branch of the government.
  - 13 2.1. As such, the “judge” is really just an administrative government employee supervising OTHER government
  - 14 employees or “public officers”.
  - 15 2.2. The franchise code being enforced is really just the employee rule book. They are “rules” under Article 4,
  - 16 Section 3, Clause 2, for administration INTERNAL to the government that may not affect PRIVATE Americans.

17 *United States Constitution*  
18 *Article 4, Section 3, Clause 2*

19 *The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the*  
20 *Territory or other Property belonging to the United States;* *and nothing in this Constitution shall be so construed*  
21 *as to Prejudice any Claims of the United States, or of any particular State.*

22 The term “or other Property” includes franchises. All franchises are “property” of the GRANTOR of the  
23 franchise. All franchises, in turn, are contracts. Contracts convey rights and are therefore “property” within the  
24 meaning of the above.

- 25 3. Even state franchises such as driver licensing, marriage licensing, and professional licensing ultimately are used to  
26 kidnap your identity and move it illegally to federal territory.
  - 27 3.1. You can’t apply for these things without Social Security Numbers and Taxpayer Identification Numbers. This
  - 28 requirement is usually not imposed by statute, but rather by FIAT and POLICY of the agency administering the
  - 29 franchise. It would be ILLEGAL to impose by statute because it would violate the Thirteenth Amendment.
  - 30 3.2. The definitions within franchise codes confirm federal territory.
- 31 4. The constitution does not constrain any aspect of the proceeding BECAUSE all the parties who appear there are at least  
32 “in theory” there by their express CONSENT in some form.
  - 33 4.1. You had to consent by filling out an application for a license or a “Taxpayer Identification Number” in order to be
  - 34 subject to the “rules” administering the franchise.
  - 35 4.2. That which you consent to cannot form the basis for a constitutional tort.

<sup>131</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>132</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss), 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>133</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>134</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

<sup>135</sup> Extracted with permission from Government Instituted Slavery Using Franchises, Form #95.030, Section 28; <http://sedm.org/Forms/FormIndex.htm>.

1 *"Voluntati non fit injuria.*  
2 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

3 *Consensus tollit errorem.*  
4 *Consent removes or obviates a mistake. Co. Litt. 126.*

5 *Melius est omnia mala pati quam malo consentire.*  
6 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

7 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
8 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*  
9 *[Bouvier's Maxims of Law, 1856;*  
10 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

### 11 **13.3.2 How choice of law rules are illegally circumvented by corrupted government officials to illegally enforce** 12 **franchises, kidnap your legal identity, and STEAL from You**

13 In cases against the government, corrupt judges and prosecutors employ several important tactics that you should be very  
14 aware of in order to:

- 15 1. Circumvent choice of law rules and thereby to illegally and unconstitutionally enforce federal law outside of federal  
16 territory within a foreign state called a state of the Union.
- 17 2. STEAL private property from you and use it for their own benefit, in what amounts to a criminal and financial conflict  
18 of interest per 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
- 19 3. Unlawfully enlarge their jurisdiction and importance in what amounts to treason in violation of 18 U.S.C. §2381.
- 20 4. Break down the constitutional separation between the states and the federal government that is the foundation of the  
21 Constitution and the MAIN protection for your PRIVATE rights. See:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

22 The most frequent methods to circumvent choice of law rules are the following tactics:

- 23 1. Abuse "words of art" to deceive and undermine the sovereignty of the non-governmental opponent. This includes:  
24 1.1. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their  
25 definitions, in violation of the rules of statutory construction. See:  
26 1.2. Violate the rules of statutory construction by abusing the word "includes" to add things or classes of things to  
27 definitions of terms that do not expressly appear in the statutes and therefore MUST be presumed to be  
28 purposefully excluded.  
29 1.3. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with  
30 the statutory definition. This substitutes the JUDGE'S will for what the law expressly says and thereby substitutes  
31 PUBLIC POLICY for the written law.  
32 1.4. Publish deceptive government publications that are in deliberate conflict with what the statutes define terms to  
33 mean and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)  
34 [publications](#) and it is FRAUD. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

- 35 1.5. PRESUME that ALL of the four contexts for "United States" are equivalent.  
36 For details on this SCAM, see:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

- 37 2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They  
38 are NOT. A CONSTITUTIONAL citizen is a "non-resident" under federal civil law and NOT a STATUTORY  
39 "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See the document below:

*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

- 40 3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 1 4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they  
2 mean in EVERY context.
- 3 5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance,  
4 asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY  
5 PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
- 6 6. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that  
7 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
8 have only one "domicile" but many "residences" and BOTH require your consent. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002

FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 9 7. Confuse "federal" with "national" or use these words interchangeably. They are NOT equivalent and this lack of  
10 equivalence is a product of the separation of powers doctrine that is the foundation of the USA Constitution.

11 *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to  
12 its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District  
13 of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities  
14 was the law in question passed?"*

15 [[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 \(1821\)](#)]

16  
17 *"NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or  
18 territorial division of the nation, and also as distinguished from that of a league or confederation.*

19 *"A national government is a government of the people of a single state or nation, united as a community by what  
20 is termed the "social compact," and possessing complete and perfect supremacy over persons and things, so far  
21 as they can be made the lawful objects of civil government. A federal government is distinguished from a  
22 national government by its being the government of a community of independent and sovereign states, united  
23 by compact." Piqua Branch Bank v. Knoup, 6 Ohio.St. 393."*

24 [[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176](#)]

25  
26 *"FEDERAL GOVERNMENT. The system of government administered in a state formed by the union or  
27 confederation of several independent or quasi independent states; also the composite state so formed.*

28 *In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes**  
29 **a league or permanent alliance between several states, each of which is fully sovereign and independent, and**  
30 **each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a**  
31 **controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the**  
32 **component states are the units, with respect to the confederation, and the central government acts upon them,**  
33 **not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-**  
34 **not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty**  
35 **with respect to the administration of their purely local concerns, but so that the central power is erected into a**  
36 **true state or nation, possessing sovereignty both external and internal,-while the administration of national**  
37 **affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all,**  
38 **in their collective capacity, as citizens of the nation.** The distinction is expressed, by the German writers, by the  
39 use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states,  
40 and the latter a federal government, or state formed by means of a league or confederation."  
41 [[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740](#)]*

Here is a table comparing the two:

**Table 22: "National" v. "Federal"**

#	Description	"National" government	"Federal" government
1	Legislates for	Federal territory and NOT states of the Union	Legislates for states of the Union and NOT federal territory
2	Social compact	None. Jurisdiction is unlimited per Article 1, Section 8, Clause 17	Those domiciled within states of the Union
3	Type of jurisdiction exercised	General jurisdiction	Subject matter jurisdiction (derived from Constitution)
4	Citizens	<ol style="list-style-type: none"> <li>1. Statutory "nationals and citizens at birth" per 8 U.S.C. §1401.</li> <li>2. "U.S. citizens" per 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c).</li> <li>3. EXCLUDES constitutional "Citizens" or "citizens of the United States" per Fourteenth Amendment.</li> </ol>	<ol style="list-style-type: none"> <li>1. "Citizens".</li> <li>2. Fourteenth Amendment "citizens of the United States".</li> <li>3. EXCLUDES statutory citizens per 8 U.S.C. §1401 "U.S. citizens" per 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c).</li> </ol>
5	Courts	Federal District and Circuit Courts (legislative franchise courts that can only hear disputes over federal territory and property per Art. 4, Sect. 3, Clause 2 of USA Constitution).	<ol style="list-style-type: none"> <li>1. State courts.</li> <li>2. U.S. Supreme Courts.</li> </ol>
6	Those domiciled within this jurisdiction are	Statutory "aliens" in relation to states of the Union.	Statutory "aliens" in relation to the national government.
7	Those domiciled here are subject to Subtitles A through C of the Internal Revenue Code?	Yes	No

For further details on this SCAM, see:

*Two Political Jurisdictions: "National" government v. "Federal" government*, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Remedies/USvUSA.htm>

8. Abuse franchises such as the income tax, Social Security, Medicare, etc. to be used to UNLAWFULLY create new public offices in the U.S. government. This results in a de facto government in which there are no private rights or private property and in which EVERYONE is illegally subject to the whims of the government. See:

*De Facto Government Scam*, Form #05.043  
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

9. Connect the opponent to a government franchise or to PRESUME they participate and let the presumption go unchallenged and therefore agreed to. This is done:
- 9.1. PRESUMING that because someone connected ONE activity to a government franchise, that they elected to act in the capacity of a franchisee for ALL activities. This is equivalent to outlawing PRIVATE rights and PRIVATE property.
  - 9.2. Refusing to acknowledge or respect the method by which PRIVATE property is donated to a PUBLIC use, which is by VOLUNTARILY associating formerly PRIVATE property with a de facto license represent a public office in the government called a Social Security Number (SSN) or Taxpayer Identification Number (TIN).
  - 9.3. Calling use of SSNs and TINs VOLUNTARY and yet REFUSING to prosecute those who COMPEL their use. This results in a LIE.
  - 9.4. Compelling the use of Social Security Numbers or Taxpayer Identification Numbers. This is combated using the following:
    - 9.4.1. *Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>
    - 9.4.2. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012

<http://sedm.org/Forms/FormIndex.htm>

9.4.3. Resignation of Compelled Social Security Trustee, Form #06.002

<http://sedm.org/Forms/FormIndex.htm>

9.5. Using forms signed by the government opponent in which they claimed a status under a government franchise, such as statutory “taxpayer”, “individual”, “U.S. person”, “U.S. citizen”, etc. This is combated by attaching the following to all tax forms one fills out:

Tax Form Attachment, Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

### 13.3.3 Forcing governments to disclose when and how PRIVATE property was converted to PUBLIC property

It is very important to force the government to disclose when and how property they claim an interest in was lawfully converted from PRIVATE property to PUBLIC property. Recall that PRIVATE property is property that is exclusively owned by its owner and which the government may not tax, regulate, or derive any benefit from. Our Disclaimer provides a hint on this subject by saying the following:

#### SEDM Disclaimer, Section 4: Meaning of Words

##### 4.3. Private

The word "private" when it appears in front of other entity names such as "person", "individual", "business", "employee", "employer", etc. shall imply that the entity is:

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".
2. On an EQUAL rather than inferior relationship to government in court. This means that have no obligations to any government OTHER than possibly the duty to serve on jury and vote. Otherwise, they are entirely free and unregulated.
3. A "nonresident" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.
6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is a taking of property under the Fifth Amendment Takings Clause.

“Law” is defined to EXCLUDE any and all civil statutory codes, franchises, or privileges in relation to any and all governments and to include ONLY the COMMON law, the CONSTITUTION (if trespassing government actors ONLY are involved), and the CRIMINAL law. Civil statutory codes, franchises, or privileges are referred to on this website as “private law”, but not “law”. The word “public” precedes all uses of “law” when dealing with acts of government and hence, refers only to COMMON law and CRIMINAL law that applies equally to everyone, regardless of their consent. Involvement in any and all “private law” franchises or privileges offered by any government ALWAYS undermines and threatens sovereignty, autonomy, and equality, turns government into an unconstitutional civil religion, and corrupts even the finest of people. This is explained in:

#### Government Instituted Slavery Using Franchises, Form #05.030

Any use of the word "law" by any government actor directed at us or any member, if not clarified with the words "private" or "public" in front of the word "law" shall constitute:

1. A criminal attempt and conspiracy to recruit is to be a public officer called a "person", "taxpayer", "citizen", "resident", etc.
2. A solicitation of illegal bribes called "taxes" to treat us "AS IF" we are a public officer.
3. A criminal conspiracy to convert PRIVATE rights into PUBLIC rights and to violate the Bill of Rights.

The protection of PRIVATE rights mandated by the Bill of Rights BEGINS with and requires:

1. ALWAYS keeping PRIVATE and PUBLIC rights separated and never mixing them together.
2. Using unambiguous language about the TYPE of "right" that is being protected: PUBLIC or PRIVATE in every use of the word "right". The way to avoid confusing PUBLIC and PRIVATE RIGHTS is to simply refer to PRIVATE rights as "privileges" and NEVER refer to them as "rights".
3. Only converting PRIVATE rights to PUBLIC rights with the express written consent of the HUMAN owner.
4. Keeping the rules for converting PRIVATE to PUBLIC so simple, unambiguous, and clear that a child could understand them and always referring to these rules in every interaction between the government and those they are charged with protecting.
5. Ensuring that in every interaction (and ESPECIALLY ENFORCEMENT ACTION) between the government both administratively and in court, that any right the government claims to civilly enforce against, regulate, tax, or burden otherwise PRIVATE property is proven ON THE RECORD IN WRITING to originate from the rules documented in the previous step. This BURDEN OF PROOF must be met both ADMINISTRATIVELY and IN COURT BEFORE any enforcement action may be lawfully attempted by any government. It must be met by an IMPARTIAL decision maker with NO FINANCIAL interest in the outcome and not employed by the government or else a criminal financial conflict of interest will result. In other words, the government has to prove that it is NOT stealing before it can take property, that it is the lawful owner, and expressly HOW it became the lawful owner.
6. To enforce the following CONCLUSIVE PRESUMPTION against government jurisdiction to enforce unless and until the above requirements are met:

"All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL law unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.

2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.

3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity."

[SEDM Disclaimer, Section 4.3,  
SOURCE: <http://sedm.org/disclaimer.htm>]

The text below the line and following this paragraph shows how to force the government to disclose when and how property they claim an interest in was lawfully converted from PRIVATE property to PUBLIC property. You can use this information in a court pleading under the common law:

**Evidence required to meet the burden of proof to remove this action to federal court**

1. Proof of the lawful rules for converting PRIVATE, EXCLUSIVELY OWNED property to PUBLIC property have been honored by the Respondents.

*"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"];** second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."*

[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

The above rules are summarized below:

**Table 23: Rules for converting private property to a public use or a public office**

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was a violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

2. Exactly WHICH one of the above options was employed to convert the property in question from EXCLUSIVELY PRIVATE ABSOLUTE ownership to QUALIFIED SHARED ownership?

2.1. The parties are advised that the purpose of founding governments is to protect ONLY private property, per the Declaration of Independence.

2.2. The parties are reminded that the purpose of taxation itself is to convert PRIVATE property to PUBLIC property LAWFULLY. That conversion requires the express consent of the original PRIVATE nontaxpayer owner AT SOME POINT. Evidence of that consent MUST be produced by the Respondent or the taxation process is unconstitutional.

2.3. The Plaintiff has a right to receive reasonable notice from any and all governments allegedly “protecting” said property of the nature of its ownership over any property held in his name, including whether ownership is ABSOLUTE or QUALIFIED.

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.

*There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.*

*In connection with burglary, "ownership" means any possession which is rightful as against the burglar.*

*See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title. [Black's Law Dictionary, Sixth Edition, p. 1106]*

2.4. The Plaintiff has a constitutional right to receive reasonable notice of when and HOW his ABSOLUTE interest in a property becomes a QUALIFIED interest shared with the government, and the method of consent BY THE PLAINTIFF that makes that change in each and every instance.

2.5. If the rules identified above by the U.S. Supreme Court for converting PRIVATE property to PUBLIC property are deemed insufficient by the court, the party making such an assertion has a duty to define what the correct rules are. Otherwise, the Plaintiff is unconstitutionally deprived of reasonable notice of exactly WHAT property held in its name is ABSOLUTELY owned, EXCLUSIVELY private, and whose ownership is therefore not shared with any government and therefore not subject to taxation.

2.6. Without reasonable notice of the nature of the Plaintiff’s interest in properties it holds, Respondent and court would be violating due process of law to PRESUME that the government is either the ABSOLUTE owner or has a QUALIFIED interest in the property absent evidence PROVING the creation of that interest directly from the original owner. Such a presumption would constitute an unconstitutional eminent domain in the property.

