

POLITICAL JURISDICTION

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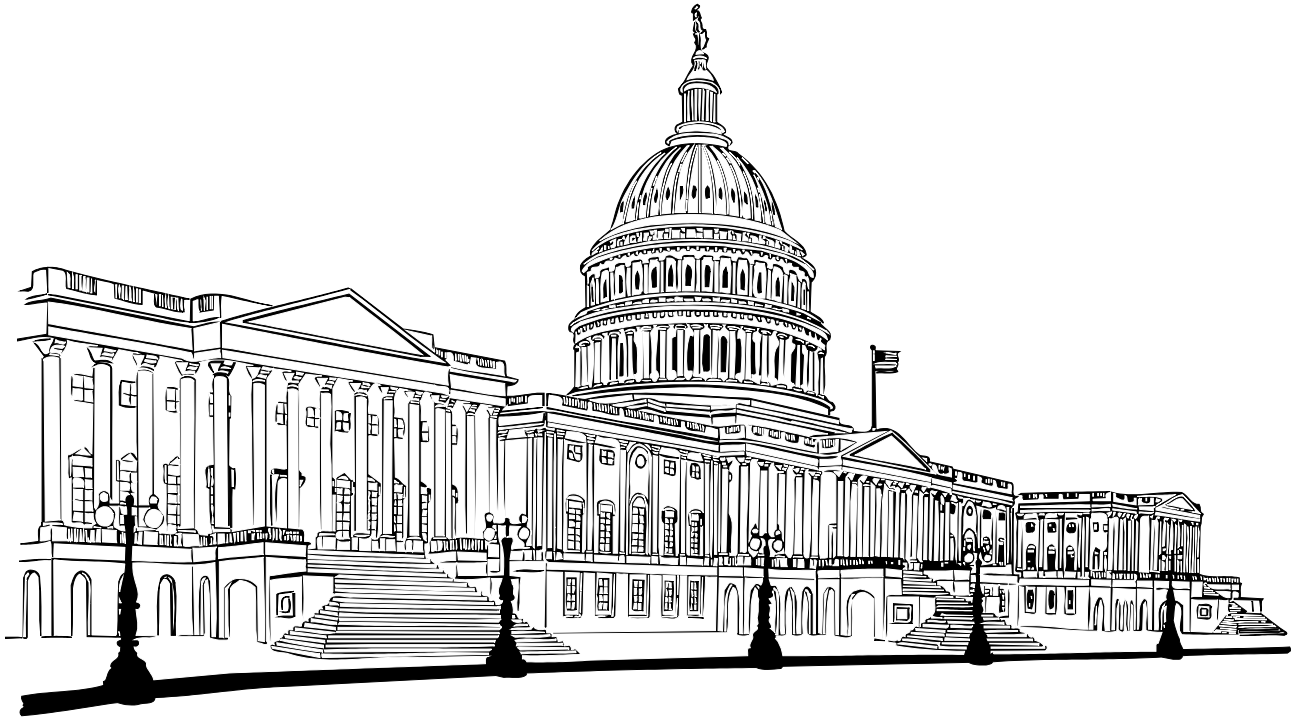


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1 **1 Introduction and definition**

2 The subject of how to distinguish between “legal questions” and “political questions” is an often overlooked area of law
3 that can have dramatic affects especially in relation to the subjects of taxation, sovereignty, and freedom. The reason an
4 understanding of this matter is important is that courts will frequently interfere especially in tax cases with a party’s chosen
5 domicile or citizenship in order to compel them to become a “taxpayer”. Most litigants don’t realize that this actually
6 amounts to an abuse of jurisdiction and produces a void judgment and they lack the ability to explain why. Consequently,
7 they allow themselves to be needlessly victimized by a corrupted court. This memorandum will focus on providing legal
8 authorities to prove why courts which do this are violating their authority, breaking down the separation of powers, and
9 involving themselves in political matters or “political questions”. This information will provide standing to either
10 challenge or dismiss any ruling against them which adversely affects their choice of citizenship or domicile.

11 Black’s Law Dictionary, Sixth Edition defines “political questions” as follows:

12 *“Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their*
13 *purely political character, or because their determination would involve an encroachment upon the executive or*
14 *legislative powers.*

15 *“Political questions doctrine” holds that certain issues should not be decided by courts because their resolution*
16 *is committed to another branch of government and/or because those issues are not capable, for one reason or*
17 *another, of judicial resolution. Islamic Republic of Iran v. Pahlavi, 116 Misc.2d 590, 455 N.Y.S.2d 987, 990.*

18 *A matter of dispute which can be handled more appropriately by another branch of the government is not a*
19 *“justiciable” matter for the courts. However, a state apportionment statute is not such a political question as to*
20 *render it nonjusticiable. Baker v. Carr, 369 U.S. 186, 208-210, 82 S.Ct. 691, 705-706, 7 L.Ed.2d 663.*
21 *[Black’s Law Dictionary, Sixth Edition, pp. 1158-1159]*

22 **2 Authorities on “political questions”**

23 Courts may not involve themselves in any strictly political question:

- 24 1. Baker v. Carr, 369 U.S. 186 (1962). Establishes criteria for determining jurisdiction to decide specific aspects of
25 political questions.
26 2. Luther v. Borden, 48 U.S. 1 (1849). Denied all courts jurisdiction to hear strictly political matters.
27 3. Fletcher v. Tuttle, 151 Ill. 41, 37 N.E. 683 (1894). Defined “political rights”.
28 4. O’Brien v. Brown, 409 U.S. 1 (1972). Ruled that equity courts must refrain from interfering in the administration of
29 the internal affairs of a political party. The court will note that any number of people, including a single person, can
30 defined a political party.

