

INFORMATION RETURN FREEDOM OF INFORMATION ACT REQUEST FORM INSTRUCTIONS

Last revised: 10/22/08

1. PURPOSE:

This form is intended to be sent to disclosure offices at the Social Security Administration and the Internal Revenue Service in order to obtain information about false information returns filed against you by ignorant third parties who are violating the law because you are not engaged in the excise taxable franchise called a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office” in the U.S. government. It is helpful:

- 1.1. To find out who filed the false reports against you so they can individually be prosecuted.
- 1.2. In developing a reliance defense against criminal prosecution or unlawful civil enforcement. The nature of the “trade or business” franchise is described in:

<p><i>The “Trade or Business” Scam</i>, Form #05.001 http://sedm.org/Forms/FormIndex.htm</p>
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2. PROCEDURE FOR USE:

- 2.1. Fill in the return address and date at the beginning of the FOIA letter with yours.
- 2.2. Fill in the IRS disclosure office address in the second address provided on the opening page of the letter. You can locate the appropriate disclosure office address covering your area in section 7 at the web address below:
<http://famguardian.org/Subjects/Taxes/Contacts/Contacts.htm>
- 2.3. Fill in the name at the end of the FOIA letter.
- 2.4. Fill in the account number (SSN or TIN) and the period covered (year or year(s)) in Section 2
- 2.5. Print out the document on double-sided paper to keep the size down.
- 2.6. Sign the end of the document
- 2.7. Make one copy to mail off and keep the original.
- 2.8. Send the request by one of the following or more methods:
 - 2.8.1. Using our *Certificate/Proof/Affidavit of Service*, Form #01.002
<http://sedm.org/Forms/FormIndex.htm>
 - 2.8.2. Certified mail at your local post office with return receipt requested.

3. PROTECT YOUR LEGAL EVIDENCE.

Keep the original in a safe place locked up, preferably away from your house so that it may not be seized. Also, scan it in as a full color PDF and make backups you keep in several locations. One of the first things a judge will do if you want the document admitted as evidence in a legal trial is ask about the chain of custody of the document and whether it has remained under your own control at all times so that there is an assurance that it was not tampered with. See the free article *Techniques for Building a Good Administrative Record* available below for further details:

<http://sedm.org/ProductInfo/RespLtrs/AdminRecord/AdminRecord.htm>

4. FURTHER READING AND RESEARCH:

- 4.1. The “Trade or Business” Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>
- 4.2. Privacy Act, 5 U.S.C. §552a
http://www.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00000552---a000-.html
- 4.3. Freedom of Information Act, 5 U.S.C. §552
http://www.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00000552---000-.html
- 4.4. *A Citizen's Guide to Using the Freedom of Information Act and the Privacy Act of 1974 to Request Records*, Form #03.001
<http://sedm.org/Forms/FormIndex.htm>
- 4.5. *Important Government Contacts*-Family Guardian. Section 7 contains a list of all the IRS Disclosure Offices that you can send your FOIA to.
<http://famguardian.org/Subjects/Taxes/Contacts/Contacts.htm>
- 4.6. *Dept. of Justice FOIA Guide*
<http://www.usdoj.gov/oip/foi-act.htm>
- 4.7. *Dept of Justice Basic FOIA Training Manual*
<http://www.usdoj.gov/oip/trainingmaterials.htm>
- 4.8. *IRS Freedom of Information*

- <http://www.irs.gov/foia/index.html>
- 4.9. *Government Information Locator Service (GILS)*
<http://www.gpoaccess.gov/gils/browse.html>
- 4.10. SEDM Forms Page, Section 1.3: Discovery
<http://sedm.org/Forms/FormIndex.htm>
- 4.11. SEDM Litigation Tools Page, Section 1.3: "Discovery"
<http://sedm.org/Litigation/LitIndex.htm>
- 4.12. *The Political Graveyard*-Most Comprehensive source of U.S. political biography
- 4.13. National Political Index
<http://www.politicalindex.com/index.htm>
- 4.14. Congressional Quarterly: Publishes contact information for politicians in Washington, D.C. within all departments
<http://public.cq.com/>

Email: _____

Social Security Administration
Office of Public Disclosure
3-A-6 Operations Building
6401 Security Boulevard
Baltimore, Maryland 21235

Cert. Mail #

Cert. Mail #

Subject: FOIA and/or Privacy Act Request for Information

Dear Disclosure Officer:

This request is to obtain a **clean, readable, hardcopy** of the document(s) in question listed on the following pages pursuant to:

1. 5 U.S.C. §552: Freedom of Information Act.
2. 5 U.S.C. §552a: Privacy Act.