- 3 3. Proof of the EXACT STEP in the taxation process that ownership of the real property in question transitioned from  
4 ABSOLUTE PRIVATE ownership to QUALIFIED SHARED ownership with the government. Below are the specific  
5 steps in the taxation process that might be candidates for the conversion:  
6 3.1. \_\_\_\_ When the Plaintiff became a CONSTITUTIONAL citizen?  
7 3.2. \_\_\_\_ When the Plaintiff changed domicile to a CONSTITUTIONAL and not STATUTORY "State"?  
8 3.3. \_\_\_\_ When the Plaintiff indicated "U.S. citizen" or "U.S. resident" on a government form, and the agent  
9 accepting it FALSELY PRESUMED that meant I was a STATUTORY "national and citizen of the United States"  
10 per 8 U.S.C. §1401 rather than a CONSTITUTIONAL "citizen of the United States"?  
11 3.4. \_\_\_\_ When Plaintiff disclosed and used a Social Security Number or Taxpayer Identification Number to my  
12 otherwise PRIVATE employer?  
13 3.5. \_\_\_\_ When Plaintiff submitted withholding documents for the properties in question, such as IRS Forms W-4 or  
14 W-8?  
15 3.6. \_\_\_\_ When the information return was filed against the Plaintiff's otherwise PRIVATE earnings that connected  
16 my otherwise PRIVATE earnings to a PUBLIC office in the national government?  
17 3.7. \_\_\_\_ When Plaintiff FAILED to rebut the false information return connecting my otherwise PRIVATE earnings  
18 to a PUBLIC office in the national government?  
19 3.8. \_\_\_\_ When Plaintiff filed a "taxpayer" form, such as IRS Forms 1040 or 1040NR?  
20 3.9. \_\_\_\_ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b)? This document  
21 establishes that all such assessments against human beings or using the 1040 form are illegal.  
22 3.10. \_\_\_\_ When Plaintiff failed to rebut a collection notice from the IRS?  
23 3.11. \_\_\_\_ When the IRS levied monies from Plaintiff's EXCLUSIVELY private account, which must be held by a  
24 PUBLIC OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?  
25 3.12. \_\_\_\_ When the government decided they wanted to STEAL money of the Plaintiff and simply TOOK it, and  
26 were protected from the THEFT by a complicit U.S. Department of Justice, who split the proceeds with them?  
27 3.13. \_\_\_\_ When Plaintiff demonstrated legal ignorance of the law to the government sufficient to overlook or not  
28 recognize that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of  
29 Independence requires?

### 30 13.3.4 Conducting discovery in the franchise proceeding

31 The critical questions to ask during the proceeding in the franchise court are:

- 32 1. What type of legal "right" is being enforced or protected:  
33 1.1. PUBLIC right? This is also called a "privilege".  
34 1.2. PRIVATE right?  
35 2. Who CREATED the right sought to be vindicated:  
36 2.1. The CONSTITUTION. This means it is a PRIVATE right.  
37 2.2. Congress by legislation. This means it is a PUBLIC right.  
38 3. What are the "elements" that must be proven to prosecute the offense? See:  
39 

<i>Civil Causes of Action</i> , Litigation Tool #10.012 <a href="http://sedm.org/Litigation/LitIndex.htm">http://sedm.org/Litigation/LitIndex.htm</a>
--

  
40 4. What type of action is it? It has to fall into one of the following:  
41 4.1. Contract.  
42 4.2. Tort.  
43 4.3. Criminal.  
44 5. WHO specifically is the injured party? If there IS no specific flesh and blood injured party, then:  
45 5.1. The provision is a malum prohibitum.  
46 5.2. The BODY CORPORATE is the party in interest and the provision enforced is effectively part of the  
47 employment agreement between YOU and the corporation, where YOU are the officer of the corporation.  
48 6. What type of law does statute being enforced fall under?  
49 6.1. CIVIL law that has domicile as a prerequisite.  
50 6.2. PRIVATE law that acquires the "force of law" ONLY by your consent.  
51 6.3. CRIMINAL law that attaches to an act committed on the territory of the sovereign?  
7. What do the CIVIL rights or PUBLIC RIGHTS being enforced attach to?:

- 1 7.1. The STATUS of the franchisee, such as “taxpayer”, or
- 2 7.2. The LAND the party is physically on or domiciled on at the time.
- 3 8. What specific territory or legal person is party to the enforcement?
- 4 8.1. Public officers consensually and lawfully occupying an office in the government.
- 5 8.2. Private human beings.
- 6 9. How do the statutes define the terms “person”, “driver”, “spouse”, etc? If it is a franchise, then the “person” is always
- 7 a public officer in the government. See, for instance, 26 U.S.C. §7343 and 26 U.S.C. §6671(b).
- 8 10. Is the provision being enforced “positive law”, and therefore legal evidence of an obligation? The entire I.R.C. is not
- 9 positive law and therefore not legal evidence of ANYTHING. The only way to lawfully make it INTO legal evidence
- 10 is with your consent, which you should not give. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

11 **13.3.5 Remedies against illegal franchise enforcement**

12 The following remedies are available when compelled to appear before a franchise court:

- 13 1. One should ALWAYS start from the following presumptions and make the GOVERNMENT prove the contrary:
  - 14 1.1. That all your property is EXCLUSIVELY PRIVATE unless and until the government PROVES you expressly
  - 15 consented in writing to either donate it to them or surrender it.
  - 16 1.2. The only way a government can take away PRIVATE property is if you:
    - 17 1.2.1. Knowingly donated the property to the government can they lawfully acquire the right to regulate or control
    - 18 or tax or burden its use.
    - 19 1.2.2. Used it to hurts someone else in violation of the criminal law.
  - 20 1.3. You are presumed to be a NON-franchisee, NON-taxpayer, NON-driver, and NON-spouse unless and until the
  - 21 government proves WITH EVIDENCE that you lawfully consented to those statuses in writing and occupied a
  - 22 public office BEFORE you consented. Franchises cannot be used to CREATE new public offices, but only to add
  - 23 “benefits” to existing offices. This is a corollary to the “innocent until proven guilty rule”.
- 24 2. No federal court can DECLARE or DECIDE that you are a statutory “taxpayer”.
  - 25 2.1. They are prohibited from doing so by 28 U.S.C. §2201(a).

26 *Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether*  
 27 *or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14)." (See Compl. at 2.) **This***  
 28 ***Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions***  
 29 ***brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the***  
 30 ***instant action. See 28 U.S.C. § 2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)***  
 31 *(affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).*  
 32 *Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.*  
 33 *[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]*

- 34 2.2. They also cannot MAKE you one by simply PRESUMING that you are one, because that would violate due
- 35 process of law and turn legal process into an act of religion in violation of the First Amendment.
- 36 2.3. They cannot do INDIRECTLY that which they cannot do DIRECTLY. Hence, they cannot TREAT you like a
- 37 franchisee if you are not one without exercising eminent domain over PRIVATE property.
- 38 3. The status you voluntarily acquire under the civil law is how you contract with and associate with the rest of the world.
- 39 The purpose of establishing all civil government is to protect your right to NOT associate with and NOT contract with
- 40 those around you. NO ONE in government can impose any civil statutory status upon you without your consent, and if
- 41 they do, they are exercising eminent domain over PRIVATE property. The amount of property subject to the eminent
- 42 domain is all the PUBLIC RIGHTS that attach to the status. Such statuses include “taxpayer” (under the tax code),
- 43 “driver” (under the vehicle code), “spouse” (under the family code), etc. Eminent domain without compensation is
- 44 THEFT and a “taking” under the Fifth Amendment. For details on this subject, see:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

- 45 4. The ONLY THING that a party who is NOT a franchisee can do in a franchise court is challenge jurisdiction. Any
- 46 attempt to invoke the “benefits” or “protections” of the franchise agreement is a tacit admission that you are subject to
- 47 it and therefore a statutory “taxpayer” (under the tax code), “driver” (under the vehicle code), “spouse” (under the
- 48 family code), etc.
- 49 5. Throughout the legal proceeding in the franchise court, it is important to insist on the absolute equality of all
- 50 participants and to emulate the behavior of your opponent. The only way you can become UNEQUAL in relation to

1 the government is to CONSENT, and that consent was procured when you sign up for the franchise by submitting an  
2 application that DOES NOT reserve all your rights:

3 5.1. If the government claims sovereign immunity, then you can too. The government is one of delegated powers  
4 ALONE, and the Sovereign People cannot truthfully delegate that which they personally and individually, as well  
5 as collectively do not ALSO possess.

6 *"The question is not what power the federal government ought to have, but what powers, in fact, have been given*  
7 *by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred*  
8 *upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from*  
9 *nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative*  
10 *body subject to no restriction except the discretion of its members." (Congress)*  
11 *[U.S. v. William M. Butler, 297 U.S. 1 (1936)]*

12 5.2. If they claim the right to effectively "elect" you into a public office by allowing third parties to file knowingly  
13 false information returns against you and then refuse to correct them or prosecute the filers, then you have the  
14 SAME right to acquire rights against them by the same mechanism.

15 For further information on the above, see:

**Requirement for Equal Protection and Equal Treatment**, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

16 6. The national government MAY NOT lawfully establish any federal franchise within a constitutional state of the Union.  
17 The case below has NEVER been overruled:

18 *"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
19 *with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to*  
20 *trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive*  
21 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
22 *granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

23 *But very different considerations apply to the internal commerce or domestic trade of the States. Over this*  
24 *commerce and trade Congress has no power of regulation nor any direct control. This power belongs*  
25 *exclusively to the States. No interference by Congress with the business of citizens transacted within a State is*  
26 *warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to*  
27 *the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of*  
28 *the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given*  
29 *in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must*  
30 *impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and*  
31 *thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*  
32 *Congress cannot authorize [e.g. LICENSE, using a Social Security Number (SSN) or Taxpayer Identification*  
33 *Number (TIN)] a trade or business [per 26 U.S.C. §7701(a)(26)] within a State in order to tax it."*  
34 *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]*

35 7. There are NO limitations upon the establishment of franchises on federal territory. However, such franchises are  
36 NATIONAL franchises rather than FEDERAL franchises that may not lawfully be either OFFERED or ENFORCED  
37 within a constitutional state of the Union:

38 *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform*  
39 *to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or*  
40 *conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every*  
41 *state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the*  
42 *definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and*  
43 *is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the*  
44 *territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,*  
45 *Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing*  
46 *a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative*  
47 *power either in a governor and council, or a governor and judges, to be appointed by the President. It was not*  
48 *until they had attained a certain population that power was given them to organize a legislature by vote of the*  
49 *people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress*  
50 *thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that*  
51 *the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of*  
52 *habeas corpus, as well as other privileges of the bill of rights."*  
53 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

54 8. The limitations imposed by the preceding two items are evaded and undermined primarily through the following  
55 techniques by the corrupt judge and government prosecutor. You should be on the lookout for these tactics, and those  
56 mentioned in the previous section:

- 1 8.1. Confusing the STATUTORY, CONSTITUTIONAL, or COMMON contexts for the terms “State”, “United  
2 States”, “income”, “employee”, “gross income”.
- 3 8.2. Refusing to define WHICH of the TWO contexts are implied.
- 4 8.3. Refusing to enforce the burden of proof on the part of the government to prove that the geographic area you are in  
5 is EXPRESSLY within the definition of the geographical terms.
- 6 9. A Bill of Attainder is a penalty administered or collected by OTHER than the judicial branch of the government. It is  
7 an unconstitutional “Bill of Attainder” for a franchise judge (all of whom are in the executive rather than the judicial  
8 branch) or a franchise code to assess a penalty against:
  - 9 9.1. Exclusively private parties, because the U.S. Supreme Court held that the ability to regulate EXCLUSIVELY  
10 private conduct is repugnant to the Constitution.
  - 11 9.2. Those who are NOT consenting parties to the franchise and therefore NOT public officers.
  - 12 9.3. Those who are outside the branch of government that the judge is in. The separation of powers forbids branches  
13 from affecting or enforcing against OTHER branches of the government.
- 14 10. The party you are litigating against on the other side of the courtroom is a government attorney. He will claim to  
15 represent the “State of \_\_\_\_\_” but in fact there are TWO “States of \_\_\_\_\_”
  - 16 10.1. The body CORPORATE (the corporation). The “State” is defined in the STATUTORY law as a corporation, and  
17 all public officers within the government are officers of this corporation. Even the government attorney you are  
18 litigating against is a “franchisee” as a licensed attorney. He is even called an “officer of the court” and therefore  
19 of the government.
  - 20 10.2. The body POLITIC, which is the people. The “State” is defined in the COMMON law as The Sovereign People  
21 and NOT the government.
- 22 11. It is very important to get on the record WHICH of the above two separate and distinct “States of \_\_\_\_\_” the  
23 government attorney, AND by implication the judge, are representing. By admitting WHICH of the above two that is  
24 being represented in actions before a franchise court, the government attorney indirectly is admitting that he is  
25 enforcing a franchise AND that you must be a franchisee and public officer in order for the court to have any  
26 jurisdiction at all.
- 27 12. In proceedings within franchise courts, the government as your opponent has the burden of proving that:
  - 28 12.1. You expressly consented to the franchise and thereby waived your sovereign immunity. Otherwise the “public  
29 rights” or privileges enforced by the court are being STOLEN.
  - 30 12.2. You had the capacity to consent to the franchise because you were domicile on federal territory AT THE TIME  
31 you consented and CONTINUE to be domiciled there at the time of the alleged offense. Otherwise, you would  
32 not be a “person” or “individual” under the franchise contract but rather would be a nonresident and transient  
33 foreigner protected by the Longarm Statutes of the state and the Minimum Contacts Doctrine.
  - 34 12.3. That you were a public officer in the government BEFORE you consented, because you can’t elect yourself into a  
35 public office by filling out a government form. It’s a crime in violation of 18 U.S.C. §912.
- 36 13. It is a violation of due process of law for the judge or the government prosecutor to PRESUME anything.
  - 37 13.1. All presumptions that violate due process cause the judgment to be void.
  - 38 13.2. All presumptions that are not substantiated with supporting evidence:
    - 39 13.2.1. Are very injurious to your rights and liberty.
    - 40 13.2.2. Violate the separation of powers by allowing otherwise constitutional courts to unlawfully entertain  
41 “political questions”.
    - 42 13.2.3. Cause a violation of due process of law because decisions are not based on legally admissible evidence.  
43 Instead, presumptions unlawfully and prejudicially turn beliefs into evidence in violation of Federal Rule of  
44 Evidence 610 and the Hearsay Rule, Federal Rule of Evidence 802.
    - 45 13.2.4. Can be abused to replace equal protection and constitutional rights with franchises, privileges, hypocrisy,  
46 and lawful discrimination.
    - 47 13.2.5. Turn private law franchises “codes” into a state-sponsored bible upon which “worship services” are  
48 based and convey the “force of law” upon them through your implied consent.
    - 49 13.2.6. Turn judges into “priests” of a civil religion.
    - 50 13.2.7. Turn legal pleadings into “prayers” to the priest.
    - 51 13.2.8. Turn legal process into an act of religion.
    - 52 13.2.9. Transform “attorneys” into deacons of a state-sponsored religion.
    - 53 13.2.10. Turn the courtroom into a church building.
    - 54 13.2.11. Turn court proceedings into a “worship service” akin to that of a church.
    - 55 13.2.12. Turn “taxes” into tithes to a state-sponsored church, if the controversy before the court involves taxation.
- 56 14. In proceedings within franchise courts, the government as your opponent has the burden of proving the following. A  
57 failure to meet that burden of proof constitutes the equivalent of what we call “eminent domain by presumption”:

- 1 14.1. You expressly consented to the franchise. Otherwise the “public rights” or privileges enforced by the court are  
2 being STOLEN. This is the same requirement the government imposes on all litigants, which is that if you want  
3 to sue them, you have to produce a WRITTEN, STATUTORY evidence of their consent to be sued.  
4 14.2. You had the capacity to consent to the franchise because you were domicile on federal territory AT THE TIME  
5 you consented and CONTINUE to be domiciled there at the time of the alleged offense. Otherwise, you would  
6 not be a “person” or “individual” under the franchise contract but rather would be a nonresident and transient  
7 foreigner protected by the Longarm Statutes of the state and the Minimum Contacts Doctrine.  
8 14.3. That the consent took the form that YOU and not THEY specified.  
9 14.4. That if they are enforcing a contract or compact, that THEY have an equal and opposite and mutual obligation  
10 and requirement to provide “consideration” not as THEY define it, but as YOU define it. Contracts are NOT  
11 valid unless there is MUTUAL consideration and MUTUAL obligation:

12 **Contract.** An agreement between two or more [sovereign] persons which creates an obligation to do or not to  
13 do a particular thing. As defined in Restatement, Second, Contracts §3: “A contract is a promise or a set of  
14 promises for the breach of which the law gives a remedy, or the performance of which the law in some way  
15 recognizes as a duty.” **A legal relationships consisting of the rights and duties of the contracting parties; a**  
16 **promise or set of promises constituting an agreement between the parties that gives each a legal duty to the**  
17 **other and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties,**  
18 **subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration. Lamoureux v.**  
19 **Burrillville Racing Ass’n, 91 R.I. 94, 161 A.2d. 213, 215.**

20 Under U.C.C., term refers to total legal obligation which results from parties’ agreement as affected by the Code.  
21 Section 1-201(11). As to sales, “contract” and “agreement” are limited to those relating to present or future  
22 sales of goods, and “contract for sale” includes both a present sale of goods and a contract to sell goods at a  
23 future time. U.C.C. §2-106(a).