31 Courts may not involve themselves in the affairs of a political party or its members:

- 32 1. Lynch v. Torquato, 343 F.2d 370 (3rd Cir. 1965). Court dismissed petitioner’s challenge to the method of selecting the
33 Democratic County Committee and Chairman.
34 2. Farmer-Labor State Central Committee v. Holm, 227 Minn. 52, 33 N.W.2d 831 (1948). Court ruled that “In factional
35 controversies within a party, where there is not controlling statute or clear right based on statute law, the courts will not
36 assume jurisdiction, but will leave the matter for determination within the party organization.. . Such a convention is a
37 deliberative body, and unless it acts arbitrarily, oppressively, or fraudulently, its final determination as to candidates, or
38 any other question of which it has jurisdiction, will be followed by the courts.”
39 3. White v. Berry, 171 U.S. 366 (1898). Ruled that court of equity will refrain from exercising jurisdiction over the
40 appointment or removal of public officers.

41 Courts may not compel participation in political parties or interfere with membership in them:

- 42 1. Democratic Party of U.S. v. Wisconsin, ex re. LaFollette, 450 U.S. 107, 101 S.Ct. 1010, 67 L.Ed.2d 82 (1981). Court
43 ruled that freedom of political association “necessarily presupposes the freedom to identify the people who comprise
44 the association, and to limit the association to those people only.”

1 2. Tashjian v. Republican Party of Connecticut, 479 U.S. 208, 107 S.Ct. 544, 93 L.Ed.2d 514 (1986): Ruled that a state
2 could not constitutionally require that voters in party primaries be registered members of that party.

3 The criteria for determining whether a question is a “political question” is best described in *Baker v. Carr*, which was
4 explained in *Nixon v. United States*, 506 U.S. 224 (1993) as follows:

5 “A controversy is nonjusticiable -- i.e., involves a political question -- where there is a textually demonstrable
6 constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable
7 and manageable standards for resolving it. . . .”
8 [*Nixon v. United States*, 506 U.S. 224 (1993)]

9 The second criteria above: “or a lack of judicially discoverable and manageable standards for resolving it” is explained in
10 the same case:

11 *The majority states that the question raised in this case meets two of the criteria for political questions set out in*
12 *Baker v. Carr*, 369 U.S. 186 (1962). *It concludes first that there is “a textually demonstrable constitutional*
13 *commitment of the issue to a coordinate political department.” It also finds that the question cannot be resolved*
14 *for “a lack of judicially discoverable and manageable standards.” Ante, at 228.*

15 *Of course the issue in the political question doctrine is not whether the constitutional text commits exclusive*
16 *responsibility for a particular governmental function to one of the political branches. There are numerous*
17 *instances of this sort of textual commitment, e.g., Art. I, 8, and it is not thought that disputes implicating these*
18 *provisions are nonjusticiable. Rather, the issue is whether the Constitution has given one of the political*
19 *branches final responsibility for interpreting the scope and nature of such a power.*

20 *Although Baker directs the Court to search for “a textually demonstrable constitutional commitment” of such*
21 *responsibility, there are few, if any, explicit and unequivocal instances in the Constitution of this sort of textual*
22 *commitment. Conferral on Congress of the power to “Judge” qualifications of its Members by Art. I, 5, may, for*
23 *example, preclude judicial review of whether a prospective member in fact meets those qualifications. See*
24 *Powell v. McCormack*, 395 U.S. 486, 548 (1969). *The courts therefore are usually left to infer the presence of a*
25 *political question from the text and structure of the Constitution. In drawing the inference that the Constitution*
26 *has committed final interpretive authority to one of the political branches, courts are sometimes aided by*
27 *textual evidence that the judiciary was not meant to exercise judicial review - a coordinate inquiry expressed in*
28 *Baker’s “lack of judicially discoverable and manageable standards” criterion. See, e.g., Coleman v. Miller*, 307
29 *U.S. 433, 452* -454 (1939), *where the Court refused to determine [506 U.S. 224, 241] the lifespan of a*
30 *proposed constitutional amendment, given Art. V’s placement of the amendment process with Congress and the*
31 *lack of any judicial standard for resolving the question. See also id., at 457-460 (Black, J., concurring).*
32 [*Nixon v. United States*, 506 U.S. 224 (1993)]

33 **3 Federal District, Circuit, and Tax Courts are Part of the Legislative Branch instead of the**
34 **Judicial Branch and therefore can only render political opinions and not orders**

35 The book What Happened to Justice? is available below:

<p>36 <u>What Happened to Justice?</u>, Form #06.012 37 http://sedm.org/Forms/FormIndex.htm</p>

36 The above book proves with overwhelming evidence, including over 5,800 pages of government documentation, the
37 following facts about all federal courts:

- 38 1. That federal district, circuit, and even the U.S. Supreme Court’s appellate but not original jurisdiction, are legislative
- 39 Article IV territorial courts that, like Congress itself, have no jurisdiction within states of the Union.
- 40 2. That federal district and circuit courts are part of the Legislative, and not Judicial Branch of the federal government.
- 41 3. That the federal government, excepting possibly the original jurisdiction Supreme Court, has been functioning without
- 42 a Judicial Branch since the founding of this country in 1789.
- 43 4. That rulings of federal district, circuit, and Tax Courts are “opinions” and not “orders” in respect to persons domiciled
- 44 in states of the Union.
- 45 5. That people domiciled within a state of the Union cannot lawfully serve as jurists in federal court.
- 46 6. That federal judges must reside on federal territory within the exterior limits of the judicial district in which they serve
- 47 and are guilty of a high misdemeanor and may be impeached if they do not.

- 1 7. That legislative Article IV federal courts concern themselves exclusively with the “territory and other property of the
2 United States” and do not concern themselves with the rights of persons.
3 8. That only those with some connection to federal property, including land, territory, franchises, or contracts, can
4 lawfully appear before an Article IV court with a case or controversy. This is a natural consequence of the content of
5 Article IV of the United States Constitution.

6 If any of the above facts and conclusions surprise you or are in dispute at this point, we strongly encourage you to obtain
7 the CD version of the above book and refute the overwhelming physical evidence for yourself.

