

# THE GOVERNMENT “BENEFITS” SCAM

Last revised: 4/23/2008



*“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]

*“Awake, awake, O Zion, clothe yourself with strength. Put on your garments of splendor, O Jerusalem, the holy city. The uncircumcised and defiled will not enter you again. **Shake off your dust; rise up, sit enthroned, O Jerusalem [Christians]. Free yourself from the chains [contracts and franchises] on your neck, O captive Daughter of Zion. For this is what the LORD says: “You were sold for nothing [free government money that is a FRACTION of what you had to pay them to earn the so-called “benefit”], and without money you will be redeemed.”***  
[Isaiah 52:1-3, Bible, NKJV]

## TABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>11</b>
<b>2</b>	<b>Definition of the Term “Benefit” .....</b>	<b>12</b>
<b>3</b>	<b>Basic purpose of Establishing Government: protection .....</b>	<b>16</b>
<b>4</b>	<b>Social Services and “Benefits” .....</b>	<b>20</b>
<b>5</b>	<b>Types of Government services and taxes which pay for them .....</b>	<b>26</b>
<b>6</b>	<b>Attacking the hypocrisy, inequality, and injustice of income tax prosecutions .....</b>	<b>28</b>
<b>7</b>	<b>It is unlawful to use the government’s taxing power to transfer wealth or subsidize “benefits” to private persons .....</b>	<b>33</b>
<b>8</b>	<b>Why the only persons who can legitimately participate in government “benefits” are government officers and employees .....</b>	<b>37</b>
<b>9</b>	<b>All government “benefits” amount to private business activity that is beyond the core purposes of government .....</b>	<b>44</b>
<b>10</b>	<b>Specific “benefits” within the I.R.C. Subtitle A “Trade or Business” Franchise Agreement .....</b>	<b>47</b>
<b>11</b>	<b>Everyone has a right to NOT accept the protection of government or pay for protection they don’t want and don’t need.....</b>	<b>52</b>
<b>12</b>	<b>The government is LYING when it calls anything that it offers a “Benefit” .....</b>	<b>54</b>
<b>13</b>	<b>Why neither the law nor the government that passes or enforces it can or does protect me .....</b>	<b>55</b>
	13.1 Purpose of organized government .....	55
	13.2 Why our government doesn’t do anything that legitimate governments are supposed to do.....	59
<b>14</b>	<b>How to prevent becoming a “benefit recipient” or a “franchisee”.....</b>	<b>63</b>
<b>15</b>	<b>Summary and Conclusions.....</b>	<b>64</b>
<b>16</b>	<b>Resources for further study and rebuttal .....</b>	<b>69</b>
<b>17</b>	<b>Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government .....</b>	<b>69</b>
	17.1 Admissions .....	69
	17.1.1 What are “Benefits”? .....	69
	17.1.2 Who may lawfully participate in “benefits”?.....	72
	17.1.3 Who are “taxpayers”? .....	73
	17.1.4 Corruption of the courts caused by public “benefits” and making judges “taxpayers” .....	77
	17.2 Interrogatories.....	81
	17.3 Affirmation: .....	83

---

## LIST OF TABLES

Table 1: Summary of the meaning of various terms.....	19
Table 2: Government services, who provides them, and how they are paid for.....	27
Table 3: Two methods for taxation .....	36
Table 4: I.R.C. Statutory "Benefits" .....	49
Table 5: Comparison of good and bad government.....	59

## TABLE OF AUTHORITIES

## Constitutional Provisions

21st Amendment .....	18
Art. III .....	24
Article 1, Section 10.....	53, 54
Article 1, Section 8, Clause 3 .....	18, 36
Article 4, Section 4.....	18, 63, 66
Constitution of the United States.....	83
Eighteenth Amendment.....	18
Federalist Paper No. 79 .....	42
First Amendment.....	14, 21, 22, 54
Fourteenth Amendment.....	54
Fourteenth Amendment, Section 1 .....	35
Thirteenth Amendment.....	15, 38, 42, 53, 64, 66, 68
United States Constitution.....	47, 53

## Statutes

15 U.S.C. Chapter 1 .....	47
18 U.S.C. §1583 .....	15, 35
18 U.S.C. §1589 .....	35, 66
18 U.S.C. §1951 .....	42, 54
18 U.S.C. §1956.....	42
18 U.S.C. §201 .....	13, 77, 78
18 U.S.C. §201 .....	79
18 U.S.C. §208.....	13, 15, 63, 79, 83
18 U.S.C. §242.....	35
18 U.S.C. §247.....	35
18 U.S.C. §597.....	63, 78, 83
18 U.S.C. §641.....	72
18 U.S.C. §654.....	71
18 U.S.C. §872.....	35
18 U.S.C. §876.....	35
18 U.S.C. §880.....	35
18 U.S.C. §911.....	67
18 U.S.C. §912.....	60, 66, 68, 74
26 U.S.C. §§671 to 679 .....	50
26 U.S.C. §§7201-7217.....	18
26 U.S.C. §1 .....	49
26 U.S.C. §1(h)(11)(C)(i)(II) .....	49
26 U.S.C. §1313 .....	51
26 U.S.C. §162 .....	51, 73
26 U.S.C. §501(c).....	49
26 U.S.C. §6041(a).....	29, 67
26 U.S.C. §6114 .....	49
26 U.S.C. §643(b) .....	50
26 U.S.C. §6671(b) .....	76
26 U.S.C. §6712 .....	49
26 U.S.C. §6903 .....	41
26 U.S.C. §7201 .....	33
26 U.S.C. §7203 .....	32, 33
26 U.S.C. §7206 and 7207 .....	67
26 U.S.C. §7343 .....	76, 77
26 U.S.C. §7408(d) .....	41
26 U.S.C. §7434 .....	67
26 U.S.C. §7441 .....	51

26 U.S.C. §7701(a)(14) .....	51
26 U.S.C. §7701(a)(26) .....	26, 39, 47, 49, 67, 73
26 U.S.C. §7701(a)(30) .....	50, 51, 65
26 U.S.C. §7701(a)(39) .....	41
26 U.S.C. §7701(a)(9) and (a)(10) .....	74, 75
26 U.S.C. §7701(b)(1)(A) .....	51, 75
26 U.S.C. §7701(b)(1)(B) .....	65
26 U.S.C. §864(b)(1)(A) .....	50
26 U.S.C. §871 .....	47, 50
26 U.S.C. §871(b) .....	49
26 U.S.C. §871(f) .....	49
26 U.S.C. §892(a)(3) .....	52
26 U.S.C. §894 .....	49
28 U.S.C. §134(b) .....	62
28 U.S.C. §144 .....	15
28 U.S.C. §1865(b) .....	62
28 U.S.C. §2201(a) .....	32
28 U.S.C. §3002(15)(A) .....	40, 52
28 U.S.C. §455 .....	15, 78, 83
4 U.S.C. §72 .....	38, 47, 66, 74
42 U.S.C. §1994 .....	15, 42, 66
5 U.S.C. §105-113 .....	18
5 U.S.C. §2105 .....	51, 76
5 U.S.C. §552a(a)(2) .....	12, 37, 51, 65
5 U.S.C. §552a(a)(2) and (a)(13) .....	76
8 U.S.C. §1101(a)(21) .....	65
8 U.S.C. §1401 .....	65, 67, 75
Buck Act .....	18
California Civil Code, Section 1589 .....	53, 63
California Rev.Tax.Cod. §17018 .....	61
California Rev.Tax.Cod. §6017 .....	61
Declaratory Judgments Act, 28 U.S.C. §2201(a) .....	58
Foreign Sovereign Immunities Act, 28 U.S.C. Part IV, Chapter 97 .....	20
I.R.C. Subtitle A .....	29, 77
Internal Revenue Code .....	18, 35, 36, 38, 39, 44, 63, 65, 68, 83
Internal Revenue Code, Sections 1, 32, and 162 .....	36
Internal Revenue Code, Subtitle A .....	39, 41, 47, 67, 73, 74, 75
Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3 .....	62
Pen. Code. Ci 836, subd. 3 .....	16
Privacy Act, 5 U.S.C. §552a(a)(13) .....	37
Privacy Act, 5 U.S.C. §552a(a)(2) and (a)(13) .....	76
Sherman Anti-Trust Act .....	47
Social Security Act .....	41, 66
Taxpayer Advocate Service .....	63
Title 27 of the U.S. code .....	18
Torens Act .....	60
USA Patriot Act .....	62