24 The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof  
25 of the obligation  
26 [Black’s Law Dictionary, Sixth Edition, p. 322]

- 27 14.5. That you were a public officer in the government BEFORE you consented, because you can’t lawfully:  
28 14.5.1. ALIENATE an UNALIENABLE right, even with your consent:

29 “We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**  
30 **with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
31 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
32 -“  
33 [Declaration of Independence]

34 “Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”  
35 [Black’s Law Dictionary, Fourth Edition, p. 1693]

- 36 14.5.2. Unilaterally “elect” yourself into a public office by filling out a government form. It’s a crime in  
37 violation of 18 U.S.C. §912.

- 38 14.5.3. Can’t consent to help or assist your public servants to VIOLATE the purpose of their creation, which is to  
39 protect PRIVATE rights. The FIRST step in protecting such rights is to PREVENT them from being  
40 converted to PUBLIC rights, even WITH the consent of the owner. Any attempt to make a profitable  
41 business or franchise out of destroying or undermining PRIVATE rights and PRIVATE property turns the  
42 civil temple into a warehouse and a den of thieves. It doesn’t matter what you CALL that “business”, even  
43 if it is called a “trade or business”, it’s still a breach of the public trust and the fiduciary duty of all public  
44 officers to protect PRIVATE rights and PRIVATE property.

- 45 15. By enforcing or imposing the obligations of the public officer franchisee against you absent your express and lawful  
46 consent, you are:

- 47 15.1. A victim of eminent domain in violation of the state constitution, because you are not receiving compensation for  
48 the rights STOLEN from you.  
49 15.2. Impersonating a public officer in criminal violation of 18 U.S.C. §912.  
50 15.3. A victim of grand theft.  
51 15.4. Participating in a violation of the Thirteenth Amendment prohibition against involuntary servitude. That  
52 amendment applies EVERYWHERE, including federal territory.

53 **13.3.6 Franchise enforcement outside of federal territory is a criminal act of “simulating legal process”**

1 Readers should be interested to know that enforcement of franchises outside the territory they are created in amounts to a  
2 criminal act of “simulating legal process”. Most states have statutes forbidding such activities. Below is a definition of  
3 “simulating legal process”:

4 *“A person commits the offense of simulating legal process if he or she “recklessly causes to be delivered to*  
5 *another any document that simulates a summons, complaint, judgment, or other court process with the intent to .*  
6 *. . . cause another to submit to the putative authority of the document; or take any action or refrain from taking*  
7 *any action in response to the document, in compliance with the document, or on the basis of the document.”*  
8 *[Texas Penal Code Annotated, §32.48(a)(2)]*

9 Below is one ruling by a Texas court relating to a “simulating legal process” charge against an ecclesiastical court:

10 *Free Exercise of Religion*

11 *Government action may burden the free exercise of religion, in violation of the First Amendment, [10] in two*  
12 *quite different ways: by interfering with a believer's ability to observe the commands or practices of his faith and*  
13 *by encroaching on the ability of a church to manage its internal affairs. Westbrook v. Penley, 231 S.W.3d. 389,*  
14 *395 (Tex. 2007). In appellant's pro se motions, he refers to the “exercise of one’s faith.” More specifically, he*  
15 *raised the issue of ecclesiastical abstention in the trial court and cites to cases concerning this doctrine on appeal.*  
16 *His arguments are directed at the trial court’s jurisdiction over this matter, not the constitutionality of section*  
17 *32.48. So, it appears the judiciary’s exercise of jurisdiction over the matter, rather than the Legislature’s*  
18 *enactment of section 32.48, is the target of his challenge. We, then, will address that aspect of the constitutional*  
19 *issue he now presents on appeal; we will determine whether the trial court’s exercise of jurisdiction violated*  
20 *appellant’s right to free exercise of religion by encroaching on the ability of his church to manage its internal*  
21 *affairs.*

22 *The Constitution forbids the government from interfering with the right of hierarchical religious bodies to*  
23 *establish their own internal rules and regulations and to create tribunals for adjudicating disputes over religious*  
24 *matters. See Serbian E. Orthodox Diocese v. Milivojevich, 426 U.S. 696, 708–09, 724–25, 96 S.Ct. 2372, 49*  
25 *L.Ed.2d. 151 (1976). Based on this constitutionally-mandated abstention, secular courts may not intrude into the*  
26 *church's governance of “religious” or “ecclesiastical” matters, such as theological controversy, church*  
27 *discipline, ecclesiastical government, or the conformity of members to standards of morality. See In re Godwin,*  
28 *293 S.W.3d. 742, 748 (Tex.App.—San Antonio 2009, orig. proceeding).*

29 *The record shows that Coleman, to whom the “Abatement” was delivered, was not a member of appellant’s*  
30 *church. That being so, the church’s position on the custody matter is not a purely ecclesiastical matter over which*  
31 *the trial court should have abstained from exercising its jurisdiction. **This is not an internal affairs issue because***  
32 ***the record conclusively establishes that the recipient is not a member of the church.** The ecclesiastical*  
33 *abstention doctrine does not operate to prevent the trial court from exercising its jurisdiction over this matter.*  
34 *We overrule appellant’s final issue.*

35 *[Michael Runningwolf v. State of Texas, 317 S.W.3d. 829 (2010);*  
36 *SOURCE: [http://scholar.google.com/scholar\\_case?case=13768262149764043927](http://scholar.google.com/scholar_case?case=13768262149764043927)]*

37 We take the same position as the court in the above ruling in protecting OUR members from secular courts as the secular  
38 courts take toward private courts. The First Amendment requires that you have a right to either NOT associate or to associate  
39 with any group you choose INCLUDING, but not limited to the “state” having general jurisdiction where you live. That  
40 means you have a RIGHT to NOT be a statutory:

- 41 1. A “citizen” or “resident” in the area where you physically are.
- 42 2. A “driver” under the vehicle code.
- 43 3. A “spouse” under the family code.
- 44 4. A “taxpayer” under the tax code.

45 The dividing line between who are “members” and who are NOT members is who has a domicile in that specific jurisdiction.  
46 The subject of domicile is extensively covered in the following insightful document:

[Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

47 We allege that secular franchise courts such as tax court, traffic court, family court, social security administrative court, and  
48 even civil court in your area are equally culpable for the SAME crime of “simulating legal process” if they serve legal process  
49 upon anyone who is NOT a “member” of their “state” and a public officer, and who has notified them of that fact. As such,

1 any at least CIVIL process served upon them by secular courts of the de facto government is ALSO a criminal simulation of  
2 legal process because instituted against non-consenting parties who are non-residents and “non-members”, just as in the above  
3 case. Membership has to be consensual.

4 *The record shows that Coleman, to whom the “Abatement” was delivered, was not a member of appellant’s*  
5 *church. That being so, the church’s position on the custody matter is not a purely ecclesiastical matter over which*  
6 *the trial court should have abstained from exercising its jurisdiction. **This is not an internal affairs issue because***  
7 ***the record conclusively establishes that the recipient is not a member of the church.** The ecclesiastical*  
8 *abstention doctrine does not operate to prevent the trial court from exercising its jurisdiction over this matter.*  
9 *We overrule appellant’s final issue.*  
10 *[Michael Runningwolf v. State of Texas, 317 S.W.3d. 829 (2010);*  
11 *SOURCE: [http://scholar.google.com/scholar\\_case?case=13768262149764043927](http://scholar.google.com/scholar_case?case=13768262149764043927)]*

12 We also argue that just like the above ruling, the secular government in fact and in deed is ALSO a church, as described in  
13 the following exhaustive proof of that fact:

[Socialism: The New American Civil Religion](http://sedm.org/Forms/FormIndex.htm), Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

14 In support of the above, Black’s Law Dictionary defines “franchise courts” such as traffic court and family court as PRIVATE  
15 courts:

16 *“franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with*  
17 *jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time.*  
18 *In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority*  
19 *(quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was*  
20 *abolished. - Also termed courts of the franchise.*

21 *Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This*  
22 *explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held*  
23 *by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them*  
24 *were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after*  
25 *the famous Quo Warranto enquiry in the reign of Edward I.” W.J.V. Windeyer, Lectures on Legal History 56-57*  
26 *(2d ed. 1949).”*  
27 *[Black’s Law Dictionary, Seventh Edition, p. 668]*

28 As a BARE minimum, we think that if you get summoned into any franchise court for violations of the franchise, such as tax  
29 court, traffic court, and family court, then the government as moving party who summoned you should at LEAST have the  
30 burden of proving that you EXPRESSLY CONSENTED in writing to become a “member” of the group that created the court,  
31 such as “taxpayer”, “driver”, “spouse”, etc. and that if they CANNOT satisfy that burden of proof, then:

- 32 1. All charges should be dismissed.
- 33 2. The franchise judge and government prosecutor should BOTH be indicted and civilly sued for simulating legal process  
34 under the common law and not statutory civil law.

### 35 **13.3.7 Responding to false allegations of government attorneys**

#### 36 **13.3.7.1 Responding to the charge that “you knew or should have known” that the I.R.C. obligated you**

37 A frequent and dishonest tactic by government prosecutors in criminal tax trials is to accuse the defendant of the following:

38 *“Defendant knew or should have known that he had a duty to file a return or pay a tax and was willfully evading*  
39 *said tax. The IRC is law and every citizen is supposed to know the law”*

40 In point of fact, there is no evidence upon which to base a “reasonable belief” that the defendant had any obligation  
41 whatsoever:

- 42 1. Strictly speaking, the Internal Revenue Code, Subtitles A through C are franchises, and franchises are not “law” in a  
43 classical sense, but rather a “compact” that activates and acquires the “force of law” only upon a showing on the part of  
44 the government that express consent has been given to the franchise by the alleged franchisee. That is why it is called  
45 “the code” instead of “law”, because like all statutes, it acquires the force of law only upon consent. The only way that

1 a person can be expected to know and learn the terms of a compact or franchise is if they were properly informed that  
2 their participation was voluntary and if their consent was procured lawfully and without duress or fraud. No such  
3 elements are usually present in the case of most Americans, and therefore it is LUDICROUS to expect them to read  
4 and learn that which is a compact but not "law" in a classical sense, and which they never gave their consent to.

5 *"Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme  
6 power in a state, commanding what is right and prohibiting what is wrong."*

7 [. . .]

8 **It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding**  
9 **from us, law is a command directed to us. The language of a compact is, "I will, or will not, do this"; that of a**  
10 **law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal**  
11 **in point of conscience to that of a law; but then the original of the obligation is different. In compacts we**  
12 **ourselves determine and promise what shall be done, before we are obliged to do it; in laws we are obliged to**  
13 **act without ourselves determining or promising anything at all. Upon these accounts law is defined to be "a**  
14 **rule."**  
15 *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]*

16  
17 *"Consensus facit legem.*  
18 *Consent makes the law. A contract [or a franchise, which is also a contract] is a law between the parties,*  
19 *which can acquire force only by consent.*  
20 *[Bouvier's Maxims of Law, 1856;*  
21 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

- 22 2. There is no federal common law within a state of the Union so the rulings of courts below the U.S. Supreme Court  
23 cannot form the basis for a belief. *Erie Railroad v. Tompkins*, [304 U.S. 64](#) (1938)
- 24 3. The I.R.S. itself says it is not bound by the rulings of any court below the U.S. Supreme Court. See Internal Revenue  
25 Manual (I.R.M.), Section 4.10.7.2.9.8. Therefore, the same standards can and should apply to EVERYONE ELSE and  
26 to the defendant for the purposes of equal protection and equal treatment that is the foundation of the United States  
27 Constitution.
- 28 4. The I.R.C. itself is identified in 1 U.S.C. §204 as "prima facie evidence", which means that it is nothing more than a  
29 presumption and all presumptions that adversely affect constitutional rights are a violation of due process that renders a  
30 void judgment.
- 31 5. The Internal Revenue Code itself nowhere defines the term "United States" to expressly include anything outside of  
32 federal territory and therefore states of the Union are expressly excluded per the rules of statutory construction and  
33 interpretation.

34 **"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's**  
35 **ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
36 of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a  
37 rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western*  
38 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
39 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
40 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
41 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
42 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
43 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

- 44 6. The IRS is expressly authorized under 26 U.S.C. §7601 to enforce ONLY within "internal revenue districts" and even  
45 to this day, the only remaining internal revenue district is the District of Columbia.
- 46 7. The entire Internal Revenue Code, Subtitles A and C is a franchise based on an activity called a "trade or business":
- 47 7.1. Franchises may only lawfully be enforced against those who expressly consent. Use of a "status" under the  
48 franchise or an identifying number that may only be used in connection with the activity is the usual method of  
49 conveying such constructive consent, but such tactics were and are never undertaken by our members and  
50 therefore cannot apply. Instead, our Legal Notice of Change in Domicile/Citizenship Records and Divorce from  
51 the United States, Form #10.001 the precise requirements for how that consent MUST be conveyed, and those  
52 requirements are NEVER met by the government.
- 53 7.2. Franchises are "law" only for the parties who consent to them. In other words, they only acquire the "force of  
54 law" against consenting parties. People in states of the Union may NOT lawfully consent to them because the

1 Declaration of Independence says their rights are “unalienable”, which means they cannot lawfully be sold,  
2 transferred, or bargained away by any commercial process.

3 7.3. The franchise cannot lawfully be offered in a state of the Union and may only lawfully be exercised in the District  
4 of Columbia and not elsewhere per 4 U.S.C. §72.

5 If you would like to know more about how to defend yourself against such tactics, see the following resources on our website:

- 6 1. Legal Requirement to File Federal Income Tax Returns, Form #05.009  
7 <http://sedm.org/Forms/FormIndex.htm>
- 8 2. Reasonable Belief About Income Tax Liability, Form #05.007  
9 <http://sedm.org/Forms/FormIndex.htm>
- 10 3. Federal Jurisdiction, Form #05.018  
11 <http://sedm.org/Forms/FormIndex.htm>
- 12 4. Responding to a Criminal Tax Indictment, Litigation Tool #10.004  
13 <http://sedm.org/ItemInfo/Ebooks/TaxAraignment/TaxAraignment.htm>

### 14 13.3.7.2 **Responding to the charge that you didn't pay “your fair share”**

Government False Argument: The receipt of government “benefits” of any kind creates an implied franchise or quasi-contract between the government and those receiving the benefit that is enforceable as a legal liability or duty under federal law.

Corrected Alternative Argument: Government “benefits” under the Social Security Act, 42 U.S.C. Chapter 7 identify themselves as “grants” and therefore GIFTS to states of the Union. Gifts are legally defined such that they CANNOT create an obligation on the part of the recipient.