8 Based on the analysis found in the *What Happened to Justice?*, Form #06.012 book, any government court, employee, or
9 officer who quotes rulings from federal courts against a person domiciled within a state of the Union is:

- 10 1. Engaging in “political questions” rather than “legal questions” or controversies.
11 2. Abusing federal case law and stare decisis as political propaganda that is irrelevant.
12 3. Trying to deceive the audience that are the target of such propaganda in order to deprive them of Constitutionally
13 protected rights to life, liberty, and property.
14 4. Engaging in an unlawful deprivation of rights in violation of [42 U.S.C. §1983](#) which is an actionable tort.

15 This type of abuse of caselaw by government employees for “political and propaganda purposes” is commonplace in tax
16 and other types of collection notices from state and federal governments. Frequently, the IRS and state revenue agencies
17 will quote federal caselaw that is simply irrelevant to the recipient of the notice because he or she is domiciled within a
18 state of the Union on other than federal territory. The fact that it is irrelevant is confirmed by:

- 19 1. The Rules of Decision Act, 28 U.S.C. §1652, which says on the subject:\

20 [TITLE 28 > PART V > CHAPTER 111 > § 1652](#)
21 [§ 1652. State laws as rules of decision](#)

22 *The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress*
23 *otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United*
24 *States, in cases where they apply.*

- 25 2. The rulings of the U.S. Supreme Court, which said on the subject:

26 *“There is no Federal Common Law, and Congress has no power to declare substantive rules of Common Law*
27 *applicable in a state. Whether they be local or general in their nature, be they commercial law or a part of the*
28 *Law of Torts”*
29 *[Erie Railroad v. Tompkins, 304 U.S. 64 (1938)]*

- 30 3. Black’s Law Dictionary:

31 *“Common law. As distinguished from statutory law created by the enactment of legislatures, the common law*
32 *comprises the body of those principles and rules of action, relating to the government and security of persons*
33 *and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the*
34 *judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs and, in*
35 *this sense, particularly the ancient unwritten law of England. In general, it is a body of law that develops and*
36 *derives through judicial decisions, as distinguished from legislative enactments. The “common law” is all the*
37 *statutory and case law background of England and the American colonies before the American revolution.*
38 *People v. Rehman, 253 C.A.2d 119, 61 Cal.Rptr. 65, 85. It consists of those principles, usage and rules of*
39 *action applicable to government and security of persons and property which do not rest for their authority upon*
40 *any express and positive declaration of the will of the legislature. Bishop v. U.S., D.C.Tex., 334 F.Supp. 415,*
41 *418.*

42 *“Calif. Civil Code, Section 22.2, provides that the “common law of England, so far as it is not repugnant to or*
43 *inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of*
44 *decision in all the courts of this State.”*

45 *“In a broad sense, “common law” may designate all that part of the positive law, juristic theory, and ancient*
46 *custom of any state or nation which is of general and universal application, thus marking off special or local*
47 *rules or customs.*

48 *“For federal common law, see that title.*

1 "As a compound adjective "common-law" is understood as contrasted with or opposed to "statutory," and
2 sometimes also to "equitable" or to "criminal."
3 [Black's Law Dictionary, Sixth Edition, p. 276]

4 It is the duty of vigilant Americans, federal judges, government employees, and government counsel to be alert for the
5 abuse of caselaw as "political propaganda" and they should stop it immediately with appropriate citations of legal authority.
6 If they do not, then there will be no end of further usurpations. Of this type of vigilance, the U.S. Supreme Court has said:

7 "The necessity of preserving each [State of the Union] from every form of illegitimate [federal] intrusion or
8 interference on the part of the other is so imperative as to require this court, when its judicial power is properly
9 invoked, to view with a careful and discriminating eye any legislation challenged as constituting such an
10 intrusion or interference. See *South Carolina v. United States*, [199 U.S. 437, 448](#), 26 S.Ct. 110, 4 Ann.Cas.
11 737."
12 [Charles C. Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]

13
14 "It may be that it...is the obnoxious thing in its mildest and least repulsive form; but illegitimate and
15 unconstitutional practices get their first footing in that way; namely, by silent approaches and slight
16 deviations from legal modes of procedure. This can only be obviated by adhering to the rule that
17 constitutional provisions for the security of person and property should be liberally construed. A close and
18 literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it
19 consisted more in substance than in name. It is the duty of the courts to be watchful for the constitutional
20 rights of the citizens, and against any stealthy encroachments thereon. Their motto should be obsta
21 principalis."
22 [Mr. Justice Brewer, dissenting, quoting Mr. Justice Bradley in *Boyd v. United States*, 116 U.S. 616, 29 L.Ed.
23 746, 6 Sup.Ct.Rep. 524]
24 [*Hale v. Henkel*, [201 U.S. 43](#) (1906)]

25 **4 Choice of "Citizenship" is a strictly political question**

26 The U.S. Supreme Court admitted that "citizenship" is a "political tie", when it said:

27 "Citizenship is a political tie; allegiance is a territorial tenure. [. . .] The doctrine is, that allegiance cannot
28 be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing
29 allegiance from a previous, sovereign...."
30 [*Talbot v. Janson*, [3 U.S. 133](#) (1795)]

31 Consequently, a court which interferes with one's voluntary choice of citizenship is involving itself in a strictly "political
32 matter". However, courts may intervene in preventing the oppression of political right which spring from one's citizenship.
33 For instance, the statute below protects people based on their citizenship status:

34 [TITLE 8 > CHAPTER 12 > SUBCHAPTER II > Part VIII > § 1324b](#)
35 [§ 1324b. Unfair immigration-related employment practices](#)

36 *Prohibition of discrimination based on national origin or citizenship status*

37 (3) "Protected individual" defined

38 As used in paragraph (1), the term "protected individual" means an individual who—

39 (A) is a citizen or national of the United States, or

40 **5 Choice of "Domicile" is a strictly political question**

41 Black's Law Dictionary defines "domicile" as follows:

42 "domicile. A person's legal home. That place where a man has his true, fixed, and **permanent home** and
43 principal establishment, and to which whenever he is absent he has **the intention of returning**. *Smith v. Smith*,
44 206 Pa.Super. 310m 213 A.2d 94. Generally, physical presence within a state and **the intention** to make it
45 one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the
46 place to which he **intends to** return even though he may actually reside elsewhere. A person may have more
47 than one residence but only one domicile. **The legal domicile of a person is important since it, rather than the**