## Regulations

20 CFR §422.103 .....	71
26 CFR §1.1-1(c) .....	51
26 CFR §1.1441-1(c) .....	51
26 CFR §1.1441-1(c)(14) .....	49
26 CFR §1.1441-1(c)(26) .....	50
26 CFR §1.1441-1(e)(5) .....	49
26 CFR §1.1441-1(e)(5)(ii) .....	49

26 CFR §1.1441-4 .....	50
26 CFR §1.1441-4(b)(4).....	50
26 CFR §1.1441-5(c).....	49
26 CFR §1.1441-5(e).....	50
26 CFR §1.1441-6(g)(1).....	50
26 CFR §1.1461-1(c)(2)(i).....	50
26 CFR §1.469-9(b)(4).....	50
26 CFR §1.6012-1(a).....	75, 76
26 CFR §1.871-2(b).....	53
26 CFR §301.6109-1.....	52
Title 20 of the Code of Federal Regulations, Parts 400-499 .....	38
Treasury Regulations.....	83

**Rules**

Federal Rule of Civil Procedure 17(b) .....	41
Federal Rule of Civil Procedure 8(b)(6).....	69
Federal Rules of Evidence 902.....	59
Tax Court Rule 13(a).....	51

**Cases**

Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed. 2d 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶ 55041 (1977).....	22
Afroyim v. Rusk, 387 U.S. 253 (1967) .....	23
Andrews v. O'Grady, 44 Misc.2d 28, 252 N.Y.S.2d 814, 817 .....	29
Ashwander v. T.V.A., 297 U.S. 288, 56 S.Ct. 466, 80 L.Ed. 688 (1936) .....	21, 52
Atchison, T. & S. F. R. Co. v. Railroad Commission, 283 U.S. 380, 392 -393 (1931) .....	19
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977).....	25
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.....	24
Bailey v. Alabama, 219 U.S. 219 , 238, et seq., 31 S. Ct. 145 .....	60
Bell v. United States, 349 U.S. 81, 83 (1955) .....	14
Board of County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d 361, 362 .....	44
Boone v. Merchants' & Farmers' Bank, D.C.N.C.. 285 F. 183. 191.....	16
Botta v. Scanlon, 288 F.2d. 504, 508 (1961).....	32
Brady v. U.S., 397 U.S. 742 (1970) .....	54
Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).....	42, 45, 61
Brookhart v. Janis, 384 U.S. 1, 86 S.Ct. 1245, 16 L.Ed.2d 314 (1966).....	54
Brooks v. Sessoms, 47 Ga.App. 554, 171 S.E. 222, 224.....	16
Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.....	24
Budd v. People of State of New York, 143 U.S. 517 (1892).....	11, 24, 41, 71, 81
Bull v. United States, 295 U.S 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421 .....	31
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325 .....	76
Butchers' Union, etc., Co. v. Crescent City, etc., Co., 111 U.S. 746, 753 , 4 S.Sup.Ct.Rep. 652.....	18
C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d 18 (1939) .....	32
Calder v. Bull, 3 U.S. 386 (1798).....	35
Camden v. Allen, 2 Dutch., 398 .....	33, 72, 82
Campbell v. Albers, 313 Ill.App. 152, 39 N.E.2d 672, 676 .....	23
Carter v. Carter Coal Co., 298 U.S. 238 (1936) .....	54
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936) .....	19
Cereghino v. State By and Through State Highway Commission, 230 Or. 439. 370 P.2d 694. 697.....	58
Cheltenham Tp. V. Cheltenham Tp. Police Dept., 11 Pa.Cmwth. 348, 312 A.2d 835, 838.....	12, 55, 69
Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452.....	39
Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181 .....	39

Chief Justice Marshal, Virginia State Convention of 1829-1830 (pp. 616, 619) .....	80
Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed 440 (1793).....	55
City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997).....	38, 65
Clark v. United States, 95 U.S. 539 (1877).....	53
Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) .....	45
Colautti v. Franklin, 439 U.S. at 392-393, n. 10 .....	76
Collins v. Kentucky, 234 U.S. 634, 638 , 34 S. Ct. 924 .....	14
Connally vs. General Construction Co., 269 U.S. 385 (1926) .....	14
Cook v. Hudson, 511 F.2d 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975).....	21
Cook v. Singer Sewing Mach. Co., 32 P.2d 430, 431. 138 Cal.App. 418 .....	16
Cooke v. United States, 91 U.S. 389, 398 (1875).....	46
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.....	25
Davis v. Davis. TexCiv-App., 495 S.W.2d 607. 611 .....	58
DeCarlo v. Geryco, Inc. 46 N.C. App. 15, 264 S.E.2d 370, 375 .....	13, 55, 69
Deming v. United States, 1 Ct.Cl. 190, 191 (1865).....	46
Dollar Savings Bank v. United States, 19 Wall. 227.....	29
Economy Plumbing & Heating v. U.S., 470 F2d. 585 (1972).....	51
Energy Reserves Group, Inc. v. Kansas Power & Light Co., 459 U.S. 400, 412-413, and n. 14 (1983).....	46
Ex parte State ex rel. Attorney General, 100 So. 312, 313, 211 Ala. 1 .....	16
Fauntleroy v. Lum, 210 U.S. 230 , 28 S.Ct. 641 .....	29
Fertilizing Co. v. Hyde Park, 97 U.S. 659 .....	18
Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d 996, 88 Cal.Rptr. 679, 690 .....	29
Fischer v. United States, 529 U.S. 667 (2000) .....	14
Flemming v. Nestor, 363 U.S. 603 (1960) .....	54, 70
Flemming v. Nestor, 363 U.S. 603, 610, 80 S.Ct. 1367 (1960).....	25, 70
Flint v. Stone Tracy Co., 220 U.S. 107 (1911).....	28
Fong Yue Ting v. United States, 149 U.S. 698 (1893).....	21
Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) .....	26, 76
Frost v. Corporation Commission, 278 U.S. 515, 49 S.Ct. 235 (U.S., 1929).....	21, 52
Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536.....	58
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968) .....	45
Georgia Dep't of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524 .....	39
Glass v. The Sloop Betsey, 3 U.S. 6, 3 Dall. 6, 1 L.Ed. 485 (1794).....	24
Glasser v. United States, 314 U.S. 60, 70-71, 86 L.Ed. 680, 699, 62 S.Ct. 457 .....	54
Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 .....	24
Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d 837 (Ct.Cl., 1981) .....	31
Graphic Arts Finishers, Inc. v. Boston Redevelopment Authority, 357 Mass. 49, 255 N.E.2d 793, 795.....	12, 55, 69
Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527.....	21, 52
Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897) .....	11, 33, 45, 57
Hale v. Henkel, 201 U.S. 43, 74 (1906) .....	37, 68
Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724.....	19
Hanson v. Vernon, 27 Ia., 47.....	33, 72, 82
Harman v. Forssenius, 380 U.S 528 at 540, 85 S.Ct. 1177, 1185 (1965).....	60
Harris v. Harris, 83 N.M. 441,493 P.2d 407, 408.....	58
Hatch v. Carpenter. 9 Gray (Mass.) 274.....	16
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).....	38, 65
Howell v. Bowden, TexCiv. App.. 368 S.W.2d 842, &18 .....	58
Hurley v. Commission of Fisheries, 257 U. S. 223, 225, 42 S. Ct. 83, 66 L. Ed. 206.....	21, 52
In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979.....	34
In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022.....	25
Indiana State Ethics Comm'n v. Nelson (Ind App) 656 NE2d 1172 .....	39
International Harvester Co. v. Kentucky, 234 U.S. 216, 221 , 34 S. Ct. 853 .....	14
James v. Bowman, 190 U.S. 127, 139 (1903) .....	38, 65
Jersey City v. Hague, 18 NJ 584, 115 A2d 8.....	39
Johnson v. Zerbst, 304 U.S. 458, 464, 82 L.Ed. 1461, 1466, 58 S.Ct. 1019, 146 A.L.R. 357 .....	54
Katz v. Brandon, 156 Conn. 521, 245 A.2d 579, 586 .....	34
Keller v. State, 102 Ga. 506, 31 S.E. 92.....	16