Further information:

1. The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>
2. Government Instituted Slavery Using Franchises, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

15 Those who refuse to accept [government franchises](#) and services and lawfully refuse to pay for these services are sometimes  
16 illegally prosecuted by zealous but *criminal* government attorneys for "willful failure to file" under [26 U.S.C. §7203](#) and "tax  
17 evasion" under [26 U.S.C. §7201](#). The government's offense in these cases is like a broken record:

18 *"Mr./Ms. \_\_\_\_\_ accepts the 'benefits' of living in this country but refuses to pay his/her 'fair share'. He/she*  
19 *is a LEECH and you ought to hang him!"*

20 For an example of the above such rhetoric from an actual criminal tax case, see:

Tax Protester Gets Federal Prison Time, Yahoo News, 5/23/2003  
<http://famguardian.org/Subjects/Taxes/News/Historical/TPConv-030523.pdf>

21 We will prove in this section that all such arguments amount to FRAUD and their basis is to make the government UNEQUAL  
22 and SUPERIOR in relation to the citizen, thus destroying equal protection that is the foundation of the Constitution, and  
23 substituting a civil religion of socialist idolatry in its place as described below:

Socialism: The New American Civil Religion, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

24 42 U.S.C. Chapter 7 identifies all federal “benefits” as “grants”. Here are a few examples:

- 25 1. SUBCHAPTER I—GRANTS TO STATES FOR OLD-AGE ASSISTANCE (§§ 301—306)
- 26 2. SUBCHAPTER III—GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION (§§  
27 501—504)

- 1 3. SUBCHAPTER IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH
- 2 CHILDREN AND FOR CHILD-WELFARE SERVICES (§§ 601—681\_to\_687)
- 3 4. SUBCHAPTER X—GRANTS TO STATES FOR AID TO BLIND (§§ 1201—1206)
- 4 5. SUBCHAPTER XIV—GRANTS TO STATES FOR AID TO PERMANENTLY AND TOTALLY DISABLED (§§
- 5 1351—1355)
- 6 6. SUBCHAPTER XIX—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS (§§ 1396—1396w1)
- 7 7. SUBCHAPTER XX—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES (§§ 1397—1397f)

8 The legal definition of “grant” is as follows:

9 *Grant. To bestow; to confer upon someone other than the person or entity which makes the grant. Porto Rico Ry.,*  
 10 *Light & Power Co. v. Colom, C.C.A.Puerto Rico, 106 F.2d. 345, 354. **To bestow or confer, with or without***  
 11 ***compensation, a gift or bestowal by one having control or authority over it, as of land or money.** Palmer v. U.S.*  
 12 *Civil Service Commission, D.C.Ill., 191 F.Supp. 495, 537.*

13 *A conveyance; i.e. transfer of title by deed or other instrument. Dearing v. Brush Creek Coal Co., 182 Tenn. 302,*  
 14 *186 S.W.2d. 329, 331. Transfer of property real or personal by deed or writing. Commissioner of Internal Revenue*  
 15 *v. Plestcheeff, C.C.A.9, 100 F.2d. 62, 64, 65. A generic term applicable to all transfers of real property, including*  
 16 *transfers by operation of law as well as voluntary transfers. White v. Rosenthal, 140 Cal. App. 184,35 P.2d. 154,*  
 17 *155. A technical term made use of in deeds of conveyance of lands to import a transfer.*

18 *A deed for an incorporeal interest such as a reversion. As distinguished from a mere license, a grant passes some*  
 19 *estate or interest, corporeal or incorporeal, in the lands which it embraces.*

20 *To give or permit as a right or privilege; e.g. grant of route authority to a public carrier.*

21 *By the word "grant," in a treaty, is meant not only a formal grant, but any concession, warrant, order, or*  
 22 *permission to survey, possess, or settle, whether written or parol, express, or presumed from possession. Such a*  
 23 *grant may be made by law, as well as by a patent pursuant to a law. Bryan v. Kennett, 113 U.S. 179, 5 S.Ct. 407,*  
 24 *28 L.Ed. 908.*

25 *In England, an act evidenced by letters patent under the great seal, granting something from the king to a subject.*  
 26 *[Black's Law Dictionary, Sixth Edition, pp. 699-799]*

27 The statutory “States” identified above are not constitutional or sovereign States of the Union, but federal territories.

28 1. Original 1935 Social Security Act Definition:

29 *“The term State (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia.”*  
 30 *[Social Security Act of 1935, Section 1101(a)(1).]*

31 2. Current Definition:

32 *“(1) The term ‘State’, except where otherwise provided, includes the District of Columbia and the Commonwealth*  
 33 *of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such*  
 34 *term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in*  
 35 *part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the*  
 36 *Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and*  
 37 *American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI*  
 38 *(as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972<sup>[1]</sup>)*  
 39 *shall continue to apply, and the term ‘State’ when used in such titles (but not in title XVI as in effect pursuant to*  
 40 *such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when*  
 41 *used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.*  
 42 *Such term when used in title IV also includes American Samoa.”*  
 43 *[42 U.S.C. §1301(a)(1)]*

44 Hence, under the rules of statutory construction alone, neither the states of the Union nor the people domiciled therein and  
 45 protected by the United States Constitution are LAWFULLY ALLOWED to participate in any federal franchise or “benefit”  
 46 program.

47 *“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***  
 48 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*  
 49 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***  
 50 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***

1 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*  
2 *of a certain provision, other exceptions or effects are excluded.”*  
3 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

4 In fact, it is a criminal violation of the separation of powers doctrine to:

- 5 1. Create or enforce any federal franchise or privilege within a constitutional state of the Union:

6 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
7 *with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to*  
8 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*  
9 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
10 *granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

11 *But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this*  
12 *commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively***  
13 *to the States. **No interference by Congress with the business of citizens transacted within a State is warranted***  
14 *by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the*  
15 *legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the*  
16 *State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in*  
17 *the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must*  
18 *impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and*  
19 *thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*  
20 ***Congress cannot authorize [e.g. LICENSE, using a de facto license such as a Social Security Number or***  
21 ***Taxpayer identification Number] a trade or business within a State in order to tax it.”***  
22 *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

23 Note the use of the phrase “trade or business” by the U.S. Supreme Court, which has NEVER overruled the above  
24 ruling. And WHAT is the current income tax on? It is an excise tax on none other than a “trade or business”, which is  
25 defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”...in the U.S. government and not state  
26 government. What could be plainer? Even if Social Security Numbers or Taxpayer Identification Numbers are not  
27 CALLED licenses, they presently behave as such, and the U.S. Supreme Court has also held that we must judge things  
28 by how they WORK, and not the way they are DESCRIBED.

- 29 2. Use federal franchises or their illegal enforcement to break down the separation of powers between the states of the  
30 Union and the federal government. See:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

- 31 3. Include states of the Union within the definition of “State” within any federal law.  
32 4. Bribe states of the Union to surrender their sovereignty and thereby become UNEQUAL as parties to a federal  
33 franchise. This destroys equal protection that is the foundation of the United States Constitution.  
34 5. Allow a state of the Union to either become or to be for all intents and purposes, a federal territory subject to federal  
35 law or any law that only applies within exclusive federal jurisdiction. This would destroy all the rights of those  
36 domiciled therein, because the purpose of this separation, according to the U.S. Supreme Court, is to protect PRIVATE  
37 rights, meaning rights of those OTHER than the government.  
38 6. Bribe any official of a state with “benefits” in order to influence him to turn people under his or her care into public  
39 officers of the national government by condoning the filing of false information returns or the enforcement of federal  
40 law of a foreign state or foreign corporation against people under their care and protection. See: 18 U.S.C. §§201, 210,  
41 and 211.  
42 7. Allow any judge to rule on an income tax matter who is financially interested. This includes those state judges who  
43 collect federal “benefits” or whose pay and/or benefits derive from federal income taxes either directly or indirectly.  
44 This is a criminal bribery and this bribery was first implemented at the federal level unlawfully starting in 1939.  
45 8. Make any officer of a state government into a public officer in the federal government. All franchises require those  
46 who participate to be public officers in the national government. Nearly all states of the Union have either a  
47 constitutional prohibition or a statutory prohibition against simultaneously serving in BOTH a state public office and a  
48 federal public office at the SAME TIME. Hence, it is ILLEGAL for public officers of a de jure constitutional state to  
49 participate in federal franchises or benefits of any kind. A survey of all 50 states for laws on this subject is contained  
50 in:

*SEDM Jurisdictions Database*, Litigation Tool #09.003  
<http://sedm.org/Litigation/LitIndex.htm>

1 It is not only a violation of the separation of powers doctrine, but a criminal offense to allow anyone in a constitutional state  
2 of the Union to participate in any federal "benefit" program or to use government identifying numbers as a "de facto license"  
3 to either establish or administer any federal franchise within a constitutional but not statutory state of the Union. See:

- 4 1. Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205  
5 <http://sedm.org/Forms/FormIndex.htm>
- 6 2. Why You Aren't Eligible for Social Security, Form #06.001  
7 <http://sedm.org/Forms/FormIndex.htm>
- 8 3. Resignation of Compelled Social Security Trustee, Form #06.002. This form was sent to you certified mail and you  
9 didn't rebut it and therefore agree you are in violation of the law to allow me to participate in Social Security  
10 <http://sedm.org/Forms/FormIndex.htm>
- 11 4. About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
12 <http://sedm.org/Forms/FormIndex.htm>

13 To make matters MUCH worse, federal prosecutors use as their MAIN argument in tax prosecutions for "willful failure to  
14 file" or "tax evasion" the fact that the defendant collected these same "benefits" and yet did not pay their "fair share" for the  
15 cost of said benefits. To take this hypocritical and unconscionable approach is to:

- 16 1. Hypocritically treat a GIFT instead as a contract with strings attached AFTER receipt, which is FRAUD.
- 17 2. Make a business out destroying, regulating, and taxing rights that are incapable of being alienated and which it is a  
18 violation of fiduciary duty to alienate. An "unalienable right" is, in fact, that which by definition cannot be sold,  
19 bargained away, or transferred through ANY commercial process, including a franchise. This makes the public trust  
20 into a sham trust:

21 *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**  
22 **with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to**  
23 **secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the**  
24 **governed.**-"*  
25 *[Declaration of Independence]*

26 *"Unalienable. Inalienable; **incapable of being aliened, that is, sold and transferred [by ANY means].**"*  
27 *[Black's Law Dictionary, Fourth Edition, p. 1693]*

- 28 3. Unconstitutionally deprive the recipient of "reasonable notice" of the conditions of the implied but not written contract.  
29 See:

Requirement for Reasonable Notice, Form #05.022  
<http://sedm.org/Forms/FormIndex.htm>

- 30 4. Illegally enforce federal law outside of federal territory.
- 31 5. Prejudicially add things to the definition of "State" through judicial or administrative fiat that do not in fact expressly  
32 appear in the act administering the benefit, and hence to engage in law-making power within the judicial branch in  
33 violation of the separation of powers and the rules of statutory construction:

34 *"**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one**  
35 **thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
36 *170 Okl. 487, 40 P.2d. 1097, 1100.* Mention of one thing implies exclusion of another. **When certain persons or**  
37 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
38 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
39 of a certain provision, other exceptions or effects are excluded."  
40 *[Black's Law Dictionary, Sixth Edition, p. 581]**

- 41 6. Turn a society of law into a society of men and the policy of men, thus undermining any hope for the security of  
42 private rights.
- 43 7. Destroy the foundations of comity and federalism, which requires that even with consent of either states of the Union  
44 or the people in them, NO federal enforcement is allowed:

45 *"**comity. Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but**  
46 **of deference and good will.** Recognition that one sovereignty allows within its territory to the legislative,  
47 executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. *Nowell v. Nowell*,  
48 *Tex.Civ.App.*, 408 S.W.2d. 550, 553. **In general, principle of "comity" is that courts of one state or jurisdiction**  
49 **will give effect to laws and judicial decisions of another state or jurisdiction, not as a matter of obligation, but***

1 out of deference and mutual respect. *Brown v. Babbitt Ford, Inc.*, 117 Ariz. 192, 571 P.2d. 689, 695. See also  
2 *Full faith and credit clause.*  
3 [*Black's Law Dictionary, Sixth Edition, p. 267*]

4 8. Make the person paying the so-called "gift" into an Indian Giver, a HYPOCRITE, and a THIEF who abuses law to  
5 steal from people.

6 In addition, the whole notion of a "contract" or franchises that are also contracts, is MUTUAL and RECIPROCAL  
7 OBLIGATION.

8 Contract. An agreement between two or more [sovereign] persons which creates an obligation to do or not to  
9 do a particular thing. As defined in Restatement, Second, Contracts §3: "A contract is a promise or a set of  
10 promises for the breach of which the law gives a remedy, or the performance of which the law in some way  
11 recognizes as a duty." A legal relationships consisting of the rights and duties of the contracting parties; a  
12 promise or set of promises constituting an agreement between the parties that gives each a legal duty to the  
13 other and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties,  
14 subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration. *Lamoureux v.*  
15 *Burrillville Racing Ass'n*, 91 R.I. 94, 161 A.2d. 213, 215.

16 Under U.C.C., term refers to total legal obligation which results from parties' agreement as affected by the Code.  
17 Section 1-201(11). As to sales, "contract" and "agreement" are limited to those relating to present or future  
18 sales of goods, and "contract for sale" includes both a present sale of goods and a contract to sell goods at a  
19 future time. U.C.C. §2-106(a).

20 The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof  
21 of the obligation  
22 [*Black's Law Dictionary, Sixth Edition, p. 322*]

23 Contracts are not enforceable unless BOTH parties have some kind of express duty to each other that each regards as valuable  
24 consideration. We, for one, define EVERYTHING the present government does not as a "benefit", but an INJURY, and WE  
25 have to define it as a benefit before it can, in fact, legally constitute "consideration".

26 In fact, the U.S. Supreme Court admits that the national government has NO LEGAL OBLIGATION to pay you anything  
27 under any federal benefit program.

28 "We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to  
29 say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional  
30 restraint."  
31 [*Flemming v. Nestor*, 363 U.S. 603 (1960)]

32 Hence:

- 33 1. To call it a "benefit" at all is deliberately deceptive at best and FRAUD at worst.  
34 2. The government cannot, as a matter of equity, justly acquire ANY reciprocal right to any of your earnings to pay for  
35 the so-called "benefit".

36 If the government is not obligated to ANYTHING by giving you the gift, then you similarly cannot be obligated to PAY  
37 anyone anything for the gift in return and any statute administering such a program can NOT therefore acquire the "force of  
38 law" against you as a matter of equity. This same concept also applies to the federal income tax itself within Internal Revenue  
39 Code, Subtitles A through C. 31 U.S.C. §321(d) identifies ALL income taxes paid to the U.S. government as a "gift".

40 31 U.S.C. §321(d)

41 (1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real  
42 and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and  
43 bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited  
44 in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property  
45 accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with  
46 the terms of the gift or bequest.

47 (2): "For the purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1)  
48 shall be considered as a gift or bequest to or for the use of the United States."

1 Now let's look at the surprising definition of the word "gift" in Black's Law Dictionary, Sixth Edition, p. 688:

2 Gift: A voluntary transfer of property to another made gratuitously and without consideration. *Bradley v.*  
3 *Bradley, Tex.Civ.App., 540 S.W.2d. 504, 511. Essential requisites of "gift" are capacity of donor, intention of*  
4 *donor to make gift, completed delivery to or for donee, and acceptance of gift by donee.*

5 In tax law, a payment is a gift if it is made without conditions, from detached and disinterested generosity, out  
6 of affection, respect, charity or like impulses, and **not from the constraining force of**  
7 any moral or legal duty or from the incentive of anticipated benefits of an economic nature.

8 And finally, let's look up the word "voluntary" from Black's Law Dictionary, Sixth Edition, p. 1575:

9 "Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself. *Coker v.*  
10 *State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. **Proceeding from the free and unrestrained**  
11 will of the person. Produced in or by an act of choice. Resulting from free choice, **without**  
12 compulsion or solicitation. *The word, especially in statutes, often implies knowledge of*  
13 *essential facts. Without valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely*  
14 *nominal consideration; as, a voluntary deed."*  
15 [*Black's Law Dictionary, Sixth Edition, p. 1575*]*

16 You might then ask yourself WHY the government continues to prosecute famous personalities for alleged tax fraud or  
17 misconduct when in fact, they are prosecuting people for refusing to pay "gifts" to the U.S. government. The answer is that  
18 they have NO LEGAL AUTHORITY to do so in the case of Internal Revenue Code, Subtitles A through C. The statutes  
19 invoked to prosecute, in fact, only pertain to OTHER taxes under the I.R.C. They know this, and the unsuspecting sheep who  
20 fall prey to their ruse are gagged by their very own attorneys from raising this issue in court to keep the Ponzi scheme and  
21 "confidence game" going. Some immoral judges even collude with government prosecutors to obstruct justice by making  
22 such cases or the evidence unpublished to cover up their own criminal conspiracy against your rights. Some victims of this  
23 corruption allege that there is more organized crime in the courts daily than all the rest of the country combined. They may  
24 be right. The "organizers" of this secretive criminal cabal and syndicate are the people who, instead of protecting you, only  
25 protect their own "protection racket" under the "color" but without the actual authority of positive law. Secretive in camera  
26 meetings between judges and government prosecutors and "selective enforcement" by the IRS against judges that both  
27 represent a conflict of interest and a criminal conspiracy against your rights, are the method of perpetuating a massive fraud  
28 upon the unsuspecting American public. For details, see:

- 29 1. Federal Jurisdiction, Form #05.018  
30 <http://sedm.org/Forms/FormIndex.htm>  
31 2. Federal Enforcement Authority Within States of the Union, Form #05.032  
32 <http://sedm.org/Forms/FormIndex.htm>  
33 3. Legal Requirement to File Federal Income Tax Returns, Form #05.009  
34 <http://sedm.org/Forms/FormIndex.htm>

35 If you would like to know more about how prosecutors and judges conspire against your rights to convert a "gift" into a quasi-  
36 contractual obligation to pay "protection money" to a "protection racket" and how to respond to it, please read:

The Government "Benefits" Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

## 37 14. Conclusions and Summary

38 We will now succinctly summarize everything that we have learned in this short memorandum of law in order to emphasize  
39 the important points:

- 40 1. The most prevalent source of corruption in the government and legal profession is identity theft.  
41 2. Identity theft is accomplished by:  
42 2.1. The conversion of PRIVATE property to PUBLIC property without the EXPRESS, written consent of the owner.  
43 By "property", we mean anything that can be exclusively owned by a PRIVATE human being.  
44 2.2. Accomplishing the theft or conversion by involuntarily changing the civil status of the party. This is done by:

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### Government Identity Theft

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EXHIBIT: \_\_\_\_\_

2.2.1. Changing the domicile of the party to a foreign jurisdiction OR. .

2.2.2. Adding a franchise status to their identity without their consent.

Civil status includes domicile, franchise statuses such as “citizen”, “resident”, “taxpayer”, “driver”, etc.