I understand the penalties provided in 5 U.S.C. §552a(i)(3) for requesting access to records under false pretenses, and the statement is subscribed is true and correct.

I am inquiring for legal purpose. I am not looking for legal speculation or conclusions. This discovery request is about existing records containing verifiable facts and substantive evidence.

1. CONSTRAINTS

1. **COPY REQUESTED and COST AGREEMENT:** This is my firm promise to pay fees and costs for locating and duplicating the records below. If costs are expected to exceed \$0.00, please send estimate of costs. For fee purposes, this request is not for commercial purposes; it's purpose is supportive of rights/duties expressed in the Declaration of Independence, educational and/or personal usage for misc. action and correspondence.
2. **IF EXEMPT:** If portions of this request are exempt from release, please furnish me with those portions reasonably segregated.
3. **IF DIRECTED TO WRONG PARTY:** If this request is directed to the wrong party, please either re-direct or disclose the correct bureau, agency, department or person.
4. **CITIZENSHIP DISCLOSURE STATEMENT:** The requesting party has in his possession a birth certificate indicating he was born in within the exclusive jurisdiction of a state of the Union on other than federal territory.

2. BACKGROUND

1. IRS Forms W-2, 1042-s, 1098, 1099, 8300 are called “information returns”. 26 U.S.C. §6041(a) requires “withholding agents” to file information returns against all parties receiving payments in excess of \$600 connected to a “trade or business”.
2. A “trade or business” is defined as follows:

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

"The term 'trade or business' includes [means] the performance of the functions of a [public office](#)." [bracketed word was added to clarify]

"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]

***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning.** [Meese v. Keene](#), 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); [Colautti v. Franklin](#), 439 U.S. at 392-393, n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); [Western 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 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."
[\[Stenberg v. Carhart, 530 U.S. 914 \(2000\)\]](#)*

3. Based on the above one cannot lawfully engage in a “trade or business” without serving in a “public office” within the U.S. government.
4. No statute within the I.R.C. or tax form CREATES any new public offices within the U.S. government, but simply taxes EXISTING public offices. 4 U.S.C. §72 requires that ALL public offices must be exercised in the District of Columbia and not elsewhere except as expressly enacted into law by Congress.
5. An information return filed against a party who is not lawfully engaged in a public office within the U.S. government is false and fraudulent and a criminal violation of 26 U.S.C. §§7206 and 7207, 18 U.S.C. §912, and 18 U.S.C. §654.
6. Form W-2 is forwarded to the SSA by a filing party. For each set of Form W-2's one Form W-3 is filed that contains the jurat and name of the filing party signing under penalty of perjury. So every Form W-2 has at least one form W-3 associated to it. Because one is signed under penalty of perjury and linked to the other these documents are essentially accusatory in nature and my right to (peacefully) witness both accusatory instruments (including the name and signature of the “under penalty of perjury” signing party) should exist in a free society; otherwise the accusation must not exist of validity.
7. All law is territorial in nature and is confined to the territory over which the sovereign has lawmaking power.

***"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. 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."**
[\[American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358\]](#)*

States of the Union are not “territory” of the United States federal government and are sovereign and foreign for the purposes of legislative jurisdiction:

"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' [United States](#) may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a [foreign state](#) [86 C.J.S. [Corpus, Juris, Secundum, Legal Encyclopedia], Territories, §1]

"The United States Government is a foreign corporation with respect to a state." [N.Y. v. re Merriam 36 N.E. 505; 141 N.Y. 479; affirmed 16 S.Ct. 1073; 41 L. Ed. 287] [underlines added] [19 Corpus Juris Secundum (C.J.S.) legal encyclopedia, United States, §884]

8. Federal criminal and civil law is confined to federal territory with the exception of the following subject matters:
 - 8.1. Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.
 - 8.2. Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..
 - 8.3. Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.
 - 8.4. Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.
 - 8.5. Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and 18 U.S.C. §1589(3).