Kelley v. Johnson, 425 U.S. 238, 247 (1976).....	45, 61
Labberton v. General Cas. Co. of America, 53 Wash.2d 180, 332 P.2d 250, 252, 254.....	58
Lansing v. Smith, 21 D. 89., 4 Wendel 9 (1829).....	23
Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed. 2d 1191 (1961).....	21
Latrobe v. J. H. Cross Co., D.C.Pa., 29 F.2d 210, 212.....	16
Leisy v. Hardin, 135 U.S. 100 (1890).....	18
Loan Association v. Topeka, 20 Wall. 655 (1874).....	33, 57, 72, 82
Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697.....	39
Manley v. Georgia, 279 U.S. 1, 5-6, 49 S. Ct. 215.....	60
Marshall v. Kansas City, Mo., 355 S.W.2d 877, 883.....	17
Matter of Mayor of N.Y., 11 Johns., 77.....	33
McCloud v. Testa, 97 F.3d 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 FED App. 335P (6th Cir. 1996).....	22
McCulloch v. Md., 4 Wheat. 431.....	33
McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.....	25
M'Culloch v. Maryland, 4 Wheat. 316, 431.....	53
Meese v. Keene, 481 U.S. 465, 484-485 (1987).....	76
Meredith v. United States, 13 Pet. 486, 493.....	29
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	21, 54
Milwaukee v. White, 296 U.S. 268 (1935).....	29
Morehead v. State Dept. of Roads, 195 Neb. 31, 236 N.W.2d 623, 627.....	13, 70
Murray v. City of Charleston, 96 U.S. 432 (1877).....	46
Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856).....	24
New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650, 672, 6 S.Sup.Ct.Rep. 252.....	18
New Orleans v. Houston, 119 U.S. 265, 275, 7 S.Sup.Ct.Rep. 198.....	18
Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100.....	76
Northern Liberties v. St. John's Church, 13 Pa. St., 104.....	72, 82
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983).....	25
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983).....	24
O'Donoghue v. United States, 289 U.S. 516, 532 (1933).....	80
Olmstead v. United States, 277 U.S. 438, 478 (1928).....	37, 68
O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982).....	46
Ortiz-Pinero v. Rivera-Arroyo, 84 F.3d 7 (1st Cir. 1996).....	22
Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d 789, 794.....	34
Parrish v. Nikolits, 86 F.3d 1088 (11th Cir. 1996).....	22
Patterson v. Kentucky, 97 U.S. 501.....	17
Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.....	55
Perry v. United States, supra at 352 (1935).....	45
Peters v. Kiff, 407 U.S. 493 at 502 (1971).....	80
Phalen v. Virginia, 8 How. 163, 168.....	18
Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).....	73
Pray v. Northern Liberties, 31 Pa.St., 69.....	33
Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11 Johns., 77.....	72, 82
Price v. United States, 269 U.S. 492, 46 S.Ct. 180.....	29
Prigg v. Pennsylvania, 16 Pet. 539, 625.....	17
Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837).....	40, 52
Providence Bank v. Billings, 29 U.S. 514 (1830).....	53
Public Workers v. Mitchell, 330 U.S. 75, 101 (1947).....	42, 45, 61
Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956).....	21
Rapa v. Haines, Ohio Comm.Pl., 101 N.E.2d 733, 735.....	25
Reid v. Colorado, 187 U.S. 137, 148 (1902).....	19
Ringe Co. v. Los Angeles County, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186.....	34
Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005).....	32
Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed. 2d 52, 5 I.E.R. Cas. (BNA) 673 (1990).....	22
Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).....	42, 45, 61
Savage v. Jones, 225 U.S. 501, 533.....	19
Schwartz v. Texas, 344 U.S. 199, 202-203 (1952).....	19

Slaughter-House Cases, 16 Wall. 36, 62, 87 .....	18
Smith v. Lummus, 149 Fla. 660, 6 So.2d 625, 627, 628 .....	23
Smith v. Smith, 206 Pa.Super. 310m 213 A.2d 94 .....	22
Spooner v. McConnell, 22 F. 939, 943 .....	23
St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351 .....	21, 52
State ex rel. Nagle v. Sullivan, 98 Mont 425, 40 P2d 995, 99 ALR 321 .....	39
Stenberg v. Carhart, 530 U.S. 914 (2000) .....	26, 76
Stockwell v. United States, 13 Wall. 531, 542 .....	29
Stone v. Mississippi, 101 U.S. 814 .....	18
Stone v. Mississippi, 101 U.S. 814 , 819 .....	18
Town of Cady v. Alexander Const. Co., 12 Wis.2d 236, 107 N.W.2d 267, 270 .....	23
U.S. v. Butler, 297 U.S. 1 (1936) .....	33, 72, 82
U.S. v. Dewitt, 9 Wall. 41 .....	17
U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878) .....	25
United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980) .....	54, 70
United States Trust Co. of N.Y. v. New Jersey, 431 U.S. 1, 26 (1977) .....	46
United States v. Bass, 404 U.S. 336, 347 (1971) .....	14
United States v. Bostwick, 94 U.S. 53, 66 (1877) .....	45
United States v. Boylan (CA1 Mass) 898 F2d 230, 29 Fed Rules Evid Serv 1223 .....	39
United States v. Chamberlin, 219 U.S. 250 , 31 S.Ct. 155 .....	29
United States v. Guest, 383 U.S. 745 (1966) .....	38, 65
United States v. Harris, 106 U.S. 629, 639 (1883) .....	38, 65
United States v. Holzer (CA7 Ill) 816 F2d 304 .....	39
United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926) .....	45
United States v. Reese, 92 U.S. 214, 218 (1876) .....	38, 65
United States v. Winstar Corp. 518 U.S. 839 (1996) .....	46
Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d 751, 754 .....	44
Vickery v. Jones, 100 F.3d 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed. 2d 701 (U.S. 1997) .....	22
Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229 .....	21, 52
Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945) .....	26, 76
Wilson v Shaw, 204 US 24, 51 L Ed 351, 27 S Ct 233 .....	31
Wisconsin v. Pelican Insurance Co., 127 U.S. 265 , 292, et seq. 8 S.Ct. 1370 .....	29
Woolum v. Sizemore, 267 Ky. 384, 102 S.W.2d 323, 324 .....	13, 55, 69
Yick Wo v. Hopkins, 118 U.S. 356, 369 , 6 S. Sup. Ct. 1064, 1071 .....	45, 57
Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (U.S. 1886) .....	13

## Other Authorities

106 A.L.R. Fed. 396 .....	22
107 A.L.R. Fed. 21 .....	22
108 A.L.R. Fed. 117 .....	22
109 A.L.R. Fed. 9 .....	22
19 Corpus Juris Secundum (C.J.S.) legal encyclopedia, United States, §884 .....	52
2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) .....	26, 76
63C Am.Jur.2d, Public Officers and Employees, §247 .....	40
97 L.Ed. 2d 903 .....	22
About SSNs and TINs on Government Forms and Correspondence, Form #05.012 .....	51
Agreements on Coordination of Tax Administration (ACTA) .....	18
Allocation: Alleged Tax Crime, Litigation Tool #06.003 .....	69
American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations .....	22
American Jurisprudence 2d, United States, §45 .....	31
Black's Law Dictionary, Fifth Edition, p. 1095 .....	59
Black's Law Dictionary, Fourth Edition, 197 .....	16
Black's Law Dictionary, Sixth Edition, p. 1156 .....	17
Black's Law Dictionary, Sixth Edition, p. 1196 .....	44
Black's Law Dictionary, Sixth Edition, p. 1231 .....	34