3. What people call the “straw man” is real. It is recognized in the legal dictionary, in fact.

4. The “straw man” in fact is a civil status or public right you acquire, usually without your consent.

5. Three requirements must be met in order for a “straw man” to lawfully exist:

5.1. A commercial transaction involving real or personal property.

5.2. Agency of one or more persons on behalf of an artificial entity who accomplish the commercial transaction.

5.3. Property being acquired by a party that otherwise is not allowed or not lawful.

6. The government had to create the straw man because without it, nearly everyone would be entirely beyond their reach as an exclusively private person and a sovereign.

6.1. The ability to regulate private conduct, in fact, is “repugnant to the constitution”, according to the U.S. Supreme Court. [City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 \(1997\)](#).

6.2. The straw man makes it possible for the government to regulate private conduct indirectly, rather than directly, using the office that the government created and which you consented to occupy by applying for government franchises and benefits and thereby exercising your right to contract. The government can only tax that which it created. Since it didn’t create the natural being, then it had to create something else and fool you into believing that you are that person using “words of art”, smoke, and mirrors.

*“The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control.”*  
[Van Brocklin v. State of Tennessee, [117 U.S. 151](#) (1886)]

*“What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle [act of creation] and the death-doing stroke [power to destroy] must proceed from the same hand.”*  
[VanHorne’s Lessee v. Dorrance, [2 U.S. 304](#) (1795)]

*“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy.”*  
[Providence Bank v. Billings, [29 U.S. 514](#) (1830)]

7. The key to understanding the straw man is to understand the law of PROPERTY. The heart of the law of property are the following concepts:

7.1. Ownership of a thing implies the right to exclude ALL OTHERS from either USING or BENEFITTING from the use of a thing.

7.2. Property includes not only PHYSICAL things but rights or privileges to use a thing.

7.3. Physical possession of a material thing does NOT imply OWNERSHIP.

7.4. Rights over the possessor of a physical thing may lawfully be acquired by handing that physical thing to a person and giving them notice of the obligations that attach to TEMPORARY possession or use of that thing. For instance, 20 C.F.R. §422.103(d) says that Social Security Cards and numbers are property of the government EVEN AFTER you receive physical custody of them. The Social Security Card also says this and emphasizes that the card must be returned to the government OWNER upon request.

*“How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by equity alone. But how can one person impose an obligation upon another? By giving property to the latter on the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of the donor could be at all accomplished, consistently with the entire ownership of the property passing to the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the donee to a condition subsequent. The first of these the law does not permit; the second is entirely inadequate. Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or with notice) a personal obligation with respect to the property; and accordingly this is what equity does. It is in this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in which the trustee incurs a legal as well as an equitable obligation. In short, as property is the subject of every equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal”*

1 obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just  
2 explained.”

3 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

- 4 8. In law, all rights are “property”. The purpose of creating the straw man is to allow the government to acquire PUBLIC  
5 rights and CIVIL jurisdiction over OTHERWISE EXCLUSIVELY PRIVATE property WITHOUT compensating the  
6 human beings it acquires them from. Without the straw man, this acquisition of otherwise EXCLUSIVELY PRIVATE  
7 property would be unlawful but with the straw man, it is not unlawful. There are four main “rights” or types of property  
8 that the government acquires by creating the straw man that they cannot otherwise lawfully possess in the context of  
9 EXCLUSIVELY PRIVATE persons:
- 10 8.1. They cannot lawfully impose duties or obligations upon human beings without compensation. This is a violation  
11 of the Thirteenth Amendment prohibition against involuntary servitude. This prohibition, unlike the Bill of Rights,  
12 applies everywhere, including on federal territory.
- 13 8.2. They cannot lawfully abuse their power to tax to pay public monies to private persons.
- 14 8.3. They cannot lawfully maintain records about private persons without their consent.
- 15 8.4. They cannot lawfully use, benefit from, or tax your private property without your consent, whether express or  
16 implied.
- 17 9. The “straw man” in all the contexts we have been able to identify is simply:
- 18 9.1. A “public officer” or agent within the government.
- 19 9.2. An artificial entity that is usually the subject of a trust. That trust is usually an extension of the “public trust”,  
20 meaning the government. The trust document is the Constitution.

21 *“Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government,*  
22 *through the domain of jurisdiction merely Federal, to recognize to be property.*

23 *And this principle follows from the structure of the respective Governments, State and Federal, and their*  
24 *reciprocal relations. **They are different agents and trustees of the people of the several States, appointed with***  
25 ***different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions,***  
26 ***are mutually obligatory.***

27 [Dred Scott v. Sandford, 60 U.S. 393 (1856)]

- 28 10. The straw man is a creation of the government.
- 29 10.1. The straw man is therefore “property” of the government. The essence of ownership over “property” is the protected  
30 right to exclude its use by others and to deprive others of any of the “benefits” arising from its use.
- 31 10.2. Only those expressly authorized by the government can therefore lawfully “benefit” commercially from the  
32 government’s creation and property. That authorization must be found somewhere within the franchise agreement  
33 that created the straw man.
- 34 10.3. You as a private human being cannot therefore lawfully take control of or benefit from the straw man without  
35 IMPLICITLY CONSENTING to become a trustee and public officer of the government operating under the terms  
36 of the franchise agreement that created the straw man and regulates its activities. Within Internal Revenue Code,  
37 Subtitle A, for instance, the “straw man” is a franchisee called a “taxpayer” as defined in 26 U.S.C. §7701(a)(14).
- 38 10.4. If you try to commercially benefit from the straw man WITHOUT accepting the associated liabilities and the public  
39 office that goes with it, then you are stealing property from the government and you will lose in court every time  
40 and deserve to lose. This idea is the reason why so many people lose in court who try to cancel debts, transfer  
41 liabilities of the straw man to others, or file bills of exchange liening the straw man in satisfaction of tax debts. All  
42 such activities amount essentially to stealing property from the government.
- 43 10.5. Income taxes essentially amount to the “rent” you pay for the “privilege” of availing yourself of the “benefits” of  
44 the franchise associated with the straw man such as:
- 45 10.5.1. Unemployment insurance.
- 46 10.5.2. Medicare benefits.
- 47 10.5.3. Social security benefits.
- 48 10.5.4. A fiat currency system that makes it easy to borrow.
- 49 11. If you want to identify who the “straw man” is in the law, start with the definitions for the following terms:
- 50 11.1. “person”. See, for instance, 26 U.S.C. §6671(b) and 26 U.S.C. §7343, all of whom are officers or employees of  
51 federal corporations and not natural beings.
- 52 11.2. “individual”. See 26 C.F.R. §1.1441-1(c)(3), which is defined as an alien or nonresident alien who is then defined  
53 in 26 C.F.R. §1.1-1(a)(2)(ii) as being engaged in the “trade or business” franchise.
- 54 11.3. “taxpayer”. See 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313. This is a “person” engaged in the “trade or business”  
55 franchise and therefore a “public office” within the U.S. government.

- 1 11.4. "citizen". See 26 C.F.R. §1.1-1(c). Defined as an artificial entity with a domicile in the District of Columbia (see  
 2 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 3 11.5. "resident". See 26 U.S.C. §7701(b)(1)(A). Defined as an artificial entity that is an alien with a domicile in the  
 4 District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 5 11.6. "employee". See 5 U.S.C. §2105, 26 U.S.C. §3401(c), and 26 C.F.R. §31.3401(c)-1.
- 6 11.7. "U.S. person" as defined in 26 U.S.C. §7701(a)(30), where the "U.S." they mean is the government and not any  
 7 geographical place.
- 8 11.8. "trade or business". 26 U.S.C. §7701(a)(26) defines this as "the functions of a public office". Only public officers  
 9 can lawfully exercise the functions of a public office. You have to be a public officer for the national government  
 10 in order for them to acquire extraterritorial jurisdiction in a foreign state, which is what the states of the Union are  
 11 in relation to the national government under the Constitution.

12 *"The United States government is a foreign corporation with respect to a state."*  
 13 [19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

- 14 12. The usual method for creating the "straw man" is the exercise of your right to contract by applying for and accepting  
 15 government franchises and other so-called "benefits". In other words, the exercise of your right to contract creates the  
 16 artificial "person" or "public office" or "res" that is the only lawful subject of nearly all government legislation. For  
 17 details on how these franchises operate, see:

18 Government Instituted Slavery Using Franchises, Form #05.030  
 19 <http://sedm.org/Forms/FormIndex.htm>

- 20 13. All government franchises:  
 21 13.1. Are "Property" within the meaning of Article 4, Section 3, Clause 2 of the United States government.  
 22 13.2. Are implemented as contracts and must meet all the same criteria as contracts in order to be enforceable.

23 *As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon  
 24 valuable considerations, for purposes of individual advantage as well as public benefit,<sup>136</sup> and thus a franchise  
 25 partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is  
 26 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be  
 27 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising  
 28 it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted,  
 29 it becomes the property of the grantee, and is a private right, subject only to the governmental control growing  
 out of its other nature as publici juris.<sup>137</sup>  
 [American Jurisprudence 2d, Franchises, §4: Generally (1999)]*

- 30 13.3. Function as "private law" that "acquires the force of law" and "activates" ONLY upon your voluntary consent.  
 31 Without your consent, they are NOT "law" *in your specific case* and may NOT lawfully be enforced against you.
- 32 13.4. May be consented to implicitly (by conduct) or explicitly (in writing).
- 33 13.5. Create a "res" that is the object of all litigation directed at the franchisee.
- 34 13.6. May be enforced without any constitutional constraint by the government. Those who accept the "benefits" of the  
 35 franchise implicitly surrender their right to complain about violations of their constitutional rights resulting from  
 36 enforcement of the franchise agreement:

37 *"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say,  
 38 however, that Congress may exercise its power to modify the statutory scheme free of all constitutional  
 39 restraint."*  
 40 [Flemming v. Nestor, [363 U.S. 603](#) (1960)]

41 \_\_\_\_\_

42 *"The Government urges that the Power Company is estopped to question the validity of the Act creating the  
 43 Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297  
 44 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot  
 45 be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;  
 46 Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260  
 47 U.S. 469."*  
 48 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

136 Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

137 Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

1 “...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity  
2 under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”  
3 [Papasan v. Allain, 478 U.S. 265 (1986)]  
4

5 CALIFORNIA CIVIL CODE  
6 DIVISION 3. OBLIGATIONS  
7 PART 2. CONTRACTS  
8 CHAPTER 3. CONSENT  
9 [Section 1589](#)

10 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations  
11 arising from it, so far as the facts are known, or ought to be known, to the person accepting.  
12

- 13 14. In the courts, the term “franchise” is disguised using the name “benefits”, “public right”, or “publici juris” in order to  
14 avoid all the problems that the truth can create for those intent on plundering your private property in government or  
15 intent on converting that private property to a public use. See:

[The Government “Benefits” Scam, Form #05.040](#)  
<http://sedm.org/Forms/FormIndex.htm>

- 16 15. Social Security Numbers and Taxpayer Identification Numbers function as the de facto license number to act as the  
17 “straw man” and exercise the functions of a public office within the government. The term “trade or business”, in fact,  
18 is synonymous with a “public office” in the government.

19 *Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

20 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 21 • *Any recipient whose income is effectively connected with the **conduct of a trade or business [public***  
22 ***office pursuant to 26 U.S.C. §7701(a)(26)] in the United States.***  
23 *Note. For these recipients, exemption code 01 should be entered in box 6.*

24 [. . .]

25 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include*  
26 *the TIN on Form 1042-S.*  
27 *[IRS Form 1042-S Instructions, Year 2006, p. 14]*

- 28 16. The exercise of the duties of the straw man/public office can only lawfully occur in the District of Columbia and *not*  
29 elsewhere as mandated by statute:

30 [TITLE 4 > CHAPTER 3 > § 72](#)  
31 [§ 72. Public offices; at seat of Government](#)

32 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
33 *except as otherwise expressly provided by law.*

- 34 17. Federal franchises may only lawfully be created or enforced on federal territory and not within any state of the Union.

35 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
36 *with the Indian tribes, may, without doubt, provide for **granting licenses, licenses to pilots, licenses to***  
37 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*  
38 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
39 *granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

40 *But very different considerations apply to the **internal commerce or domestic trade** of the States. **Over this***  
41 ***commerce and trade Congress has no power of regulation nor any direct control. This power belongs***  
42 ***exclusively to the States. No interference by Congress with the business of citizens transacted within a State is***  
43 ***warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to***  
44 ***the legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of*  
45 *the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given*  
46 *in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must*  
47 *impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and*  
48 *thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects.*  
49 ***Congress cannot authorize a trade or business within a State in order to tax it.”***  
50 *[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]*

The reason for the above is because the rights of persons protected by the U.S. Constitution within states of the Union are “unalienable”, according to the Declaration of Independence. “Inalienable” means they cannot be bargained away or sold through any commercial process. Since franchises are a commercial process, they cannot lawfully be offered on land protected by the Constitution and therefore may only be offered to persons domiciled on federal territory.

*“We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
-“  
*[Declaration of Independence]*

*“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”  
[Black’s Law Dictionary, Fourth Edition, p. 1693]*

18. Nearly every type of government franchise we have examined eventually links you back to the following circumstances:
  - 18.1. Holding a “public office” in the District of Columbia corporation/government.
  - 18.2. Domiciled on federal territory and therefore a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or statutory “U.S. resident” (alien) pursuant to 8 U.S.C. §1101(a)(3).
  - 18.3. In possession, receipt, or control of some form of government property, including:
    - 18.3.1. Government numbers.
    - 18.3.2. Government information.
    - 18.3.3. Government contracts.
    - 18.3.4. Government franchises.
    - 18.3.5. Government “benefits” or payments.
    - 18.3.6. Private property associated with government numbers and a “public use” in order to procure the benefits of a government franchise.

*“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property for income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second, that if he devotes it to a public use, he gives to the public a right to control that USE; and third, that whenever the public needs require, the public may take it upon payment of due compensation.***  
*[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

19. All legal actions against the “straw man” are “in rem”. An “in rem” proceeding is one against property:
  - 19.1. The property at issue in the controversy is the “res”. The “res” is the “account” that attaches to the “straw man”.
  - 19.2. The license number or identifying number associated with the “res” is a synonym for the “res” itself. For instance, Taxpayer Identification Numbers are the “res” in tax proceedings in federal court.
  - 19.3. Federal courts that hear matters relating to disputes over franchises and the “straw man” that attaches to the franchise derive all their authority under Article 4, Section 3, Clause 2 of the United States Constitution.
  - 19.4. Judges officiating over franchises are acting in an administrative capacity under Article 4, Section 3, Clause 2 of the Constitution rather than in an Article III constitutional capacity. For instance, the United States Tax Court is a legislative franchise court in the Executive rather than judicial branch of the government. It is established pursuant to Article I of the United States Constitution as described in 26 U.S.C. §7441.
  - 19.5. All federal district and circuit courts are Article 4, Section 3, Clause 2 “property courts”, which are also called “franchise courts”. See:

*What Happened to Justice?*, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>

- 19.6. All rights are property. Anything that conveys rights is property. Contracts convey rights and are therefore “property”. All franchises are contracts and therefore “property” within the meaning of Article 4, Section 3, Clause 2 of the United States Constitution.
20. No one may lawfully compel you to accept the duties of the straw man or to participate in the franchises which create it. Neither Congress nor any judge may lawfully compel you to accept the duties of a franchisee and use a franchise court without your consent. If they do, they are violating the Thirteenth Amendment prohibition against involuntary servitude.
21. There is nothing inherently wrong with the government’s use of franchises, so long as:
  - 21.1. They are required to produce written evidence of EXPRESS consent to participate IN WRITING, not unlike how they require you to prove a waiver of sovereign immunity using a statute if you want to sue them.