"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)]

3. INFORMATION REQUESTED

From the period _____ forward:

1. Copies of Form W-2 that bear my name (if destroyed or non-existent, please state so).
2. Copies of Form W-3 associated to the Form W-2 above showing the name and signature of the filing party. (if destroyed or non-existent, please state so).
3. In the absence or in case either records no longer exist there must exist some ledger or computer information showing such matters as to the EIN number, address, amount and filing party name. Perhaps a scan of the signature?
4. Any documents or evidence KNOWN to connect the filing parties of Form W-2 or Form W-3 to a Title 26 "trade or business". If none exist, please state so.
5. Any documents or evidence KNOWN to place the address of the filing party of Form W-2 or Form W-3 on any federal territory. If none exists, please state so.
6. Any documents or evidence in association with Form W-2 or W-3 KNOWN to place myself on federal territory or identify my domicile or residence as being with the "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) to expressly include only the District of Columbia no part of any state of the Union. See also 26 U.S.C. §§7701(a)(39) and 7408(d). If none exists, please state so.
7. Any documents or evidence KNOWN to connect any amount shown on Form W-2 or W-3 to a Title 26 "trade or business." If none exists, please state so.

I do not claim this number for it is the property of the SSA pursuant to 20 CFR §422.103(d), but to ease your searching you might find these records under _____ (account number).

4. CONCLUSION

Pursuant to [5 U.S.C. §552\(a\)\(6\)\(A\)\(i\)](#), you have no more than 20 days to respond to this request. If you do not timely respond, the following facts shall conclusively be established by your willful omission in responding. Pursuant to Fed.Rul.Civil.Proc. 8(b)(6), failure to deny constitutes an admission:

1. You have no information responsive to my request.
2. You are attempting fraud through your silence in dealing with the issues raised herein:

"Silence can be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior by the IRS. Our revenue system is based on the good faith of the taxpayer and the taxpayers should be able to expect the same from the government in its enforcement and collection activities."
[U.S. v. Tweel, 550 F.2d 297, 299 (5th Cir. 1977)]

"Lata culpa dolo aequiparatur.
Gross negligence is equal to fraud."
[Bouvier's Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

3. You have now received reasonable constructive notice that your omission in remedying the fraud documented herein is unlawful. Beyond this point, your continued omission is willful and actionable and you may become an accessory after the fact and accomplice to the crimes documented herein.
4. I am not lawfully engaged in a "trade or business" or a public office franchise within any government.
5. I have no domicile or residence within the "United States" as legally defined in 26 U.S.C. §7701(a)(9) and (a)(10) and as required by 26 U.S.C. §911(d)(3).
6. All information returns filed against me are false and fraudulent, in criminal violation of 26 U.S.C. §§7206 and 7207, 18 U.S.C. §912, and 18 U.S.C. §654. You have a duty to report and prosecute the submitters of these false information returns.
7. You are omitting to respond because you intend to protect and expand unlawful activity which you have a direct financial interest in, in criminal violation of 18 U.S.C. §208, 18 U.S.C. §3, and 18 U.S.C. §4.
8. By condoning the filing of false information returns and omitting to prevent them from being filed, you admit you are aiding and abetting criminal conversion of private property to a public use and a public purpose and a public office without compensation, and without the consent of the owner in violation of the Fifth Amendment takings clause and in criminal violation of 18 U.S.C. §654. This unlawful conversion is being effected by quasi-governmental agents who have been duped by IRS propaganda into unlawfully acting as withholding agents as defined in 26 U.S.C. §7701(a)(16), trustees, and "public officers" within the U.S. government without compensation.
9. By engaging in knowingly criminal activity in failing to respond to this correspondence or remedy the wrongs documented herein, you surrender official immunity and become personally liable for a tort:

"When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so ultra vires (beyond the powers) and lose the shield of immunity."
[Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991)]

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation."
[Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)]

10. The foundation of our tax system is false reports, of which our Father God commands:

"You shall not circulate a false report [information return]. Do not put your hand with the wicked to be an unrighteous witness."
[Exodus, 23:1, Bible, NKJV]

"You shall not bear false witness [or file a FALSE REPORT or information return] against your neighbor."
[Exodus 10:16, Bible, NKJV]

"A false witness will not go unpunished, And he who speaks lies shall perish."
[Prov. 19:9, Bible, NKJV]

"If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; [enticement into slavery (pursuant to 42 U.S.C. 1994) to the demands of others without compensation] so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot."
[Deut. 19:16-21, Bible, NKJV]

Thank you for your prompt attention to timely satisfying all the elements of this request. I emphasize that I am not a “tax protester”, a “tax evader”, or a “tax defier”, but a crime protester and that omission in responding shall constitute the crimes documented herein. Please do not be a “FOIA Defier” or a “truth evader” in responding to this request. Truth evasion is every bit as serious a crime as tax evasion.

Sincerely,

Sui Juris,
All Rights Reserved pursuant to U.C.C. §1-308 and its predecessor, UCC §1.-207