Black's Law Dictionary, Sixth Edition, p. 1232.....	34
Black's Law Dictionary, Sixth Edition, p. 1245.....	29
Black's Law Dictionary, Sixth Edition, p. 1269.....	25
Black's Law Dictionary, Sixth Edition, p. 1387.....	23
Black's Law Dictionary, Sixth Edition, p. 1457.....	34
Black's Law Dictionary, Sixth Edition, p. 1498.....	54, 65
Black's Law Dictionary, Sixth Edition, p. 158.....	13, 55, 70
Black's Law Dictionary, Sixth Edition, p. 1605.....	26
Black's Law Dictionary, Sixth Edition, p. 269.....	43
Black's Law Dictionary, Sixth Edition, p. 485.....	23
Black's Law Dictionary, Sixth Edition, p. 563.....	25
Black's Law Dictionary, Sixth Edition, p. 581.....	26, 76
Black's Law Dictionary, Sixth Edition, p. 647.....	11
Black's Law Dictionary, Sixth Edition, p. 648.....	11
Black's Law Dictionary, Sixth Edition, pp. 1397-1398 .....	44
Bouv. Law Dict (1870).....	23
Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002.....	52
Conduct and Belief: Public Employees' First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.....	22
Corporatization and Privatization of the Government, Form #05.024 .....	69
Correcting Erroneous Information Returns, Form #04.001.....	29, 66
Do You Have A Right to Police Protection?.....	59
Federal and State Tax Withholding Options for Private Employers, Form #09.001 .....	61
Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002 .....	52
Government Establishment of Religion, Form #05.038 .....	63
Government Instituted Slavery Using Franchises, Form #05.030.....	25, 41, 58, 60, 63, 65, 68, 69
Henry David Thoreau.....	80
Internal Revenue Manual .....	83
IRM 1.1.1.1 (02-26-1999).....	63
IRM 4.10.7.2.8 (05-14-1999).....	32
IRS Form 1040.....	73
IRS Form 1042-S .....	41
IRS Form 1042s Instructions.....	47
IRS Form 1042-S Instructions, p. 14.....	41
IRS Form 1042s Instructions, Year 2006, p. 14 .....	48
IRS Form 8233.....	50
IRS Forms W-2, 1042s, 1098, and 1099 .....	66, 67
Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).....	25
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001 .....	66
Liberty University, Section 4 .....	41, 64
Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1 .....	43
Nontaxpayer's Audit Defense Manual, Form #06.011 .....	52
Payment Delinquency and Copyright Violation Notice, Form #07.106.....	64
Political Jurisdiction, Form #05.003 .....	13
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 .....	62, 63, 66
Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 NW U LR 304, Fall, 1995.....	22
Reasonable Belief About Income Tax Liability, Form #05.007.....	63, 69
Requirement for Consent, Form #05.003 .....	62
Requirement for Equal Protection and Equal Treatment, Form #05.033 .....	33, 57
Resignation of Compelled Social Security Trustee, Form #06.002.....	64, 66, 67
Responding to a Criminal Tax Indictment, Litigation Tool #10.004 .....	52, 69
SEDM Exhibit #05.041 .....	75
SEDM Forms/Pubs Page, Section 16 .....	64
Tax Form Attachment, Form #04.201 .....	52, 64

Tax Form Attachment, Form #04.201, Section 6 .....	64
Tax Fraud Prevention Manual, Form #06.008 .....	52
The “Trade or Business” Scam, Form #05.001 .....	28, 41, 51, 58, 67, 69
The Law, Frederick Bastiat .....	56, 57
The Money Scam, Form #05.041 .....	12
The Tax Court Scam, Form #05.039 .....	51
Thomas Jefferson: 1st Inaugural, 1801. ME 3:320.....	11, 38, 55
Treasury Decision 3445.....	31
Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890 .....	77
U.S. Supreme Court .....	55
Webster’s Ninth Collegiate Dictionary, Copyright 1983, ISBN 0-87779-510-X, p. 1301.....	56
What Happened to Justice: Why there is no justice in federal court and what to do about it.....	62
When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL &Pol 751, Fall, 1995 .....	22
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.....	51, 54, 69
Why It Is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205.....	16, 51
Why Statutory Civil Law is Law for Government and not Private Persons, Form #05.037 .....	65
Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011 .....	32, 67
Why You Aren’t Eligible for Social Security, 06.001.....	16
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008.....	32, 44, 69

## Scriptures

Daniel 4:35 .....	14
Ecclesiastes 7:7 .....	57
Exodus 23:8.....	80
Holy Bible .....	82
Isaiah 1:1-26.....	81
Isaiah 40:15 .....	14
Isaiah 40:17 .....	14
Isaiah 40:23 .....	14
Isaiah 41:29 .....	14
Laws of the Bible, Form #13.001 .....	82
Luke 16:13 .....	18, 42
Luke 23:2 .....	12
Prov. 11:1 .....	43
Prov. 15:27 .....	57, 80
Prov. 29:4 .....	57, 80
Prov. 3:30 .....	38
Proverbs 1:10-19 .....	40
Psalms 94:20-23 .....	61
Rev. 17:1-2.....	43
Rev. 17:15 .....	43
Rev. 17:3-6.....	43
Rev. 18:4-8.....	44
Rev. 19:19 .....	43
Romans 13:9-10 .....	38

1 **1 Introduction**

2 All government services may be divided between “protection” and “benefits”. Which category a particular government  
3 service falls into is very important, because the category:

- 4 1. Determines how and from whom revenues may lawfully be collected that pay for the service.
- 5 2. Defines the limits upon the enforcement authority of the government to collect the revenues.

6 In any tax litigation, a very prevalent technique used by government prosecutors is to paint the defendant as a “leech” who  
7 is receiving the so-called “benefits” of the government and who refuses to pay their “fair share” of the costs of providing it.  
8 This sort of thinking is deceptive, destructive, and socialistic in nature because:

- 9 1. Legitimate governments are NOT established to provide “benefits”, but are established to:
  - 10 1.1. Provide basic criminal “protection” and the police powers which implement it.
  - 11 1.2. Protect private rights.
  - 12 1.3. Protect private property from conversion into public property.
  - 13 1.4. Ensure equal rights and equal protection of all, rather than only to a select few.

14 “No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions  
15 intended to secure that equality of rights which is the foundation of free government.”  
16 [*Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)*]

- 17 2. The federal government enjoys no police powers within states of the Union, and therefore does not require revenues to  
18 implement it there. The only people they can protect are people domiciled on federal territory or those domiciled  
19 anywhere in the American Union and temporarily situated abroad. While they are domiciled within states of the  
20 Union, the federal government has no municipal or civil jurisdiction over them. This is because the states of the Union  
21 are sovereign, independent, and foreign nations in nearly all respects under the Law of Nations.

22 Foreign States: “Nations outside of the United States...Term may also refer to another state; i.e. a sister state.  
23 The term ‘foreign nations’, ...should be construed to mean all nations and states other than that in which the  
24 action is brought; and hence, one state of the Union is foreign to another, in that sense.”  
25 [*Black’s Law Dictionary, Sixth Edition, p. 648*]

26 Foreign Laws: “The laws of a foreign country or sister state.”  
27 [*Black’s Law Dictionary, Sixth Edition, p. 647*]

- 28 3. The government has no authority to abuse its taxing power to compel persons to “benefit” their neighbor.