- 21.2. They are implemented using voluntary licenses.
- 21.3. They protect your right NOT to volunteer by warning you that they can't force you to participate and prosecuting all those who force you to participate.
- 21.4. They are not enforced outside of federal territory.
- 21.5. They are not used to undermine the constitutional rights of those not domiciled on federal territory and who are therefore protected by the Constitution.
- 21.6. The government enforces your equal right to engage them in franchises of your own creation using the same mechanisms by which they trap you in their franchises. For instance, if third parties are allowed to volunteer you into the "trade or business" franchise simply by filing an unsigned information return, then you have an equal right to obligate the government to become obligated by similar third party reports under the terms of your own franchise. If they won't enforce the same rights on your part that they have in this regard, they are violating the requirement for equal protection that is the foundation of the Constitution. This, in fact, is how the following form works: It implements an anti-franchise franchise:

[Tax Form Attachment, Form #04.201](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 22. If anyone compels you to accept the duties of the franchise or compels you to accept the obligations of the public office or the straw man that attaches to it without compensation that you and not they deem sufficient, then they are:
  - 22.1. Engaging in Involuntary servitude in violation of the Thirteenth Amendment, 18 U.S.C. §1581, and 42 U.S.C. §1994 (peonage).
  - 22.2. If they are compelling you in court to accept the duties of a franchise that they can't prove consent on the record to participate, they are also abusing legal process to enslave you in criminal violation of 18 U.S.C. §1589(3) and owe mandatory restitution pursuant to 18 U.S.C. §1593.
  - 22.3. Exercising eminent domain over your labor and property without compensation.
  - 22.4. Engaging in criminal conversion of your PRIVATE property to a PUBLIC use without your consent pursuant to 18 U.S.C. §654.
  - 22.5. If the franchise being enforced is "domicile", they are engaging in a criminal "protection racket".
 All of the above prohibitions apply not only within states of the Union, but also on federal territory!

*"That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name."*  
 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

*"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the Republic, wherever his residence may be.**"*  
 [Clyatt v. U.S., 197 U.S. 207 (1905)]

- 23. We have found no evidence from any credible source that the use of the all caps name signifies anything.
  - 23.1. Only by associating one's personal property with government property, such as the de facto license number called the Taxpayer Identification Number or Social Security Number, can a person then be required to satisfy the duties of the straw man and the public office that it attaches to.
  - 23.2. If you argue that the ALL CAPS name means anything in front of a judge or a jury, THEY ARE GOING TO HANG YOU! Instead, please focus on more substantive issues contained in this memorandum. If you want to know HOW they will hang you if you use the all caps name argument, see section 7.1 of the following:

[Flawed Tax Arguments to Avoid, Form #08.004](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 24. The usual method of attaching property to the franchise under the I.R.C., for instance, is to avail yourself of any of the following commercial "benefits" found within the I.R.C. in the context of specific property that is in your name:

1 24.1. A reduced, graduated rate of tax under 26 U.S.C. §1. Those who don't take the graduated rate pay the higher flat  
2 30% rate of tax paid by nonresident aliens in 26 U.S.C. §871(a).

3 24.2. Earned income credits under 26 U.S.C. §32.

4 24.3. "Trade or business" deductions under 26 U.S.C. §162.

5 24.4. Accepting tax treaty benefits that reduce your tax liability under [26 U.S.C. §894](#), [26 U.S.C. §6114](#), [26 U.S.C. §6712](#),  
6 [26 U.S.C. §1\(h\)\(11\)\(C\)\(i\)\(II\)](#), and 26 C.F.R. §1.1441-6.

7 All of the above instances of availing oneself of the commercial "benefits" of the franchise agreement are described  
8 within the regulation at 26 C.F.R. §301.6109-1, in which the conditions are prescribed where disclosure of a Taxpayer  
9 Identification Number is required. For further details, see:

*About SSNs and TINs on Government Forms and Correspondence*, Form #04.104  
<http://sedm.org/Forms/FormIndex.htm>

10 25. If you want to avoid participation in a franchise or attack the enforceability of it against you, you must:

11 25.1. Learn EXACTLY how franchise work and all their weak points. You must understand your enemy if you want to  
12 win at war. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

13 25.2. Identify yourself as a "nonresident", "transient foreigner", and "stateless person" in relation to the government  
14 granting the franchise. All franchises are implemented as civil law that attaches to the jurisdiction that you claim  
15 domicile within. If you don't have a domicile within their jurisdiction because you are a "nonresident", then they  
16 can't enforce the franchise against you, including penalties.

17 25.3. Insist under penalty of perjury that you received no "benefits" that are enforceable as "rights" in court by virtue of  
18 participation. Any contract that does not create mutually enforceable rights in a constitutional and not franchise  
19 court is unenforceable. Place the burden of proof on the government to prove that you received a "benefit" and that  
20 you were eligible to receive it.

21 25.4. Insist that the government is not allowed to give you any "benefits" under the franchise agreement and that if they  
22 do, they are "gifts" that create no obligation. This is exactly the same thing the government does with the tax  
23 system: Claim that any contributions voluntarily given are gifts that are non-refundable and create no obligation  
24 on their part. See Treasury Decision 3445 below:

<http://fanguardian.org/TaxFreedom/CitesByTopic/voluntary.htm>

25 25.5. Not use government identifying numbers in connection with your PRIVATE personal property.

26 25.6. Fight their franchise using an anti-franchise. Remember: The foundation of the Constitution is equal protection  
27 and equal rights, which means that you can use the same devious tactics and franchises that they do. For instance,  
28 on the form that regulates the franchise, write "not valid without the attached form." Then attach your own form  
29 that establishes a franchise that invalidates theirs and makes the recipient into surety for any obligations imposed  
30 upon you for your participation. Our Tax Form Attachment, Form #04.201, does that, for instance.

31 25.7. Identify yourself as not being the "person", "individual", "taxpayer", "beneficiary", "employer", etc. named within  
32 the franchise agreement.

33 25.8. In the case of the Internal Revenue Code, attach the following form to all tax forms you fill out to avoid a waiver  
34 of rights or conveying consent to participate in the "trade or business" franchise:

*Tax Form Attachment*, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

35 25.9. Include on all government forms that could link you to a franchise the following language:

36  
37 *"All rights reserved, U.C.C. §1-308 and its predecessor, U.C.C. §1-207."*

38 26. There are no easy ways out of the franchise matrix that created the "straw man" other than to learn the law. The enemy  
39 is ignorance, not the government, the IRS, or the income tax:

40 *"My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces*  
41 *it]."*  
42 *[Hosea 4:6, Bible, NKJV]*

43 26.1. Anyone who promises you a silver bullet ultimately is going to get you in trouble.

44 26.2. UCC redemption is an example of an easy way out that we strongly discourage people from getting involved in  
45 commercially. For the reasons why, see:

*Policy Document: UCC Redemption*, Form #08.002  
<http://sedm.org/Forms/FormIndex.htm>

1 One way or another, whether it is through the false information returns that ignorant third parties including banks file against  
2 you, or whether it is your own ignorance in filling out government forms so as to improperly describe yourself, the message  
3 from the government is loud and clear about their firm desire to exercise eminent domain over everything and everyone and  
4 make them into indentured servants working under a franchise of one kind or another and without compensation or even  
5 respect, and here is the message:

6 **"We are the Matrix. You will be assimilated. Resistance is futile.** *One way or another we will make you into*  
7 *one of our officers and employees without compensation or we will destroy you through selective enforcement if*  
8 *you refuse to cooperate. We don't care that the First Amendment prohibits compelled association or that we*  
9 *can't compel you to contract with us without violating the Constitution. We will just PRESUME that you*  
10 *consented to our franchise agreement, and that agreement places you squarely on federal territory in a place not*  
11 *protected by the Constitution so just kiss your rights goodbye and bend over.*

12 *"Indeed, the practical interpretation put by Congress upon the Constitution has been long*  
13 *continued and uniform to the effect [182 U.S. 244, 279] that **the Constitution is applicable***  
14 ***to territories acquired by purchase or conquest, only when and so far as Congress shall***  
15 ***so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican***  
16 ***form of government' (art. 4, 4), by which we understand, according to the definition of***  
17 ***Webster, 'a government in which the supreme power resides in the whole body of the***  
18 ***people, and is exercised by representatives elected by them,' Congress did not hesitate,***  
19 ***in the original organization of the territories of Louisiana, Florida, the Northwest***  
20 ***Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and***  
21 ***still more recently in the case of Alaska, to establish a form of government bearing a***  
22 ***much greater analogy to a British Crown colony than a republican state of America, and***  
23 *to vest the legislative power either in a governor and council, or a governor and judges, to*  
24 *be appointed by the President. It was not until they had attained a certain population that*  
25 *power was given them to organize a legislature by vote of the people. In all these cases, as*  
26 *well as in territories subsequently organized west of the Mississippi, Congress thought it*  
27 *necessary either to extend to Constitution and laws of the United States over them, or to*  
28 *declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail,*  
29 *and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of*  
30 *rights."*  
31 *[Downes v. Bidwell, [182 U.S. 244](#) (1901)]*

32 *You will BEG us to be part of our system or you will be destroyed by corrupted courts and selective enforcement.*  
33 *See:*

34 *[The Government "Benefits" Scam, Form #05.040](#)*  
35 *<http://sedm.org/Forms/FormIndex.htm>*

36 *If we can't assimilate you directly because you know too much and refuse to consent, then we will lie to others*  
37 *about what the law requires using "words of art" and publications that have disclaimers, be protected in that*  
38 *irresponsible and unlawful effort by corrupted courts full of "taxpayer" judges, and thereby cause others to file*  
39 *false reports signed under penalty of perjury such as information returns and CTRs that will connect you to*  
40 *federal franchises and thereby assimilate you and elect you involuntarily into a "public office" in criminal*  
41 *violation of 18 U.S.C. §912.*

42 *"You shall not circulate a false report [information return]. Do not put your hand with the*  
43 *wicked to be an unrighteous witness."*  
44 *[Exodus 23:1, Bible, NKJV]*

45 ***"You shall not bear false witness** [or file a FALSE REPORT or information return]*  
46 *against your neighbor."*  
47 *[Exodus 10:16, Bible, NKJV]*

48 *"A false witness will not go unpunished, And he who speaks lies shall perish."*  
49 *[Prov. 19:9, Bible, NKJV]*

50 ***"If a false witness rises against any man to testify against him of wrongdoing,** then both*  
51 *men in the controversy shall stand before the LORD, before the priests and the judges who*  
52 *serve in those days. **And the judges shall make careful inquiry, and indeed, if the witness***  
53 ***is a false witness, who has testified falsely against his brother, then you shall do to him***  
54 ***as he thought to have done to his brother;** [enticement into slavery (pursuant to 42 U.S.C.*  
55 *§1994)] to the demands of others without compensation] so you shall put away the evil*  
56 *from among you. And those who remain shall hear and fear, and hereafter they shall not*  
57 *again commit such evil among you. Your eye shall not pity: life shall be for life, eye for*  
58 *eye, tooth for tooth, hand for hand, foot for foot."*  
59 *[Deut. 19:16-21, Bible, NKJV]*

1 This is what it means when we, the Beast of Revelations and Satan's whore, described our communist plan in 50  
2 U.S.C. §841:

3 [TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
4 [Sec. 841. – Findings and declarations of fact](#)

5 The Congress finds and declares that the Communist Party of the United States [**consisting**  
6 **of the IRS, DOJ, and a corrupted federal judiciary**], although purportedly a political  
7 party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government  
8 of the United States [**and replace it with a de facto government ruled by the judiciary**]. It  
9 constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in**  
10 **collusion]** within a [**constitutional republic**, demanding for itself the rights and  
11 [**FRANCHISE privileges**] [including immunity from prosecution for their wrongdoing in  
12 violation of **Article 1, Section 9, Clause 8 of the Constitution**] accorded to political parties,  
13 but **denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form**  
14 **#10.002]**. Unlike political parties, which evolve their policies and programs through  
15 public means, by the reconciliation of a wide variety of individual views, and submit those  
16 policies and programs to the electorate at large for approval or disapproval, the policies  
17 and programs of the Communist Party are secretly [**by corrupt judges and the IRS in**  
18 **complete disregard of, Form #05.014, the tax franchise “codes”, Form #05.001]**  
19 **prescribed for it by the foreign leaders of the world Communist movement [the IRS and**  
20 **Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by**  
21 **the framing of Congressman Traficant]** have no part in determining its goals, and are not  
22 permitted to voice dissent to party objectives. Unlike members of political parties, members  
23 of the Communist Party are recruited for indoctrination [in **the public FOOL system** by  
24 homosexuals, liberals, and socialists] with respect to its objectives and methods, and are  
25 organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into  
26 action slavishly the assignments given them by their hierarchical chieftains. **Unlike**  
27 **political parties, the Communist Party [thanks to a corrupted federal judiciary]**  
28 **acknowledges no constitutional or statutory limitations upon its conduct or upon that of its**  
29 **members [ANARCHISTS!, Form #08.020].** The Communist Party is relatively small  
30 numerically, and gives scant indication of capacity ever to attain its ends by lawful political  
31 means. **The peril inherent in its operation arises not from its numbers, but from its failure**  
32 **to acknowledge any limitation as to the nature of its activities, and its dedication to the**  
33 **proposition that the present constitutional Government of the United States ultimately**  
34 **must be brought to ruin by any available means, including resort to: force and violence**  
35 **[or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign**  
36 **power [the Federal Reserve and the American Bar Association (ABA)] renders its**  
37 **existence a clear present and continuing danger to the security of the United States. It**  
38 **is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!,**  
39 **Form #05.046] into the service of the world Communist movement [using FALSE**  
40 **information returns and other PERJURIOUS government forms, Form #04.001], trained**  
41 **to do its bidding [by FALSE government publications and statements that the government**  
42 **is not accountable for the accuracy of, Form #05.007], and directed and controlled [using**  
43 **FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the**  
44 **conspiratorial performance of their revolutionary services. Therefore, the Communist**  
45 **Party should be outlawed**

46 If you try to correct these false reports, we will ignore your corrections and rebuttals or call them “frivolous” so  
47 we can keep you under our thumb as our indentured servant and slave in violation of the Thirteenth Amendment,  
48 42 U.S.C. §1994, and 18 U.S.C. §1581.

49 “That it does not conflict with the Thirteenth Amendment, which abolished slavery and  
50 involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery  
51 implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel,  
52 or at least the control of the labor and services of one man for the benefit of another  
53 [under the terms of a COMPELLED franchise agreement], and the absence of a legal  
54 right to the disposal of his own person, property, and services [in their entirety]. This  
55 amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended  
56 primarily to abolish slavery, as it had been previously known in this country, and that it  
57 equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to  
58 slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to  
59 prohibit the use of all forms of involuntary slavery, of whatever class or name.”  
60 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

61 The above situation has been prophesied for thousands of years and that prophecy has now come to pass:

62 “And the smoke of their torment ascends forever and ever; and they have no rest day or night, who worship [serve  
63 and subsidize] the beast and his image [the image on the money. Remember what Jesus said about “whose image

1 is this?"]], and whoever receives the mark [Social Security Number or Taxpayer Identification Number] of his  
2 name."  
3 [Rev. 14:11, Bible, NKJV]

4 When you use the number, you are recruited to join the Matrix, because the regulations say it may only be used by those  
5 engaged in a "trade or business" and a "public office" inside the belly of the Beast:

6 *TITLE 26--INTERNAL REVENUE*  
7 *CHAPTER 1--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY*  
8 *PART 301\_PROCEDURE AND ADMINISTRATION--Table of Contents Information and Returns*  
9 *Sec. 301.6109-1 Identifying numbers.*

10 **(b) Requirement to furnish one's own number--**

11 **(1) U.S. [government, not geographical United States] persons [GOVERNMENT officers and agents domiciled**  
12 **on federal territory within the Beast].**

13 *Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer*  
14 *identifying number as required by the forms and the accompanying instructions. A U.S. person whose number*  
15 *must be included on a document filed by another person must give the taxpayer identifying number so required*  
16 *to the other person on request.*

17 *For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions*  
18 *dealing specifically with the duty of employees with respect to their social security numbers, see Sec. 31.6011(b)-*  
19 *2 (a) and (b) of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of*  
20 *employers with respect to employer identification numbers, see Sec. 31.6011(b)-1 of this chapter (Employment*  
21 *Tax Regulations).*

22 **(2) Foreign persons.**

23 *The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to*  
24 *the following foreign persons--*

25 **(i) A foreign person that has income *effectively connected with the conduct of a U.S. trade or business [public***  
26 **office] at any time during the taxable year:**

27 The "U.S. person" described above in 26 C.F.R. §301.6109-1(b)(1) is also presumed to be engaged in a public office within  
28 the government, meaning within the belly of the BEAST, as revealed by the following:

29 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART 1 > § 864](#)  
30 [§ 864. Definitions and special rules](#)

31 **(c) Effectively connected income, etc.**

32 **(3) Other income from sources within United States**

33 **All income, gain, or loss from sources within the United States (other than income, gain, or loss to which**  
34 **paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business [“public**  
35 **office”] within the United States.**

36 The ONLY place where "all income" is connected to a franchise is the government, not the geographical "United States"  
37 mentioned in the Constitution. The Bible confirms that the "Beast" is in fact the government, not a specific person or  
38 geographical region:

39 **“And I saw the beast, the kings of the earth, and their armies, gathered together to make war against Him who**  
40 **sat on the horse and against His army.”**  
41 **[Rev. 19:19, Bible, NKJV]**

42 The "United States" they are referring to above is the government which happens to be in the District of Columbia per 4  
43 U.S.C. §72, not any geographic entity and certainly not anyone in a state of the Union. Mark Twain called the District of  
44 Columbia the "District of Criminals", and now you know why. 26 U.S.C. §7701(a)(9) and (a)(10) describes the geographic  
45 "United States" for the purposes of taxes, but that is not the main sense in which the term is used in the I.R.C., nor is the  
46 sense intended ever specifically identified in nearly all cases:

1 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. \[Internal Revenue Code\]](#)  
2 [Sec. 7701. - Definitions](#)

3 (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent  
4 thereof—

5 (9) *United States*

6 The term "United States" when used in a geographical sense includes only the [States](#) and the **District of Columbia**.