1 actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may
2 exercise the privilege of voting and other legal rights and privileges."
3 [Black's Law Dictionary, Sixth Edition, p. 485]

4 Domicile is based on the coincidence of a voluntary commitment of allegiance and consent and physical presence. The
5 voluntary commitment of allegiance constitutes essentially political allegiance to the regional government, which becomes
6 the protector and sovereign of those claiming allegiance. That allegiance manifests itself through obedience to the law of
7 the place where one claims "domicile":

8 "Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The
9 one is a compensation for the other; allegiance for protection and protection for allegiance."
10 [Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]

11 "Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in
12 transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the
13 Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates
14 universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter
15 obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,
16 the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most
17 obvious illustration being a tax on realty laid by the state in which the realty is located."
18 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

19 We make our intention known of selecting a domicile by virtue of the government forms we fill out. This would include
20 voter registration, change of address forms, driver's license applications, marriage license applications, income tax forms,
21 etc.

22 This right of domicile, he continues, is not established unless the person makes sufficiently known his
23 intention of fixing there, either tacitly or by an express declaration. Vatt. Law Nat. pp. 92, 93.
24 [Fong Yue Ting v. United States, 149 U.S. 698 (1893)]

25 If the choice of domicile has not been directly identified on a government form then several other additional factors are
26 considered by courts to determine domicile:

- 27 1. Continuous presence in the state.
- 28 2. Payment of ad valorem (property) taxes.
- 29 3. Payment of personal income taxes.
- 30 4. Reliance upon state sources for financial support.
- 31 5. Domicile in the state of family, or other relatives, or persons legally responsible for the person.
- 32 6. Former domicile in the state and maintenance of significant connections therein while absent.
- 33 7. Ownership of a home or real property.
- 34 8. Admission to a licensed practicing profession in the state.
- 35 9. Long term military commitments in the state.
- 36 10. Commitments to further education in the state indicating an intent to stay here permanently.
- 37 11. Acceptance of an offer of permanent employment in the state.
- 38 12. Location of spouse's employment, if any.
- 39 13. Address of student listed on selective service (draft or reserves) registration.

40 Other factors indicating an intent to make a state one's domicile may be considered. Normally, the following circumstances
41 do not constitute evidence of domicile sufficient to effect classification as a domiciliary:

- 42 1. Voting or registration for voting.
- 43 2. The lease of living quarters.
- 44 3. A statement of intention to acquire a domicile in state.
- 45 4. Automobile registration; address on driver's license; payment of automobile taxes.
- 46 5. Location of bank or saving accounts.

47 **6 Political Rights derive from the coincidence of "citizenship" and "domicile"**

48 Black's Law Dictionary defines "political rights" as follows:

Political Jurisdiction

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Form 05.004, Rev. 12-26-2008

1 “**Political rights.** Those which may be exercised in the formation or administration of the government. Rights
2 of citizens established or recognized by constitutions which give them the power to participate directly or
3 indirectly in the establishment or administration of government.”
4 [Black’s Law Dictionary, Sixth Edition, p. 1159]

5 The origins of political rights are usually in the individual’s domicile. The California Constitution, Article II, Section 2,
6 declares the following qualifications for voting:

7 [California Constitution, Article II, Section 2](#)

8 SEC. 2. A United States citizen 18 years of age and resident in this State may vote.

9 The California Election Code § 349 the defines the meaning of “residence” for the purposes of voting, which is equated
10 there with “domicile”:

11 California Election Code

12 [349. \(a\) "Residence" for voting purposes means a person's domicile.](#)

13 (b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the
14 intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At
15 a given time, a person may have only one domicile.

16 (c) The residence of a person is that place in which the person's habitation is fixed for some period of time,
17 but wherein he or she does not have the intention of remaining. At a given time, a person may have more than
18 one residence.

19 Therefore, at least in California, a person may not become a registered voter without a “domicile” in the state. A person
20 who registers to vote is volunteering to involve him or her self in political affairs and act essentially as a “public officer”,
21 who directs or influences the affairs of the government. Below is how the U.S. Supreme Court describes the exercise of
22 this sovereignty of “We the People” over their servants in government:

23 “The words ‘people of the United States’ and ‘citizens,’ are synonymous terms, and mean the same thing. They
24 both describe the political body who, according to our republican institutions, form the sovereignty, and who
25 hold the power and conduct [run] the government through their representatives [servants]. They are what we
26 familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this
27 sovereignty. ...”
28 [Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

29 This supervision over the affairs of government by “We the People” as individuals occurs both as a voter and as a jurist.
30 *White v. Berry*, 171 U.S. 366 (1898) ruled that courts of equity may not interfere with the appointment or removal of public
31 officers.

32 In *Sawyer's Case*, [124 U.S. 200, 223](#), 8 S. Sup. Ct. 482, Chief Justice Waite, in a dissenting opinion, said that
33 he was not prepared to hold that an officer of a municipal government could not, under any circumstances,
34 apply to a court of chancery to restrain the municipal authorities from proceeding to remove him from his office
35 without authority of law; that there might be cases when the tardy remedies of quo warranto, certiorari, and
36 other like writs, would be entirely inadequate. In that view of the jurisdiction of equity the writer of this opinion
37 concurred at the time the court disposed of that case.

38 But the court in its opinion in that case observed that, under the constitution and laws of the United States, the
39 distinction between common law and equity, as existing in England at the time of the separation of the two
40 countries, had been maintained, although both jurisdictions were vested in the same courts, and held that a
41 court of equity had no jurisdiction over the appointment and removal of public officers, and that to sustain a
42 bill in equity to restrain or relieve against proceedings for the removal of public officers would invade the
43 domain of the courts of common law, or of the executive and administrative departments of the government.