29 “That property which a man has honestly acquired he retains full control of, subject to these limitations:  
30 First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his  
31 neighbor's benefit; second, that if he devotes it to a public use, he gives to the public a right to control that  
32 use; and third, that whenever the public needs require, the public may take it upon payment of due  
33 compensation.”  
34 [*Budd v. People of State of New York, 143 U.S. 517 (1892)*]

- 35 4. The founding fathers reiterated that the foundation of a republican government is to provide protection and NOTHING  
36 more.

37 *“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing*  
38 *more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another, shall*  
39 *leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from*  
40 *the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close*  
41 *the circle of our felicities.”*  
42 [*Thomas Jefferson: 1st Inaugural, 1801. ME 3:320*]

- 43 5. It costs little to provide ONLY basic “protection” absent any “benefit”.

44 In any tax litigation where the accused is portrayed as a “leech”, almost universally, neither the government prosecutor nor  
45 the jury are allowed to discuss or analyze exactly what is meant by “benefit”, or to analyze precisely what “benefit” the

1 defendant is in receipt of. In that sense, trials involving those who refuse to pay “their fair share” degenerate into little  
2 more than mob lynchings not unlike that experienced by Jesus Himself.

3 *And they began to accuse Him, saying, “We found this fellow perverting the[a] nation, and forbidding to pay*  
4 *taxes to Caesar, saying that He Himself is Christ, a King.”*  
5 *[Luke 23:2, Bible, NKJV]*

6 This memorandum of law shall therefore provide compelling, court-admissible evidence for use in defending oneself  
7 against this unscrupulous and fatally flawed approach by government prosecutors. It is intended to be attached to  
8 government tax collection correspondence so that it may become part of the administrative record of law abiding  
9 Americans who both refuse to accept government benefits, and thereby exercise their right to not pay for these “services”.

10 **2 Definition of the Term “Benefit”**

11 The term “benefit” is defined in the following statute.

12 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
13 [§ 552a. Records maintained on individuals](#)

14 (a) Definitions.— For purposes of this section—

15 (12) the term **“Federal benefit program” means any program administered or funded by the Federal**  
16 **Government, or by any agent or State on behalf of the Federal Government, providing cash or in-kind**  
17 **assistance in the form of payments, grants, loans, or loan guarantees to individuals:** . . .

18 The two criteria to receive a “benefit” are:

- 19 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  
20 States” domiciled on federal territory and not within any state of the Union. As you will also learn later starting in  
21 section 7, the term “individual” does not include private persons, but rather “public officers” and “employees” of the  
22 government.

23 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
24 [§ 552a. Records maintained on individuals](#)

25 (a) Definitions.— For purposes of this section—

26 (2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent  
27 residence;

- 28 2. The recipient must receive cash or in-kind assistance in the form of payments, grants, loans, or loan guarantees.

29 The above definition excludes Federal Reserve Notes as “cash, grants, Loans, or loan guarantees”, which are not lawful  
30 money, as we prove below:

[The Money Scam, Form #05.041](#)  
<http://sedm.org/Forms/FormIndex.htm>

31 Below is yet another definition of “benefit” from Black’s Law Dictionary:

32 **Benefit.** Advantage; profit; fruit; privilege; gain; interest. **The receiving** as the exchange for promise some  
33 performance or forbearance which promisor was not previously entitled to receive. *Graphic Arts Finishers,*  
34 *Inc. v. Boston Redevelopment Authority, 357 Mass. 49, 255 N.E.2d 793, 795. Benefits are something to*  
35 *advantage of, or profit to, recipient. Cheltenham Tp. V. Cheltenham Tp. Police Dept., 11 Pa.Cmwlth. 348, 312*  
36 *A.2d 835, 838.*

37 *Financial assistance received in time of sickness, disability, unemployment, etc. either from insurance or public*  
38 *programs such as social security.*

1 *Contracts.* When it is said that a valuable consideration for a promise may consist of a benefit to the promisor,  
2 “benefit” means that the promisor has, in return for his promise, acquired some legal right to which he would  
3 not otherwise have been entitled. *Woolum v. Sizemore*, 267 Ky. 384, 102 S.W.2d 323, 324. “Benefits” of  
4 contract are advantages which result to either party from performance by other. *DeCarlo v. Geryco, Inc.* 46  
5 N.C. App. 15, 264 S.E.2d 370, 375.

6 *Eminent domain.* It is a rule that, in assessing damages for private property taken or injured for public use,  
7 “special benefits” may be set off against the amount of damage found, but not “general benefits.” Within the  
8 meaning of this rule, general benefits are such as accrue to the community at large, to the vicinage, or to all  
9 property similarly situated with reference to the work or improvement in question; while special benefits are  
10 such as accrue directly and solely to the owner of the land in question and not to others.

11 As respects eminent domain law, “general benefits” are those which arise from the fulfillment of the public  
12 object which justified the taking, while “special benefits” are those which arise from the particular relation of  
13 the land in question to the public improvement. *Morehead v. State Dept. of Roads*, 195 Neb. 31, 236 N.W.2d  
14 623, 627.

15 [Black’s Law Dictionary, Sixth Edition, p. 158]

16 The above meaning of the word “benefit” is vague and depends on which of the two parties to a franchise or prospective  
17 franchise is permitted to define it. There are many reasons why legislators might purposefully leave words undefined.  
18 Some of these reasons include the fact that they might want:

- 19 1. The definition to be subjective so as to replace a “society of law” with a “society of men”.
- 20 2. To leave the jury and the judge, who are usually “benefit” recipients, subjectively in charge of defining the word  
21 “benefit” and to have the ability to COMPEL others to PRESUME that what is offered is in fact a “benefit”. This,  
22 however, causes a criminal violation of:  
23 2.1. 18 U.S.C. §208 on the part of the judge.  
24 2.2. 18 U.S.C. §201 in the case of the jurists, who are public officials.
- 25 3. To delegate to federal judges the authority to reach beyond the government’s constitutionally delegated power.  
26 Typically this is done by giving undue and excessive “policy” discretion to federal judges in order to convert a society  
27 of men into a society of law.
- 28 4. To politicize and compel the court to engage in public policy questions rather than legal questions and therefore violate  
29 the separation of powers doctrine. See:

[Political Jurisdiction](http://sedm.org/Forms/FormIndex.htm), Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

30 Any attempt to delegate the kind of arbitrary power described above to a judge represents slavery itself, according to the  
31 U.S. Supreme Court:

32 “When we consider the nature and the theory of our institutions of government, the principles upon which they  
33 are supposed<sup>370</sup> to rest, and review the history of their development, we are constrained to conclude that they  
34 do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,  
35 of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers  
36 are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom  
37 all government exists and acts. And the law is the definition and limitation of power. It is, indeed, quite true that  
38 there must always be lodged somewhere, and in some person or body, the authority of final decision; and in  
39 many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate  
40 tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the  
41 fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are  
42 secured by those maxims of constitutional law which are the monuments showing the victorious progress of  
43 the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the  
44 famous language of the Massachusetts bill of rights, the government of the commonwealth ‘may be a  
45 government of laws and not of men.’ For the very idea that one man may be compelled to hold his life, or the  
46 means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to  
47 be intolerable in any country where freedom prevails, as being the essence of slavery itself.”  
48 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (U.S. 1886)]

49 If the word “benefit” is not defined within the context of the specific franchise you are accused of violating, then the word  
50 is what the legal profession calls “void for vagueness”, thus rendering it a violation of due process of law and a tort to  
51 prosecute anyone for a crime involving receipt of “benefits”:

52 That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are  
53 subject to it what conduct on their part will render them liable to its penalties is a well- recognized requirement,  
54 consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either

1 forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily  
2 guess at its meaning and differ as to its application violates the first essential of due process of law.  
3 *International Harvester Co. v. Kentucky*, [234 U.S. 216, 221](#), 34 S. Ct. 853; *Collins v. Kentucky*, [234 U.S. 634,](#)  
4 [638](#), 34 S. Ct. 924

5 ...  
6 ... The dividing line between what is lawful and unlawful cannot be left to conjecture. **The citizen cannot be**  
7 held to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably  
8 admit of different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime,  
9 and the elements constituting it, must be so clearly expressed that the ordinary person can intelligently  
10 choose, in advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain  
11 things, and providing a punishment for their violation, should not admit of such a double meaning that the  
12 citizen may act upon the one conception of its requirements and the courts upon another.  
13 [[Connally vs. General Construction Co.](#), 269 U.S. 385 (1926)]

14 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  
15 benefit on the jury and who therefore do not have a criminal conflict of interest what a "benefit" is and whether they regard  
16 the benefit at issue in the case as a "consideration" based on the content of this section. If there is any variation among the  
17 persons polled and if their answers are not entirely consistent, then the law is void for vagueness and unenforceable.