7 [\(10\) State](#)

8 The term "**State**" shall be construed to include the **District of Columbia**, where such construction is necessary  
9 to carry out provisions of this title.

10  
11 [TITLE 4 > CHAPTER 3 > § 72](#)  
12 [§ 72. Public offices; at seat of Government](#)

13 All [public] offices attached [e.g. "effectively connected"] to the seat of government shall be exercised **in the**  
14 **District of Columbia**, and not elsewhere, except as otherwise expressly provided by law.  
15 [SOURCE: <https://www.law.cornell.edu/uscode/text/4/72>]

16  
17 *Uniform Commercial Code (U.C.C.)*  
18 § 9-307. LOCATION OF DEBTOR.

19 (h) [Location of United States.]

20 The United States is located **in the District of Columbia**.  
21 [SOURCE:  
22 <http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm>  
23 [#s9-307](#)]

24 The office you serve in as the "straw man" is domiciled in the District of Columbia pursuant to Federal Rule of Civil Procedure  
25 17(b). Under that rule, it doesn't matter where your domicile is as a human being because the civil law that MUST be  
26 enforced against all public officers of the "United States" federal corporation does not come from your choice of domicile as  
27 a human being, but from the place of incorporation of the corporation that you work for as an officer of that corporation under  
28 the terms of the franchise agreement. Bend over!

## 29 **15. Resources for Further Study and Rebuttal**

30 If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following  
31 authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject  
32 carefully yourself just as we have:

- 33 1. *Property and Privacy Protection, Section 11: Identity Theft*, Family Guardian Fellowship-government authorities and  
34 publications on identity theft.  
35 <http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
- 36 2. *Identity Theft*, U.S. Attorneys Bulletin, Volume 56, No. 2, March 2008-how to prosecute criminal identity theft by public  
37 servants. Written by public servants.  
38 <http://famguardian.org/Publications/USAttyBulletins/usab5602.pdf>
- 39 3. *Proof That There Is a "Straw Man"*, Form #05.042-describes how the straw man is a public office in the government  
40 and every attempt by government to civilly enforce against you is directed at a public office/agent straw man.  
41 <http://sedm.org/Forms/FormIndex.htm>
- 42 4. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
43 <http://sedm.org/Forms/FormIndex.htm>
- 44 5. *Legal Fictions*, Form #09.071-background evidence on juristic "persons"  
45 <http://sedm.org/Forms/FormIndex.htm>

- 1 6. *Officers of the United States Within the Meaning of the Appointments Clause*, U.S. Attorney Memorandum Opinion  
2 <http://famguardian.org/TaxFreedom/CitesByTopic/PublicOffice-appointmentsclausev10.pdf>
- 3 7. *Government Instituted Slavery Using Franchises*, Form #05.030-explains how franchises are used to create public offices  
4 and agency.  
5 <http://sedm.org/Forms/FormIndex.htm>
- 6 8. *Corporatization and Privatization of the Government*, Form #05.024-describes how our de jure government has been  
7 surreptitiously transformed into a private, for profit corporation that concerns itself only with maximizing its revenues,  
8 power, and control. All “citizens” have been transformed into “public officers” within this corporation.  
9 <http://sedm.org/Forms/FormIndex.htm>
- 10 9. *About IRS Form 56*, Form #04.204-how to formally disconnect from the public officer straw man  
11 <http://sedm.org/Forms/FormIndex.htm>
- 12 10. *Why Your Government is Either a Thief or You Are a “Public Officer” for Income Tax Purposes*, Form #05.008-proves  
13 that all “taxpayers” are “public officers” within the government.  
14 <http://sedm.org/Forms/FormIndex.htm>
- 15 11. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037-proves that if the government  
16 is enforcing statutory law against you, it has to presume that you are one of its own officers, employees, or contractors  
17 and NOT a private person. Your job in litigation is to force them to PROVE that you are.  
18 <http://sedm.org/Forms/FormIndex.htm>
- 19 12. *Policy Document: UCC Redemption*, Form #08.002-describes the official policy of this website towards those who  
20 believe in UCC redemption.  
21 <http://sedm.org/Forms/FormIndex.htm>
- 22 13. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012-proves that the government cannot  
23 use a Taxpayer Identification Number unless you are an alien engaged in a public office in the U.S. government. Shows  
24 how to disconnect from using these numbers and thereby disconnect from the straw man public office.  
25 <http://sedm.org/Forms/FormIndex.htm>
- 26 14. *The Wizard of Oz*, Family Guardian Fellowship-true significance of the famous Wizard of Oz story. Allegorically shows  
27 the changes in our government in the 1930’s.  
28 <http://famguardian.org/Subjects/MoneyBanking/UCC/WizardOfOz.pdf>
- 29 15. *State Created Office of “Person”*, Family Guardian Fellowship  
30 <http://famguardian.org/Subjects/Freedom/Sovereignty/OfficeOfPerson.htm>
- 31 16. *Highlights of American Legal and Political History CD, Sovereignty Education and Defense Ministry*. Shows how our  
32 republic was corrupted so that the government could steal your money  
33 <http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>
- 34 17. *U.C.C. Filing*, Family Guardian Fellowship-how to copyright your name so that you aren’t confused with the straw man  
35 public office  
36 <http://famguardian.org/TaxFreedom/Forms/Emancipation/UCCFiling.htm>
- 37 18. *U.C.C. Security Agreement*, Form #14.002-how to copyright your name so that you aren’t confused with the straw man  
38 public office  
39 <http://sedm.org/Forms/FormIndex.htm>
- 40 19. *How the IRS traps into liability by making you a fiduciary for a dead “straw man”*, Family Guardian Fellowship  
41 <http://famguardian.org/TaxFreedom/Instructions/0.6HowIRSTrapsYouStrawman.htm>
- 42 20. *Memorandum of Law on the Name*, Family Guardian Fellowship-detailed research on the use of the upper case name.  
43 <http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm>

## 44 **16. Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government**

45 These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who  
46 would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain  
47 financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the  
48 questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an  
49 admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We  
50 are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

1 Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person  
2 against whom you are attempting to unlawfully enforce federal law.

3 1. Admit that the government can only tax, regulate, and destroy that which it creates.

4 *"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which  
5 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the  
6 permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature,  
7 and can be revoked or altered only by the authority that made it. **The life-giving principle and the death-doing  
8 stroke [power to destroy] must proceed from the same hand.**"*  
9 *[VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795) ]*

10 *"**The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law  
11 [including a tax law] involving the power to destroy.**"*  
12 *[Providence Bank v. Billings, 29 U.S. 514 (1830) ]*

13 *"**The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power  
14 to create; and there is a plain repugnance in conferring on one government [THE FEDERAL  
15 GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other,  
16 with respect to those very measures, is declared to be supreme over that which exerts the control.**"*  
17 *[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886) ]*

18  
19 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

20  
21 CLARIFICATION: \_\_\_\_\_

22 2. Admit that the government did not create human beings, and therefore it cannot tax, regulate or destroy them until they  
23 VOLUNTARILY engage in franchises created by the government.

24 *"Having thus avowed my disapprobation of the purposes, for which the terms, State and sovereign, are frequently  
25 used, and of the object, to which the application of the last of them is almost universally made; it is now proper  
26 that I should disclose the meaning, which I assign to both, and the application, [2 U.S. 419, 455] which I make  
27 of the latter. **In doing this, I shall have occasion incidentally to evince, how true it is, that States and  
28 Governments were made for [and BY] man; and, at the same time, how true it is, that his creatures and servants  
29 have first deceived, next vilified, and, at last, oppressed their master and maker.**"*  
30 *[Justice Wilson, Chisholm v. Georgia, 2 Dall. (2 U.S.) 419, 1 L.Ed. 440, 455 (1793)]*

31  
32 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

33  
34 CLARIFICATION: \_\_\_\_\_

35 3. Admit that the Thirteenth Amendment to the United States Constitution prohibits involuntary servitude and slavery of  
36 human beings both in states of the Union and on federal territory, except as a punishment for a crime:

37 *Thirteenth Amendment*  
38 *Slavery And Involuntary Servitude*

39 *Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall  
40 have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

41 *Section 2. Congress shall have power to enforce this article by appropriate legislation.*

42  
43 *"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the  
44 Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary  
45 servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections  
46 denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This  
47 legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the  
48 states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this  
49 legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether  
50 there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the  
51 Republic, wherever his residence may be.**"*  
52 *[Clyatt v. U.S., 197 U.S. 207 (1905)]*

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*“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter-House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”*  
[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

4. Admit that the only affirmative duty that any just government can impose against a human being without violating the Thirteenth Amendment is the duty to refrain from injuring the equal rights of other fellow human beings:

*“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—**a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.**”*  
[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]

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***Love does no harm to a neighbor; therefore love is the fulfillment of the law.***  
[Romans 13:9-10, Bible, NKJV]

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*“Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**”*  
[Prov. 3:30, Bible, NKJV]

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

5. Admit that the duty to refrain from injuring others is implemented by the criminal or penal law and that everyone has an equal duty to obey the criminal laws but must consent to every other type of civil law in order for it to be enforceable against them:

*“**The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.** The people’s rights are not derived from the government, but the government’s authority comes from the people.\*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy.”*  
[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

6. Admit that the only way you can become subject to any civil law that imposes any kind of duty or obligation is through the exercise of your right to contract.

*CONTRACT. A promissory agreement between two or more persons that creates, modifies, or destroys a legal relation. Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630; Mexican Petroleum Corporation of Louisiana v. North German Lloyd, D.C.La., 17 F.2d. 113,114.*

1 An agreement, **upon sufficient consideration**, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent,  
2 Comm. 449. *Justice v. Lang*, 42 N.Y. 496, 1 Am.Rep. 576; *Rabon v. State Finance Corporation*, 203 S.C. 183, 26  
3 S.E.2d. 501, 502.

4 An agreement between two or more parties, preliminary Step in making of which is **offer by one and acceptance**  
5 **by other**, in which minds of parties meet and concur in understanding of terms. *Lee v. Travelers' Ins. Co. of*  
6 *Hartford, Conn.*, 173 S.C. 185, 175 S.E. 429.

7 **A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or**  
8 **abstain from doing, some act.** Wharton; *Smith v. Thornhill, Tex.Com.App.* 25 S.W.2d. 597, 599. **It is agreement**  
9 **creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality**  
10 **of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are**  
11 **not ascertainable.** *H. Liebes & Co. v. Klengenber, C. C.A.Cal.*. 23 F.2d. 611. 612. **A contract or agreement is**  
12 **either where a promise is made on one side and assented to on the other; or where two or more persons enter**  
13 **into engagement with each other by a promise on either side.** 2 Steph.Comm1. 54. The writing which contains  
14 the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.  
15 [Black's Law Dictionary, Fourth Edition, p. 395]

16 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

17 CLARIFICATION: \_\_\_\_\_

18  
19 7. Admit that the exercise of your right to contract creates the "person" or "persons" who is/are the lawful subject of the  
20 contract.

21  
22 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

23  
24 CLARIFICATION: \_\_\_\_\_

25 8. Admit that in law, rights are property, anything that conveys rights is property, contracts convey rights and are  
26 therefore property, and that all franchises are contracts between the grantor and the grantee.

27 **It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and**  
28 **that it does in fact constitute a contract when the requisite element of a consideration is present.**<sup>138</sup> Conversely,  
29 a franchise granted without consideration is not a contract binding upon the state.<sup>139</sup> It is generally considered  
30 that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a  
31 sufficient consideration.<sup>140</sup> As expressed by some authorities, the benefit to the community may constitute the  
32 sole consideration for the grant of a franchise by a state.<sup>141</sup>

33 **A contract thus created has the same status as any other contract recognized by the law;**<sup>142</sup> it is binding  
34 mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>143</sup> and is entitled  
35 to be protected from impairment by legislative action under the provision of the state and federal constitutions

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<sup>138</sup> *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.* 99 Mont. 465, 44P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.*, 141 Va. 69, 126 S.E. 353.

<sup>139</sup> *Pennsylvania R. Co. v. Bowers*, 124 Pa. 183, 16 A. 836.

<sup>140</sup> *Central Transp. Co. v. Pullman's Palace Car Co.* 139 U.S. 24, 35 L.Ed. 55, 11 S.Ct. 478; *Summerville v. Georgia Power Co.*, 205 Ga. 843, 55 S.E.2d. 540; *Dufour v. Stacey*, 90 Ky. 288, 14 S.W. 48; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Victory Cab Co. v. Charlotte*, 234 N.C. 572, 68 S.E.2d. 433.

<sup>141</sup> *Dartmouth College v. Woodward*, supra; *Victory Cab Co. v. Charlotte*, 234 N.C. 572, 68 S.E.2d. 433.

<sup>142</sup> *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13.

<sup>143</sup> *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Louisville v. Cumberland Tel. & Tel. Co.*, 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; *Summerville v. Georgia Power Co.*, 205 Ga. 843, 55 S.E.2d. 540; *Victory Cab Co. v. Charlotte*, 234 N.C. 572, 68 S.E.2d. 433; *East Ohio Gas Co. v. Akron*, 81 Ohio.St. 33, 90 N.E. 40.

1 prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened.<sup>144</sup>  
2 The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts  
3 an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance  
4 and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which,  
5 in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent  
6 municipal enactment.<sup>145</sup> Certain limitations upon this general rule, and particular applications thereof, are  
7 discussed in the following section.

8 The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state  
9 statute<sup>146</sup> or in the constitution of the state.<sup>147</sup>  
10 [American Jurisprudence 2d, Franchises, §2: As a Contract (1999)]

11 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

12 CLARIFICATION: \_\_\_\_\_

- 13  
14  
15 9. Admit that the “person” defined below at some point exercised his right to contract and consented to the duties  
16 described.

17 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
18 [§6671. Rules for application of assessable penalties](#)

19 (b) Person defined

20 The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member or  
21 employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
22 **respect of which the violation occurs.**  
23

24 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
25 [§7343. Definition of term “person”](#)

26 The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or  
27 employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
28 **respect of which the violation occurs.**  
29

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<sup>144</sup> Ohio Pub. Serv. Co. v. Ohio, 274 U.S. 12, 71 L.Ed. 898, 47 S.Ct. 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10), 79 F.2d. 32, 638, 100 A.L.R. 1479; State ex rel. Weatherly v. Birmingham Waterworks Co., 185 Ala. 388, 64 So. 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Summerville v. Georgia Power Co., 205 Ga. 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; State ex rel. Shaver v. Iowa Tel. Co., 175 Iowa 607, 154 N.W. 678; Dayton v. South Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670; Shreveport Traction Co. v. Shreveport, 122 La. 1, 47 So 40; Benton Harbor v. Michigan Fuel & Light Co., 250 Mich. 614, 231 N.W. 52, 71 A.L.R. 114; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn. 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo. 86, 60 S.W. 77; Quinby v. Public Serv. Com. 223 N.Y. 244, 119 N.E. 433, 3 A.L.R. 685; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Interurban R. & Terminal Co. v. Public Utilities Com., 98 Ohio.St. 287, 120 N.E. 831, 3 A.L.R. 696; Providence Gas Co. v. Thurber, 2 R.I. 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 S.W. 104; Salt Lake City v. Utah Light & Traction Co., 52 Utah. 210, 173 P. 556, 3 A.L.R. 715; State v. Gibbs, 82 Vt. 526, 74 A. 229; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co., 141 Va. 69, 126 S.E. 353; Allen v. Forrest, 8 Wash. 700, 36 P. 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994, error dismd (US) 46 L.Ed. 1267, 22 S.Ct. 942; Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.