44 After referring to numerous authorities, American and English, in support of the general proposition that a
45 court of chancery had no power to restrain criminal proceedings unless they had been instituted by a party to a
46 suit already [171 U.S. 366, 377] pending before it, and to try the same right that was in issue there, the court
47 proceeded: ‘It is equally well settled that a court of equity has no jurisdiction over the appointment and
48 removal of public officers, whether the power of removal is vested, as well as that of appointment, in
49 executive or administrative boards or officers, or is intrusted to a judicial tribunal. The jurisdiction to
50 determine the title to a public office belongs exclusively to the courts of law, and is exercised either by
51 certiorari, error, or appeal, or by mandamus, prohibition, quo warranto, or information in the nature of a writ
52 of quo warranto, according to the circumstances of the case, and the mode of procedure established by common

1 law or by statute. No English case has been found of a bill for an injunction to restrain the appointment or
2 removal of a municipal officer. But an information in the court of chancery for the regulation of Harrow
3 School, within its undoubted jurisdiction over public charities, was dismissed so far as it sought a removal of
4 governors unlawfully elected; Sir William Grant saying, 'This court, I apprehend, has no jurisdiction of regard
5 either to the election or a motion of court, I apprehend, has no jurisdiction with General v. Clarendon, 17 Ves.
6 488, 491. In the courts of the several states the power of a court of equity to restrain by injunction the removal
7 of a municipal officer has been denied in many well- considered cases;' citing Tappan v. Gray, 3 Edw. Ch. 450,
8 reversed by Chancellor Walworth on appeal (9 Paige, 507, 509, 512), whose decree was affirmed by the court
9 of errors (7 Hill, 259); Hagner v. Heyberger, 7 Watts & S. 104; Updegraff v. Crans, 47 Pa. St. 103; Cochrane
10 v. McCleary, 22 Iowa, 75; Delehanty v. Warner, 75 Ill. 185; Sheridan v. Colvin, 78 Ill. 237; Beebe v. Robinson,
11 52 Ala. 66; and Moulton v. Reid, 54 Ala. 320.

12 The rule established in Sawyer's Case was applied in Morgan v. Nunn, 84 Fed. 551, in which Judge Lurton said
13 that 'a court of equity will not, by injunction, restrain an executive officer from making a wrongful removal
14 of a subordinate appointee, nor restrain the appointment of another.' Similar decisions have been made in
15 other circuit courts of [171 U.S. 366, 378] the United States by Judges Pardee and Newman, in Couper
16 v. Smyth (N. D. Ga.) 84 Fed. 757; by Judge Kirkpatrick, in Page v. Moffett (D. N. J.) 85 Fed. 38; by Judge
17 Jenkins, in Carr v. Gordon (N. D. Ill.) 82 Fed. 373, 379; and by judge Baker, in Taylor v. Kercheval (D. Ind.)
18 Id. 497, 499.
19 [White v. Berry, 171 U.S. 366 (1898)]

20 Therefore, no court can interfere with your political choice of domicile and thereby preclude you from involving yourself in
21 the administration of government as a public officer or within the domicile of your choice.

22 **7 Citizenship and domicile compared**

23 Both "citizenship" and "domicile" depend on allegiance. For instance, our description of "domicile" in section 5 revealed
24 that it is based on allegiance in exchange for protection. Being a statutory "citizen" also has a prerequisite of allegiance.
25 For instance:

26 [TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > § 1401](#)
27 [§ 1401. Nationals and citizens of United States at birth](#)

28 The following shall be **nationals** and citizens of the United States at birth:

29 (a) a person born in the United States, and subject to the jurisdiction thereof;

30 A "national" is then defined as a person who "owes allegiance":

31 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)
32 [Sec. 1101. - Definitions](#)

33 (a) (21) The term "national" means a person owing permanent allegiance to a state.

34 The only difference between "citizenship" and "domicile" is therefore the object of allegiance. Allegiance, which must be
35 voluntary, is what makes both of them a political relation and the expression of a First Amendment right of free political
36 association. With "citizenship", the allegiance is directed towards a "state".

37 "There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies
38 an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the
39 persons associated becomes a member of the nation formed by the association. **He owes it allegiance and is**
40 entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is
41 a compensation for the other; allegiance for protection and protection for allegiance.

42 "For convenience it has been found necessary to give a name to this membership. The object is to designate by
43 a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and
44 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the
45 government. **Citizen is now more commonly employed, however, and as it has been considered better suited to**
46 the description of one living under a republican government, it was adopted by nearly all of the States upon
47 their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the
48 Constitution of the United States. When used in this sense it is understood as conveying the idea of
49 membership of a nation, and nothing more."
50 [Minor v. Happersett, 88 U.S. 162 (1874)]

1 With “domicile”, the allegiance is directed at the local government, which is a child or creation of a superior “state”.
2 Regardless, both of these relations are entirely and exclusively “political”, and cannot exist without either the tacit or
3 express “consent of the governed”, as the Declaration of Independence requires. Below is how the U.S. Supreme Court
4 compared “allegiance” with “citizenship”:

5 “Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of
6 compact; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a
7 territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is
8 constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is
9 communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such
10 essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither
11 serve to controul, nor to elucidate. And yet, even among the nations, in which the law of allegiance is the most
12 firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the
13 invincible power of truth, and the homage, which, under every modification of government, must be paid to the
14 inherent rights of man.....The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath
15 of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign....”
16 [Talbot v. Janson, 3 U.S. 133 (1795)]

17 The implication of the preceding quote is that if allegiance derived from domicile and that derived from citizenship are in
18 conflict, then one has to take precedence because conflicting allegiances are not allowed. The practical considerations of
19 life would lead most rational people to place the importance of allegiance from domicile above that of citizenship.
20 Citizenship and domicile are complementary aspects that fix a person’s political affiliations, associations and relationships
21 under the First Amendment:

- 22 1. “Nationality” (8 U.S.C. §1101(a)(21)) associates the individual with a group of people occupying a political
23 community called a “state”.
- 24 2. “Domicile” associates the individual with the government of local general jurisdiction in the area where he lives, and
25 thereby fixes his relationship to his immediate neighbors and his political rights in relation to those neighbors. See
26 Exhibit 1 later. Domicile requires the coincidence of intent with present or past physical presence. This court cannot
27 determine my “intent” or compel me to consent, and therefore it cannot make me subject to its laws under Fed.R.Civ.P.
28 17(b) without my explicit, informed, written consent, which do not and will not give.
- 29 3. A person whose “nationality” and “domicile” coincide and intersect within the same communities becomes a “citizen”.
30 If they do not match, then he becomes a “national” but not a “citizen” under 8 U.S.C. §1101(a)(21) and/or 8 U.S.C.
31 §1101(a)(22)(B). See the following link, section 2 for a complete and very thorough explanation of this:
32

33 Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
34 <http://sedm.org/Forms/FormIndex.htm>

35 The table below, from the above link, describes the affect that changes in domicile have on citizenship status in the
36 case of both “foreign nationals” and “domestic nationals”. A “domestic national” is anyone born anywhere within any
37 one of the 50 states on nonfederal land or who was born in any territory or possession of the United States. A “foreign
38 national” is someone who was born anywhere outside of these areas. The jurisdiction mentioned in the right three
39 columns is the “federal zone”.

1 **Table 1: 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 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)	Without the “United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)
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” 26 U.S.C. §7701(a)(30)	“U.S. Person” 26 U.S.C. §7701(a)(30)	“Nonresident alien” 26 U.S.C. §7701(b)(1)(B)
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-citizen nationals”
Status if DOMESTIC national	Citizen 8 U.S.C. §1401 (Not required to file if physically present in the “United States” because no statute requires it)	Citizen abroad 26 U.S.C. §911 (Meets presence test)	“non-citizen National” 8 U.S.C. §1101(a)(21) 8 U.S.C. §1101(a)(22)(B) 8 U.S.C. §1408 8 U.S.C. §1452
Status if FOREIGN national	“Resident alien” 26 U.S.C. §7701(b)(1)(A)	“Resident alien abroad” 26 U.S.C. §911 (Meets presence test)	“Nonresident alien individual”: 26 CFR §1.1441-1(c)(3)(ii) “Alien”: 8 U.S.C. §1101(a)(3) “Alien individual”: 26 CFR §1.1441-1(c)(3)(i)

2 **NOTES:**

- 3 1. “United States” is defined as the “District of Columbia” and no part of any state of the Union within 26 U.S.C.
4 §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d).
- 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. American nationals who are domiciled outside of federal jurisdiction, either in a state of the Union or a foreign
9 country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident aliens” under [26](#)
10 [U.S.C. §7701\(b\)\(1\)\(B\)](#). See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
- 11 4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented
12 in IRS publications.
- 13 5. District of Columbia, Puerto Rico, and the territories and insular possessions of the United States in the above table.
- 14 6. The term “individual” as used on the IRS Form 1040 means an “alien” engaged in a “trade or business”. All
15 “taxpayers” are “aliens” engaged in a “trade or business”. This is confirmed by 26 CFR §1.1441-1(c)(3), 26 CFR
16 §1.1-1(a)(2)(ii), and [5 U.S.C. §552a\(a\)\(2\)](#). Statutory “U.S. citizens” as defined in [8 U.S.C. §1401](#) are not “individuals”
17 unless temporarily abroad pursuant to [26 U.S.C. §911](#) and subject to an income tax treaty with a foreign country. In
18 that capacity, statutory “U.S. citizens” interface to the I.R.C. as “aliens” rather than “U.S. citizens” through the tax
19 treaty.

20 **8 The Foreign Sovereign Immunities Act Protects State Citizens from Changes in their**
21 **Domicile and Citizenship by the Courts**

22 The Legal Encyclopedia and other sources confirm that the U.S. government is a “foreign state” in relation to a state of the
23 Union:

1 *Foreign States*: "Nations outside of the United States...Term may also refer to another state; i.e. a sister state.
2 The term 'foreign nations', ...should be construed to mean all nations and states other than that in which the
3 action is brought; and hence, one state of the Union is foreign to another, in that sense."
4 [Black's Law Dictionary, Sixth Edition, p. 648]
5

6 "Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or
7 independent foreign states, except in so far as the United States is paramount as the dominating government,
8 and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal
9 Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and
10 judicial proceedings of the other states..."
11 [81A Corpus Juris Secundum (C.J.S.) §29, legal encyclopedia]

12 Therefore, those serving as jurists or voters within a state of the Union amount to "agencies or instrumentalities of a foreign
13 state" and are immune from federal jurisdiction under the Foreign Sovereign Immunities Act, [28 U.S.C. §1602](#).

14 [TITLE 28 > PART IV > CHAPTER 97 > § 1604](#)
15 [§ 1604. Immunity of a foreign state from jurisdiction](#)

16 *Subject to existing international agreements to which the United States is a party at the time of enactment of*
17 *this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States*
18 *except as provided in sections [1605](#) to [1607](#) of this chapter.*

19 A person such as a jurist or voter, who participates in the political affairs of a foreign sovereign, such as a state of the
20 Union, is legally classified as an "agency or instrumentality of foreign state" under the Foreign Sovereign Immunities Act,
21 28 U.S.C. §1602 et seq. Below is the description of what an "agency or instrumentality of a foreign state" is right off the
22 Dept. Of State Website:

23 *Q. What is the difference between a foreign State, political subdivision, agency or instrumentality?*

24 *A. Section 1330(a) of the Act gives federal district courts original jurisdiction in personam against foreign*
25 *states, which are defined as including political subdivisions, agencies, and instrumentalities of foreign states.*
26 *The Act provides distinct methods of service on a foreign state or political subdivision (28 USC 1608(a)) or*
27 *service on an agency or instrumentality of a foreign state (28 USC 1608(b)). In order to serve the defendant, the*
28 *claimant must determine into which category the defendant falls. If in doubt, a claimant should serve the*
29 *defendant according to both sets of provisions. See Born & Westin, 340-344 (1989) and George, 19 Int'l Law.*
30 *51 (1985). **The term "political subdivisions" includes all governmental units beneath the central government,***
31 ***including local governments according to the Act's legislative history. Section 1603(b) defines an "agency or***
32 ***instrumentality" of a foreign state as an entity***