18 Absent a clear, unambiguous, objective definition of the word "benefit", any crime or prosecution based on its definition is  
19 required to give the defendant the benefit of the doubt under a practice called the "rule of lenity":

20 This expansive construction of § 666(b) is, at the very least, inconsistent with the rule of lenity -- which the  
21 Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term  
22 "benefits," we should resolve that ambiguity in favor of the defendant. See United States v. Bass, 404 U.S.  
23 336, 347 (1971) ("In various ways over the years, we have stated that, when choice has to be made between  
24 two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher  
25 alternative, to require that Congress should have spoken in language that is clear and definite" (internal  
26 quotation marks omitted)).  
27 [[Fischer v. United States](#), 529 U.S. 667 (2000)]

28 "When Congress leaves to the Judiciary the task of imputing to Congress an undeclared will, the ambiguity  
29 should be resolved in favor of lenity. And this not out of any sentimental consideration, or for want of  
30 sympathy with the purpose of Congress in proscribing evil or antisocial conduct. It may fairly be said to be a  
31 presupposition of our law to resolve doubts . . . against the imposition of a harsher punishment."  
32 [[Bell v. United States](#), 349 U.S. 81, 83 (1955)]

33 If the defendant in a criminal trial involving "benefits" is a Christian, it is also important to point out that the Bible forbids  
34 us to regard anything that is offered by the government as a "benefit". Anyone who compels you to regard what the  
35 government offers as a benefit is therefore compelling you to violate your religious beliefs and violate the First  
36 Amendment:

37 "Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are  
38 counted as the small dust on the scales."  
39 [[Isaiah 40:15](#), Bible, NKJV]

40 "All the inhabitants of the earth are reputed as nothing; He does according to His will in the army of heaven  
41 And among the inhabitants of the earth. No one can restrain His hand Or say to Him, "What have You done?"  
42 [[Daniel 4:35](#), Bible, NKJV]

43 "All nations [and governments] before Him [God] are as nothing, and they are counted by Him less than  
44 nothing and worthless."  
45 [[Isaiah 40:17](#), Bible, NKJV]

46 "He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth  
47 useless."  
48 [[Isaiah 40:23](#), Bible, NKJV]

49 "Indeed they [the governments and the men who make them up in relation to God] are all worthless; their  
50 works are nothing; their molded images [and their bureaus and agencies and usurious "codes" that are not  
51 law] are wind [and vanity] and confusion."  
52 [[Isaiah 41:29](#), Bible, NKJV]

1 Understanding the meaning of the word “benefit”, however, is *hugely* important because:

- 2 1. The definition of the term becomes the metric for whether sufficient “consideration” was rendered by both parties to
- 3 the contract or franchise so as to make the contract or agreement binding on both of them.
- 4 2. Receipt of “benefit” is the basis for criminally prosecuting those participating in federal franchises who don’t “pay
- 5 their fair share”.
- 6 3. The person granted authority to define the word in any legal contest will always win, which will end up being the judge
- 7 if you don’t define it on the government form that administers the franchise you are either involved in or accused of
- 8 being involved in.

9 Since the word can and often is very deliberately and purposefully not legislatively defined, it is therefore our job whenever  
10 we submit a government form to identify that we are the only ones who can define it and then to define it unambiguously so  
11 that silver tongued judges, government prosecutors, and other vermin cannot later invent a unilateral definition that we  
12 disagree with and which ultimately will advantage and benefit them at your expense. This approach, in fact, was taken into  
13 account in the following form on our website which we religiously attach to all government tax forms we are compelled to  
14 submit:

[Tax Form Attachment, Form #04.201](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

15 The definition of the word “benefit” that provides the most protection for your rights is the following:

16 *“Benefit: Advantage; profit; fruit; gain; interest associated with a specific transaction which conveys a right*  
17 *or property interest which:*

- 18 1. *Is not dispensed by an administrative agency of any state or federal government, but by a private*
- 19 *individual.*
- 20 2. *Does not require the recipient to be an officer, agent, employee, or “personnel” within any government.*
- 21 3. *Is not called a “tax” or collected by the Internal Revenue Service, but is clearly identified as “private*
- 22 *business activity beyond the core purposes of government”.*
- 23 4. *Does not confer upon the grantor any form of sovereign, official, or judicial immunity.*
- 24 5. *Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard*
- 25 *in equity within a true, Article III constitutional court and NOT a legislative franchise court.*
- 26 6. *True constitutional courts are provided in which to litigate disputes arising under the benefit and those*
- 27 *with said disputes are not required to exhaust administrative remedies with an executive branch agency*
- 28 *BEFORE they may litigate. These constitutional courts are required to produce evidence that they are*
- 29 *constitutional courts with OTHER than strictly legislative franchise powers when challenged by the*
- 30 *recipients of said benefits.*
- 31 7. *The specific value of the consideration can be quantified at any time.*
- 32 8. *Monies paid in by the recipient to subsidize the program are entirely refundable if the benefits they pay*
- 33 *for have not been received or employed either partially or in full.*
- 34 9. *A person who dies and never collects a benefit is refunded ALL of the monies they paid in.*
- 35 10. *Participation in the program is not also attached to any other government program. For instance, being a*
- 36 *recipient of “social insurance” does not also make the recipient liable for unrelated or other federal*
- 37 *taxes.*
- 38 11. *The term “benefit” must be defined in the franchise agreement that dispenses it, and its definition may not*
- 39 *be left to the subjective whims of any judge or jury.*
- 40 12. *If the “benefit” is financial, then it is paid in lawful money rather than Federal Reserve Notes, which are*
- 41 *non interest bearing promissory notes that are not lawful money and are backed by nothing.*
- 42 13. *The franchise must expressly state that participation is voluntary and that no one can be prosecuted or*
- 43 *punished for failure to participate.*
- 44 14. *The identifying numbers, if any, that administer the program may not be used for identification and may*
- 45 *not be shared with or used by any nongovernmental entity other than the recipient him or her self.*
- 46 15. *May not be heard by any judge, jurist, or prosecutor who is a recipient or beneficiary of the same benefit,*
- 47 *because this would cause a conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28*
- 48 *U.S.C. §455.*
- 49 16. *During any litigation that involving the “benefit”, both the grantor and the grantee share equal obligation*
- 50 *to prove that equally valuable consideration was provided to the other party. Note that Federal Reserve*
- 51 *Notes do not constitute lawful money or therefore consideration.*

52 *Anything offered by the government that does not meet ALL of the above criteria is herein defined as an*  
53 *INJURY and a TORT. Compelled participation is stipulated by both parties as being slavery in criminal*  
54 *violation of 18 U.S.C. §1583, 42 U.S.C. §1994, and the Thirteenth Amendment.*  
55

1                   Receipt of the attached government application constitutes consent by the recipient of the application to use the  
2 above definition of "benefit" in any disputes that might arise over this transaction. Government recipient and  
3 its agents, employees, and assigns forfeit their right as private individuals acting in any government office to  
4 define the term "benefit" and agree to use ONLY the above definition.