<sup>145</sup> New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct. 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 U.S. 58, 57 L.Ed. 1389, 33 S.Ct. 988; Omaha Water Co. v. Omaha (CA8), 147 F. 1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Washington v. Atlantic Coast Line R. Co., 136 Ga. 638, 71 S.E. 1066; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; Michigan Tel. Co. v. St. Joseph, 121 Mich. 502, 80 N.W. 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn. 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo. 86, 60 S.W. 77; Backus v. Lebanon, 11 N.H. 19; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Elliott v. Eugene, 135 Or. 108, 294 P. 358; Milwaukee Electric R. & Light Co. v. Railroad Com., 153 Wis. 592, 142 N.W. 491, affd 238 U.S. 174, 59 L.Ed. 1254, 35 S.Ct. 820.

<sup>146</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 U.S. 195, 58 L.Ed. 912, 34 S.Ct. 517.

<sup>147</sup> Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct. 571.

1 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

2  
3 CLARIFICATION:\_\_\_\_\_

- 4 10. Admit that the “person” described in the previous question, by virtue of being the subject of the civil provisions  
5 indicated, is an officer, agent, or employee of the United States government under contract or agreement with the U.S.  
6 government.

7  
8 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

9  
10 CLARIFICATION:\_\_\_\_\_

- 11 11. Admit that the “person” indicated in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 is consensually engaged in franchises  
12 with the United States government.

13  
14 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

15  
16 CLARIFICATION:\_\_\_\_\_

- 17 12. Admit that the issuance of a license or some form of consent is required in order to become subject to a government  
18 franchise agreement.

19  
20 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

21  
22 CLARIFICATION:\_\_\_\_\_

- 23 13. Admit that the U.S. Supreme Court has held that Congress may not authorize, meaning “license” any activity within a  
24 state in order to tax it.

25 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
26 *with the Indian tribes, may, without doubt, provide for **granting** coasting licenses, licenses to pilots, licenses to*  
27 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*  
28 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
29 *granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

30 *But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this*  
31 *commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively***  
32 *to the States. **No interference by Congress with the business of citizens transacted within a State is warranted***  
33 *by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the*  
34 *legislature. The power to authorize [e.g. “license ”] a business within a State is plainly repugnant to the exclusive*  
35 *power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It*  
36 *is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports,*  
37 *and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus*  
38 *limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing*  
39 *subjects. **Congress cannot authorize a trade or business within a State in***  
40 ***order to tax it.**”*

41 *[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

42  
43 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

44  
45 CLARIFICATION:\_\_\_\_\_

- 46 14. Admit that because of the U.S. Supreme Court holding in the License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall.  
47 462, 2 A.F.T.R. 2224 (1866), the only place the U.S. government can lawfully license anything is on its own territory  
48 and not within any state of the Union.

49  
50 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

51  
52 CLARIFICATION:\_\_\_\_\_

1 15. Admit that Social Security Numbers and Taxpayer Identification Numbers function as de facto “licenses” to act as a  
2 “public officer” within states of the Union and to participate in government franchises.

3 *Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

4 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 5 • Any recipient whose income is effectively connected with the conduct of a trade or business in the United  
6 States.  
7 *Note. For these recipients, exemption code 01 should be entered in box 6.*
- 8 • Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign  
9 country and the United States, unless the income is an unexpected payment (as described in Regulations  
10 section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively  
11 traded; dividends from any redeemable security issued by an investment company registered under the  
12 Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial  
13 interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with  
14 the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect  
15 to loans of any of the above securities.
- 16 • Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities  
17 received under qualified plans.
- 18 • A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt  
19 organization under section 501(c ) or as a private foundation.
- 20 • Any *QI*.
- 21 • Any *WP* or *WT*.
- 22 • Any nonresident alien individual claiming exemption from withholding on compensation for independent  
23 personal services [services connected with a “trade or business”].
- 24 • Any foreign grantor trust with five or fewer grantors.
- 25 • Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

26 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include*  
27 *the TIN on Form 1042-S.*  
28 *[IRS Form 1042-S Instructions, Year 2006, p. 14]*

29  
30 YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

31  
32 CLARIFICATION: \_\_\_\_\_

33 16. Admit that a “trade or business” is defined as “the functions of a public office”.

34 [26 U.S.C. § 7701\(a\)\(26\)](#)

35 *“The term ‘trade or business’ [includes](#) [is limited to] the performance of the functions of a [public office](#).”*

36  
37 *Public Office, pursuant to Black’s Law Dictionary, Abridged Sixth Edition, means:*  
38 *“Essential characteristics of a ‘public office’ are:*

- 39 (1) Authority conferred by law,
- 40 (2) Fixed tenure of office, and
- 41 (3) Power to exercise some of the sovereign functions of government.
- 42 (4) Key element of such test is that “officer is carrying out a sovereign function’.
- 43 (5) Essential elements to establish public position as ‘public office’ are:
  - 44 (a) Position must be created by Constitution, legislature, or through authority conferred by legislature.
  - 45 (b) Portion of sovereign power of government must be delegated to position,
  - 46 (c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.
  - 47 (d) Duties must be performed independently without control of superior power other than law, and
  - 48 (e) Position must have some permanency.”

49  
50 YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

51  
52 CLARIFICATION: \_\_\_\_\_

53 17. Admit that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as  
54 expressly and statutorily authorized by Congress.

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

18. Admit that Congress has never expressly authorized the “public offices” that are the subject of the tax upon a “trade or business” within any state of the Union.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

19. Admit that all “taxpayers” under Internal Revenue Code Subtitle A are aliens engaged in a “trade or business”.

NORMAL TAXES AND SURTAXES  
DETERMINATION OF TAX LIABILITY  
Tax on Individuals  
Sec. 1.1-1 Income tax on individuals.

(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a ***trade or business in the United States*** by a ***married alien individual who is a nonresident of the United States for all or part of the taxable year or by a foreign estate or trust***. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United States by an ***unmarried alien individual (other than a surviving spouse) who is a nonresident of the United States for all or part of the taxable year***. See paragraph (b)(2) of section 1.871-8.” [26 C.F.R. §1.1-1(a)(2)(ii)]

[26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c ) Definitions**

**(3) Individual.**

(i) Alien individual.

*The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(e).*

[26 C.F.R. §1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c ) Definitions**

**(3) Individual.**

(ii) Nonresident alien individual.

*The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S. [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under chapter 3 of the Code and the regulations thereunder.*

1  
2 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

3  
4 CLARIFICATION: \_\_\_\_\_

5 20. Admit that it is unlawful for aliens to occupy a “public office” and that only “citizens” may lawfully do so..

6 4. Lack of Citizenship  
7 §74. Aliens can not hold Office. - -

8 **It is a general principle that an alien can not hold a public office.** *In all independent popular governments, as*  
9 *is said by Chief Justice Dixon of Wisconsin, “it is an acknowledged principle, which lies at the very foundation,*  
10 *and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that*  
11 *the government is instituted by the citizens for their liberty and protection, and that it is to be administered, and*  
12 *its powers and functions exercised only by them and through their agency.”*

13 *In accordance with this principle it is held that an alien can not hold the office of sheriff.<sup>148</sup>*  
14 *[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74;*  
15 *SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]*

16  
17 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

18  
19 CLARIFICATION: \_\_\_\_\_

20 21. Admit that a subset of those holding “public office” are described as “employees” within 26 U.S.C. §3401(c) and [26](#)  
21 [C.F.R. §31.3401\(c\)-1.](#)

22 [26 U.S.C. §3401\(c\) Employee](#)

23 *For purposes of this chapter, the term "employee" includes [is limited to] an officer, employee, or elected official*  
24 *of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or*  
25 *instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a*  
26 *corporation.*

27  
28 [26 C.F.R. §31.3401\(c\)-1 Employee:](#)

29 *"...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a*  
30 *[federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any*  
31 *agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a*  
32 *corporation."*

33  
34 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

35  
36 CLARIFICATION: \_\_\_\_\_

37 22. Admit that the “employee” defined above is the SAME “employee” described in IRS Form W-4.

38  
39 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

40  
41 CLARIFICATION: \_\_\_\_\_

42 23. Admit that the use or abuse of IRS Form W-4 to CREATE public offices in the U.S. government would constitute a  
43 criminal violation of 18 U.S.C. §912 and a civil violation of 4 U.S.C. §72.

44 [TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)  
45 [§ 912. Officer or employee of the United States](#)

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<sup>148</sup> State v. Smith, 14 Siw. 497; State v. Murray, 28 Wis. 96, 9 Am.Rep. 489.

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

TITLE 4 > CHAPTER 3 > § 72  
§ 72. Public offices; at seat of Government

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

24. Admit that IRS Forms W-2, 1042-S, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States Constitution.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

25. Admit that if IRS Forms W-2, 1042-S, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into public office that he or she does not consent to occupy, the filer of the information return is criminally liable for:
- 25.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.
  - 25.2. Impersonating a public officer pursuant to 18 U.S.C. §912.
  - 25.3. Involuntary servitude in violation of 18 U.S.C. §§1581, 1593 and the Thirteenth Amendment.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

26. Admit that one cannot be an “employee” as defined above or within the meaning of 5 U.S.C. §2105 without also being engaged in a “trade or business” activity.

TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105  
§ 2105. Employee

(a) For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—

(1) appointed in the civil service by one of the following acting in an official capacity—

- (A) the President;
- (B) a Member or Members of Congress, or the Congress;
- (C) a member of a uniformed service;
- (D) an individual who is an employee under this section;
- (E) the head of a Government controlled corporation; or
- (F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

1 27. Admit that there is no definition of "employee" within Subtitle C of the Internal Revenue Code or the Treasury  
2 Regulations which would expand upon the meaning of "employee" in 26 U.S.C. §3401(c) to include private workers or  
3 those who work for "private employers".

4 *Internal Revenue Manual 5.14.10.2 (09-30-2004)*  
5 *Payroll Deduction Agreements*

6 2. **Private employers, states, and political subdivisions are not required to enter into payroll deduction**  
7 **[withholding] agreements.** Taxpayers should determine whether their employers will accept and process  
8 executed agreements before agreements are submitted for approval or finalized.  
9 [<http://www.irs.gov/irm/part5/ch13s10.html>]

10  
11 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

12  
13 CLARIFICATION: \_\_\_\_\_

14 28. Admit that the rules of statutory construction prohibit expanding definitions or "terms" used within the I.R.C. to include  
15 anything or class of things not specifically spelled out and that doing so constitutes a prejudicial presumption that is a  
16 violation of due process of law.

17 **"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.** *Colautti v.*  
18 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed  
19 in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation**  
20 **as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even**  
21 **read it.**  
22 [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

23 **"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's**  
24 **ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
25 of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a  
26 rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); *Western*  
27 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
28 (1935) (*Cardozo, J.*); see also 2A *N. Singer, Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
29 and n. 10 (5th ed. 1992) (collecting cases). **That is to say, the statute, read "as a whole," post at 998 [530 U.S.**  
30 **943] (THOMAS, J., dissenting), leads the reader to a definition.** That definition does not include the Attorney  
31 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
32 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

33 **"Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one**  
34 **thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
35 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or**  
36 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
37 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
38 of a certain provision, other exceptions or effects are excluded."  
39 [*Black's Law Dictionary*, Sixth Edition, p. 581]

40 "As a rule, **a definition which declares what a term "means" . . . excludes any meaning that is not stated"**  
41 [*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

42  
43 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

44  
45 CLARIFICATION: \_\_\_\_\_

46 29. Admit that the decision to either hold public office or sign a W-4 agreement is a voluntary personal decision that cannot  
47 be coerced, and if it is, it becomes invalid and unenforceable at the option of the person so coerced.

48 "An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not  
49 exercising his free will, and the test is not so much the means by which the party is compelled to execute the  
50 agreement as the state of mind induced.<sup>149</sup> Duress, like fraud, rarely becomes material, except where a contract  
or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract

<sup>149</sup> *Brown v. Pierce*, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

1 or conveyance voidable, not void, at the option of the person coerced,<sup>150</sup> and it is susceptible of ratification. Like  
2 other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>151</sup> However, duress in  
3 the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing  
4 so, is generally deemed to render the resulting purported contract void.<sup>152</sup>  
5 [American Jurisprudence 2d, Duress, §21 (1999)]

6 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

7  
8 CLARIFICATION:\_\_\_\_\_

9 30. Admit that a legal proceeding against a “taxpayer” is a proceeding “in rem” against the public office occupied by the  
10 “taxpayer”.

11 *In rem.* A technical term used to designate proceedings or actions instituted against the thing, in contradistinction  
12 to personal actions, which are said to be in personam.

13 *“In rem” proceedings encompass any action brought against person in which essential purpose of suit is to*  
14 *determine title to or to affect interest in specific property located within territory over which court has*  
15 *jurisdiction. ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382.*  
16 *It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object*  
17 *the disposition of property, without reference to title of individual claimants; but, in a larger and more general*  
18 *sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property*  
19 *owned by them, or of some interest therein. Such are cases commenced by attachment against the property of*  
20 *debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. Penmoyer v. Neff, 95 U.S.*  
21 *714, 24 L.Ed. 565. In the strict sense of the term, a proceeding “in rem” is one which is taken directly against*  
22 *property or one which is brought to enforce a right in the thing itself.*

23 *Actions in which the court is required to have control of the thing or object and which an adjudication is made*  
24 *as to the object which binds the whole world and not simply the interests of the parties to the proceeding. Flesch*  
25 *v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d. 865.*

26 *See also in personam; In rem jurisdiction; Quasi in rem jurisdiction.*  
27 *[Black’s Law Dictionary, Sixth Edition, p. 793]*

28  
29 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

30  
31 CLARIFICATION:\_\_\_\_\_

32 31. Admit that completing a government license application or an application for “benefits” creates a “res” that is the subject  
33 of the laws that regulate the benefit.

34 *Res.* Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this  
35 word has a very wide and extensive signification, including not only things which are objects of property, but also  
36 such as are not capable of individual ownership. And in old English law it is said to have a general import,  
37 comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according  
38 to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which  
39 is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while  
40 in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental  
41 division of the Institutes that all law relates either to persons, to things, or to actions.

42 *Res is everything that may form an object of rights and includes an object, subject-matter or status. In re*  
43 *Riggle’s Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-*  
44 *matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings*  
45 *are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to*

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<sup>150</sup> Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>151</sup> Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)), 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>152</sup> Restatement, Second, Contracts §174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

1 be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which  
2 is not between adversary parties, is entitled "In re \_\_\_\_\_".  
3 [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

4 \_\_\_\_\_  
5 **"It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action**  
6 **in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the 'marriage**  
7 **status' is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has**  
8 **an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that**  
9 **court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such**  
10 **jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. [Ditson v. Ditson,](#)**  
11 **4 R.I. 87, is the leading case so holding; see, also, [Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366.](#)**  
12 **Until 1905 the overwhelming weight of authority was to the effect that, if the petitioning party was domiciled in**  
13 **good faith in any state, that state could render a divorce decree on constructive service valid not only in the state**  
14 **of its rendition, but which would be recognized everywhere. In [Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544,](#)**  
15 **45 L.Ed. 794, the United States Supreme Court apparently recognized that doctrine. In that case the parties were**  
16 **living together and domiciled in Kentucky. That state was the last state where the parties lived together as**  
17 **husband and wife."**  
18 [Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

19 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

20 CLARIFICATION: \_\_\_\_\_

21 **Affirmation:**

22 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
23 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
24 answers are completely consistent with each other and with my understanding of the Constitution of the United States, Internal  
25 Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not necessarily  
26 lower federal courts.

27 Name (print): \_\_\_\_\_

28 Signature: \_\_\_\_\_

29 Date: \_\_\_\_\_

30 Witness name (print): \_\_\_\_\_

31 Witness Signature: \_\_\_\_\_

32 Witness Date: \_\_\_\_\_