5 The above definition is intended to prevent the creation of a state sponsored religion or fantasy in which people may be  
6 fooled into believing that they receive anything of value from the government:

7                   "BELIEF. A conviction of the truth of a proposition, existing subjectively in the mind, and induced by  
8 argument, persuasion [GOVERNMENT LIES, PROPAGANDA], or proof addressed to the judgment. Keller  
9 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  
10 at from external sources after weighing probability. Ex parte State ex rel. Attorney General, 100 So. 312, 313,  
11 211 Ala. 1.

12                   "Conviction of the mind, arising not from actual perception or knowledge, but by way of inference, or from  
13 evidence received or information derived from others.

14                   A conviction of the truth of a given proposition or an alleged fact resting upon grounds insufficient to constitute  
15 positive knowledge. Boone v. Merchants' & Farmers' Bank, D.C.N.C.. 285 F. 183. 191.

16                   With regard to things which make not a very deep impression on the memory, it may be called "belief."  
17 "Knowledge" is nothing more than a man's firm belief. The difference is ordinarily merely in the degree; to be  
18 judged of by the court, when addressed to the court; by the jury, when addressed to the jury. Hatch v.  
19 Carpenter. 9 Gray (Mass.) 274.

20                   Knowledge is an assurance of a fact or proposition founded on perception by the senses, or intuition; while  
21 "belief" is an assurance gained by evidence, and from other persons. Brooks v. Sessoms, 47 Ga.App. 554, 171  
22 S.E. 222, 224. "Suspicion" is weaker than "belief." since suspicion requires no real foundation for its existence.  
23 while "belief" is necessarily based on at least assumed facts. Pen. Code. Ci 836, subd. 3. Cook v. Singer Sewing  
24 Mach. Co., 32 P.2d 430, 431. 138 Cal.App. 418."  
25 [Black's Law Dictionary, Fourth Edition, 197]

26 If you submit a government form with the above application and the application is rejected, this is a great way to prove to  
27 anyone who was trying to force you to participate that you weren't eligible! Hurt me! It is a maxim of law that any act  
28 which is compelled is not YOUR act, and that the law cannot require an impossibility, which means that no one can require  
29 you to obtain or punish you for failure to obtain that which the government won't issue you or which you can prove you  
30 aren't even legally qualified to obtain. For an example of this phenomenon, see:

- 31 1. [Why You Aren't Eligible for Social Security](http://sedm.org/Forms/FormIndex.htm), 06.001  
32 <http://sedm.org/Forms/FormIndex.htm>  
33 2. [Why It Is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205](http://sedm.org/Forms/FormIndex.htm)  
34 <http://sedm.org/Forms/FormIndex.htm>

### 35 **3 Basic purpose of Establishing Government: protection**

36 The basic purpose of establishing government is the protection of private rights. This fact is admitted in our Declaration of  
37 Independence:

38                   "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
39 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to  
40 secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the  
41 governed,"  
42 [Declaration of Independence]

43 The protection afforded by government comes in the form of the criminal laws, the police powers, courts, and jails which  
44 collectively prevent you from being injured or your rights deprived by your neighbor. All persons within a jurisdiction  
45 must obey the criminal laws and their consent is not required in order to enforce them. Simple presence on the territory of  
46 the sovereign and the commission of a harmful act triggers jurisdiction to enforce the statute against the perpetrator.

47 The protection afforded by government is implemented through what is called "police powers". First, let's define the term:

1 **“Police power.** *An authority conferred by the American constitutional system in the Tenth Amendment, U.S.*  
2 *Const., upon the individual states, and, in turn, delegated to local governments, through which they are enabled*  
3 *to establish a special department of police; adopt such laws and regulations as tend to prevent the commission*  
4 *of fraud and crime, and secure generally the comfort, safety, morals, health, and prosperity of the citizens by*  
5 *preserving the public order, preventing a conflict of rights in the common intercourse of the citizens, and*  
6 *insuring to each an uninterrupted enjoyment of all the privileges conferred upon him or her by the general*  
7 *laws.*

8 ***The power of the State to place restraints on the personal freedom and property rights of persons for the***  
9 ***protection of the public safety, health, and morals or the promotion of the public convenience and general***  
10 ***prosperity. The police power is subject to limitations of the federal and State constitutions, and especially to***  
11 ***the requirement of due process. Police power is the exercise of the sovereign right of a government to promote***  
12 ***order, safety, security, health, morals and general welfare within constitutional limits and is an essential***  
13 ***attribute of government. Marshall v. Kansas City, Mo., 355 S.W.2d 877, 883.”***  
14 ***[Black’s Law Dictionary, Sixth Edition, p. 1156]***

15 Police powers:

- 16 1. Attach to the territory of the sovereign power who provides them.
- 17 2. Are designed to prevent harmful acts which injure the equal rights of all documented in the Bill of Rights, which are
- 18 the first ten amendments to the United States Constitution.
- 19 3. Are always implemented using the criminal and not civil laws.
- 20 4. Cannot be delegated to or shared with any other government or abrogated to private companies.
- 21 5. Do not require the “consent” of those against whom the criminal laws are enforced. Civil laws, on the other hand, do
- 22 require “consent of the governed”.

23 *“That to secure these rights, governments are instituted among men, deriving their just powers from the consent*  
24 *of the governed.”*  
25 *[Declaration of Independence]*

- 26 6. Do not require “domicile” or “residence” in order to be enforced against those who are protected.

27 In nearly all cases, “police powers” and “legislative jurisdiction” are synonymous terms. Nearly all “Acts of Congress” are  
28 “private laws” or “special laws” that only apply within federal territories and not to states of the Union. This is discussed in  
29 greater detail in section 5.4 of the *Tax Fraud Prevention Manual* and its subsections.

30 Both state and the federal governments under our Constitutional system possess police powers within their own respective  
31 jurisdictions. Police powers are synonymous with criminal but not civil jurisdiction:

- 32 1. States within their own borders, but generally not on land ceded to the federal government, including any area within
- 33 the “federal zone”.
- 34 2. Federal government to all its territories and possessions and the enclaves that it owns within the union states consisting
- 35 of lands ceded by the state legislature to the federal government. These areas are called the “federal zone” in this book.
- 36 The states of the union are not regarded as “territories” of the federal government. Instead, they are the equivalent of
- 37 sovereign nations who have delegated a portion of their power to the federal government but who collectively reserve
- 38 sovereignty over that government.

39 Below is one of many statements made by the Supreme court confirming the limited nature of federal police powers within  
40 the sovereign states of the Union:

41 *“By the tenth amendment, ‘the powers not delegated to the United States by the constitution, nor prohibited by it*  
42 *to the states, are reserved to the states, respectively, or to the people.’ Among the powers thus reserved to the*  
43 *several states is what is commonly called the ‘police power,’-that inherent and necessary power, essential to*  
44 *the very existence of civil society, and the safeguard of the inhabitants of the state against disorder, disease,*  
45 *poverty, and crime. ‘The police power belonging to the states in virtue of their general sovereignty,’ said Mr.*  
46 *Justice STORY, delivering the judgment of this court, ‘extends over all subjects within the territorial limits of*  
47 *the states, and has never been conceded to the United States.’ Prigg v. Pennsylvania, 16 Pet. 539, 625. This is*  
48 *well illustrated by the recent adjudications that a statute prohibiting the sale of illuminating oils below a*  
49 *certain fire test is beyond the constitutional power of congress to enact, except so far as it has effect within the*  
50 *United States (as, for instance, in the District of Columbia) and without the limits of any state; but that it is*  
51 *within the constitutional power of a state to pass such a statute, even as to oils manufactured under letters*  
52 *patent from the United States. U.S. v. Dewitt, 9 Wall. 41; Patterson v. Kentucky, 97 U.S. 501. [135 U.S. 100,*  
53 *128] The police power includes all measures for the protection of the life, the health, the property, and the*

1 *welfare of the inhabitants, and for the promotion of good order and the public morals. It covers the*  
2 *suppression of nuisances, whether injurious to the public health, like unwholesome trades, or to the public*  
3 *morals, like gambling-houses and lottery tickets. Slaughter-House Cases, 16 Wall. 36, 62, 87; Fertilizing Co. v.*  
4 *Hyde Park, 97 U.S. 659; Phalen v. Virginia, 8 How. 163, 168; Stone v. Mississippi, 101 U.S. 814. This power,*  
5 *being essential to the maintenance of the authority of local government, and to the safety and welfare of the*  
6 *people, is inalienable. As was said by Chief Justice WAITE, referring to earlier decisions to the same effect:*  
7 *'No legislature can bargain away the public health or the public morals. The people themselves cannot do it,*  
8 *much less their servants. The supervision of both these subjects of governmental power is continuing in its*  
9 *nature, and they are to be dealt with as the special exigencies of the moment may require. Government is*  
10 *organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this*  
11 *purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than*  
12 *the power itself.' Stone v. Mississippi, 101 U.S. 814, 819. See, also, Butchers' Union, etc., Co. v. Crescent*  
13 *City, etc., Co., 111 U.S. 746, 753, 4 S.Sup.Ct.Rep. 652; New Orleans Gas Co. v. Louisiana Light Co., 115*  
14 *U.S. 650, 672, 6 S.Sup.Ct.Rep. 252; New Orleans v. Houston, 119 U.S. 265, 275, 7 S.Sup.Ct.Rep. 198."*  
15 *[Leisy v. Hardin, 135 U.S. 100 (1890)]*

16 An example of the exercise of police powers is the enactment of criminal laws to protect citizens and inhabitants from  
17 crime and other injurious activities. Exercise of police powers encompasses such things as the regulation of intoxicating  
18 liquors, public health, vaccination programs, healthcare, and many other subjects. Within the federal government, the  
19 function of the Bureau of Alcohol, Tobacco, and Firearms (BATF), for instance, is to exercise general police powers within  
20 the federal zone only over alcohol, tobacco, and firearms and this power is conferred under Title 27 of the U.S. code. At  
21 one time, federal police powers over alcohol extended into states of the Union under the Eighteenth Amendment, but this  
22 amendment was subsequently repealed with the passage of the 21<sup>st</sup> Amendment. The Drug Enforcement Agency, or DEA,  
23 has exclusive federal jurisdiction over drug trafficking inside the federal zone. These federal agencies, however, have no  
24 jurisdiction over such activities that are exclusively within a state. The minute that such activities cross state borders and  
25 become interstate commerce, these agencies obtain jurisdiction under the Commerce Clause found in the Constitution under  
26 Article 1, Section 8, Clause 3.

27 In some cases, a delegation of authority to enforce criminal or tax statutes may occur by the federal government, whereby  
28 federal legislation is enacted to permit the laws of federal "States" to apply to federal enclaves within a de jure  
29 constitutional "State". These federal "States" are in fact "territories or possessions" of the United States, as shown in 4  
30 U.S.C. §110(d). An example of such legislation is the Buck Act of 1940, codified in 5 U.S.C. §105-113. This Act gave  
31 authority to federal territories (called federal "States" in federal law) only to impose their income taxes on business  
32 activities exclusively within federal enclaves located within federal territories. The act DID NOT and CANNOT authorize  
33 states of the Union to impose direct taxes within federal enclaves, because this would:

- 34 1. Break down the separation of powers between the state and federal governments.
- 35 2. Violate the mandate in Article 4, Section 4 of the Constitution to provide a "Republican form of government".
- 36 3. Force people in federal territories to serve two masters (state and federal), which violates God's laws found in Luke  
37 16:13.
- 38 4. Create collusion and conspiracy against the rights of people in federal territories by the state and federal government.  
39 It also incentivizes states of the Union to pretend like their citizens live in federal enclave so that they can steal money  
40 from them. This coordinated theft of the sovereign people's income is done using the Agreements on Coordination of  
41 Tax Administration (ACTA) between the Secretary of the Treasury and states of the Union. All the states now have  
42 been bribed by the federal government to pretend like their citizens live in federal territories and come under the Buck  
43 Act.

44 The Buck Act, in fact, is the exclusive authority for the income and sales taxes in most states of the Union. That's right,  
45 income and sales taxes in most states are only authorized inside the federal zone on nonresidents of each Union state! A  
46 person who is domiciled or "resident" in a federal enclave within a state is "nonresident" to the Union state.

47 The important thing that you need to know about police powers is that they are required in order to enforce the criminal  
48 provisions of the tax laws. You can't outlaw something by passing a criminal statute against it unless you have police  
49 powers within the region you are trying to tax. An example of such criminal statutes are 26 U.S.C. §§7201-7217, which are  
50 the criminal provisions of the Internal Revenue Code that most people in the states of the Union falsely "believe" apply to  
51 them but in fact do not. Why? Because the federal government has no police powers within the borders of the states unless  
52 they are exercising powers specifically granted to them by the Constitution. Even the Supreme Court agrees with this  
53 conclusion:

1 "It should never be held that Congress intends to supersede or by its legislation suspend the exercise of the  
 2 police powers of the States, even when it may do so, unless its purpose to effect that result is clearly  
 3 manifested."  
 4 [Reid v. Colorado, [187 U.S. 137](#), 148 (1902)]  
 5

6 "The principle thus applicable has been frequently stated. It is that the Congress may circumscribe its  
 7 regulation and occupy a limited field, and that the intention to supersede the exercise by the State of its  
 8 authority as to matters not covered by the federal legislation is not to be implied unless the Act of Congress  
 9 fairly interpreted is in conflict with the law of the State. See Savage v. Jones, [225 U.S. 501, 533.](#)"  
 10 [Atchison, T. & S. F. R. Co. v. Railroad Commission, [283 U.S. 380, 392–393](#) (1931)]  
 11

12 "If Congress is authorized to act in a field, it should manifest its intention clearly. It will not be presumed that  
 13 a federal statute was intended to supersede the exercise of the power of the state unless there is a clear  
 14 manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed."  
 15 [Schwartz v. Texas, [344 U.S. 199](#), 202-203 (1952)]  
 16

17 "While states are not sovereign in true sense of term but only quasi sovereign, yet in respect of all powers  
 18 reserved to them they are supreme and independent of federal government as that government within its sphere  
 19 is independent of the states."

20 "It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247  
 21 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  
 22 internal affairs of the states; and emphatically not with regard to legislation."  
 23 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

24 With regard to that last quote, the Internal Revenue Code is classified as "legislation". The ability to impose an income tax  
 25 upon natural persons domiciled and resident within the 50 states of the Union on other than federal territory was *never*  
 26 conferred upon the federal government anywhere in the Constitution, Sixteenth Amendment or otherwise. As a matter of  
 27 fact, Chapter 3 of the Great IRS Hoax cites several Supreme Court rulings stating specifically that the Sixteenth  
 28 Amendment "conferred no new powers of taxation" (see *Stanton v. Baltic Mining*, 240 U.S. 103 (1916) and many others).  
 29 The *only* type of taxation authorized by the Constitution within states of the Union is indirect excise taxes on privileged  
 30 artificial entities such as corporations and partnerships who are involved *only* in foreign or interstate commerce under Art.  
 31 1, Section 8, Clause 3 of the U.S. Constitution, and who are importing but not exporting goods.

32 To summarize the findings of this section on police powers, we will present in the table below a list of definitions. This  
 33 table clarifies the distinctions between the various terms relating to "States", "states", and "United States" in the various  
 34 state and federal laws so that the impact of the separation of police powers between federal and state governments can be  
 35 clearly seen in a meaningful way:

36 **Table 1: Summary of the meaning of various terms**

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state	Union state	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" <sup>1</sup>	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state

<sup>1</sup> See California Revenue and Taxation Code, section 6017 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=06001-07000&file=6001-6024>