33 *(1) which is a separate legal person, corporate or otherwise, and*
34 *(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other*
35 *ownership interest is owned by a foreign state or political subdivision thereof, and*
36 *(3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(c) and (d) nor created*
37 *under the laws of any third country.*

38 ***An instrumentality of a foreign state includes a corporation, association, or other juridical person a majority***
39 ***of whose shares or other ownership interests are owned by the state, even when organized for profit.** For a*
40 *discussion of the responsibilities of states for the obligations of their instrumentalities, see Restatement (Third)*
41 *of the Foreign Relations Law of the United States, Sec. 452, p. 399-401 (1986). See also, the legislative history*
42 *of the Act at 1976 U.S. Code Cong. & Ad. News 6614-6618, in particular, which states in part: "**Als a general***
43 ***matter, entities which meet the definition of an "agency or instrumentality of a foreign state" could assume a***
44 ***variety of forms, organizations, such as a shipping line or an airline, a steel company, a central bank, an***
45 ***export association, a governmental procurement agency or a department or ministry which acts and is suable***
46 ***in its own name.** Id. at 6614. For a discussion of case law regarding the status of quasi-commercial entities in*
47 *socialist states, see Born & Westin, p. 343-344 (1989); See also, Note, Breaking Out of the Capitalist*
48 *Paradigm: The Significance of Ideology in Determining the Sovereign Immunity of Soviet and Eastern-Bloc*
49 *Commercial Entities, 2 Hous. J. Int'l. L. 425 (1980); Note, Foreign Sovereign Immunity: Communist and*
50 *Socialist Organizations - Effects of State's System of Property Ownership on Determination of Agency or*
51 *Instrumentality Status Under the Foreign Sovereign Immunities Act of 1976, 9 Ga. J. Int'l & Comp. L. 111*
52 *(1979); But see, Yessenin-Bolpin v. Novosti Press Agency 443 F. Supp. 849, 852 (S.D.N.Y. 1978); Outboard*
53 *Marine Corp. v. Pezetel, D.C. Del. 1978, 461 F. Supp. 384; Harris v. VAO Intourist Moscow, D.C. N.Y. 1979,*
54 *481 F. Supp. 1056; United Euram Corp. v. Union of Soviet Socialist Republics, D.C N.Y. 1978, 461 F. Supp.*
55 *609; S&S Mach. Co. v. Masinen export import, 706 F. 2d 411 (2d Cir.), cert. denied, 464 U.S. 850 (1983);*
56 *Edlow Int'l Co. v. Nuklearna Elektrarna Krsko, 441 F Supp. 827 (D.D.C. 1977); Dayton v. Czechoslovak*
57 *Socialist Republic, 834 F. 2d 203 (D.C. Cir. 1987).*
58 [SOURCE: http://travel.state.gov/law/info/judicial/judicial_693.html]

1 Therefore, courts of the United States may not interpose, especially in the political affairs of foreign sovereigns domiciled
2 in states of the Union in the exercise of their political rights such as voting, jury service, citizenship, or choice of domicile.
3 They may also not impute more than one domicile to a foreign sovereign, because under American legal jurisprudence, a
4 person can have only ONE domicile:

5 *"**domicile.** A person's legal home. That place where a man has his true, fixed, and **permanent home** and
6 principal establishment, and to which whenever he is absent he has **the intention of** returning. Smith v. Smith,
7 206 Pa.Super. 310m 213 A.2d 94. Generally, physical presence within a state and **the intention** to make it
8 one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the
9 place to which he **intends to** return even though he may actually reside elsewhere. **A person may have more**
10 **than one residence but only one domicile.** The legal domicile of a person is important since it, rather than the
11 actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may
12 exercise the privilege of voting and other legal rights and privileges."
13 [Black's Law Dictionary, Sixth Edition, p. 485]*

14 Some courts might try to ignorantly cite [28 U.S.C. §1603](#) as proof that a person born within and living within a state of the
15 Union is NOT an agency or instrumentality of a foreign state:

16 [TITLE 28 > PART IV > CHAPTER 97 > § 1603](#)
17 [§ 1603. Definitions](#)
18
19 *For purposes of this chapter—*
20 *(a) A "foreign state", except as used in section 1608 of this title, includes a political subdivision of a foreign*
21 *state or an agency or instrumentality of a foreign state as defined in subsection (b).*
22 *(b) An "agency or instrumentality of a foreign state" means any entity—*
23 *(1) which is a separate legal person, corporate or otherwise, and*
24 *(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose*
25 *shares or other ownership interest is owned by a foreign state or political subdivision thereof, and*
26 ***(3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d)***
27 ***of this title, nor created under the laws of any third country.***

28 The term "citizen of a State of the United States" refers to a person who is born within and living within a federal territory
29 or possession. This is confirmed by the definition of "State" found in 4 U.S.C. §110(d):

30 [TITLE 4 > CHAPTER 4 > § 110](#)
31 [§ 110. Same: definitions](#)
32
33 *As used in sections 105–109 of this title—*
34
35 [. . .]
36
37 *(d) The term "State" includes any Territory or possession of the United States.*

35 The following pamphlet also exhaustively proves that a person born within a state of the Union rather than a federal
36 territory or possession qualifies as a "national" but not a "citizen" under federal law, 8 U.S.C. §1101(a)(21) .

[Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

37 Therefore, those born within or domiciled within states of the Union are "foreign" with respect to federal legislative
38 jurisdiction and qualify as "foreign sovereigns" under the FSIA. Consequently, those domiciled in states of the Union:

- 39 1. Can only file under diversity of citizenship jurisdiction pursuant to Article III, Section 2 of the Constitution of the
40 United States of America. Note that they may NOT assert diversity of citizenship pursuant to [28 U.S.C. §1332](#)
41 because the "State" referred to in 28 U.S.C. §1332(d) is a federal territory or possession and NOT a state of the Union.
- 42 2. Enjoy sovereign immunity from the jurisdiction of federal courts, subject to the exceptions found in [28 U.S.C. §1605](#)
43 relating mainly to commerce with the federal zone.
- 44 3. Are entitled to have their political choice of citizenship and domicile respected and recognized by every federal court.
45 Any court that does not do this is involving itself in "political questions", and essentially is kidnapping the identity and
46 domicile of the person and transporting it to the federal zone, in violation of [28 U.S.C. §1201](#).

- 1 4. Surrender their sovereignty if they voluntarily execute any contracts with the federal government, and especially those
2 relating to commerce such as Social Security Form SS-5, IRS form W-4, or IRS form 1040.
3 5. Surrender their sovereignty and their constitutional rights and commit a crime under [28 U.S.C. §911](#) if they declare
4 themselves to be “citizens of the United States” under federal law.

5 [TITLE 18](#) > [PART 1](#) > [CHAPTER 43](#) > § 911
6 [§ 911. Citizen of the United States](#)

7 *Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title*
8 *or imprisoned not more than three years, or both.*

9 The U.S. Congress has actually encouraged sovereigns in states of the Union to lie about their citizenship status as
10 described in item 5 above. [Article III](#), Section 2 of the Constitution is the only avenue of redress in federal courts for those
11 who are “nationals” but not “citizens” domiciled in states of the Union. [28 U.S.C. §1332](#) provides the equivalent of this
12 portion of the Constitution in the case of ONLY federal territories and possessions, to exclude states of the Union.
13 Paragraph (b) of that statute says that the minimum amount in controversy for a case involving a state sovereign citizen is
14 \$75,000. This effectively leaves no redress for those who are wronged by the IRS or the courts themselves if the monetary
15 amounts involved are less than \$75,000. Consequently, it prejudices the rights of those domiciled in federal territories and
16 possessions in the case of wrongs committed by the federal government against them. This is the opposite of what one
17 would expect. The very purpose that government was established was to protect the people it serves, and yet the people in
18 the territories and possessions who are supposed to be protected by the federal government have no avenue of legal redress
19 unless the wrongs are exorbitantly egregious. This statute need to be amended, because it essentially encourages people in
20 states of the Union to misrepresent their citizenship and claim to be statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#)
21 in order to be able to litigate their claims against the IRS or a corrupt federal agency.

22 **9 Affect of Religious Beliefs on Domicile and Citizenship**

23 Christians are not allowed to maintain an earthly domicile without committing idolatry. See:

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

24 Instead, their only Biblical domicile is Heaven. They are “Ambassadors” and/or “citizens” of Heaven” and they hold a
25 public office in the affairs of their church and their God for the benefit of all mankind. Both the Bible and the Supreme
26 Court admitted that you cannot owe primary allegiance to *two* sovereigns, and that is why the Black’s Law Dictionary says
27 you can only have domicile in ONE PLACE, which for Christians can be no place on earth.

28 *“No servant can serve two masters ; for either he will hate the one and love the other, or else he will be loyal to*
29 *the one and despise the other. You cannot serve God and mammon [government].”*
30 *[Jesus [God] speaking in [Luke 16:13](#), Bible, NKJV]*

31 My sincerely held religious convictions establish that I as a believer cannot be a “citizen” or “subject” to any earthly
32 government. Both of these statuses depend on a voluntary choice of domicile that is within the jurisdiction of a specific
33 earthly government. You will also note that the result of exercising one’s religious rights under the First Amendment
34 implies the ability to allow one’s religious views to impact their political affiliations as well. To conclude otherwise, is to
35 interfere with the exercise of religious rights:

36 *“**For our citizenship is in heaven [primarily, and not earth]**, from which we also eagerly wait for the Savior,*
37 *the Lord Jesus Christ”*
38 *[[Philippians 3:20](#), Bible, NKJV]*

39 *“**Come out from among them [the unbelievers]***
40 ***And be separate, says the Lord.***
41 ***Do not touch what is unclean.***
42 *And I will receive you.*
43 *I will be a Father to you,*
44 *And you shall be my sons and daughters,*
45 *Says the Lord Almighty.”*
46 *[[2 Corinthians 6:17-18](#), Bible, NKJV]*

1 "Do not love the world or the things in the world. If anyone loves [is a citizen of] the world, the love of the
2 Father is not in Him. For all that is in the world--the lust of the flesh, the lust of the eyes, and the pride of life--
3 is not of the Father but is of the world. And the world is passing away, and the lust of it; but he who does the
4 will of God abides forever."
5 [[1 John 2:15-17](#), Bible, NKJV]

6 "Adulterers and adulteresses! Do you now know that friendship [and "citizenship"] with the world is enmity
7 with God? Whoever therefore wants to be a friend [citizen or "taxpayer"] of the world makes himself an
8 enemy of God."
9 [[James 4:4](#), Bible, NKJV]

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

13 The Court should also note that the U.S. Supreme Court agreed that the choice of allegiance and domicile must be
14 voluntary and uncoerced when it said:

15 "The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.
16 He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the
17 penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within
18 its own jurisdiction."
19 [[United States v. Cruikshank](#), [92 U.S. 542](#) (1875) [emphasis added]]

20 The "citizen" they are talking about above is a domiciliary, not a "national". Here is the proof:

21 *The writers upon the law of nations distinguish between a temporary residence in a foreign country for a*
22 *special purpose and a residence accompanied with an intention to make it a permanent place of abode. The*
23 *latter is styled by Vattel [in his book *The Law of Nations* as] "domicile," which he defines to be "a habitation*
24 *fixed in any place, with an intention of always staying there."* Such a person, says this author, becomes a
25 member of the new society at least as a permanent inhabitant, and is a kind of citizen of the inferior order
26 from the native citizens, but is, nevertheless, united and subject to the society, without participating in all its
27 advantages. This right of domicile, he continues, is not established unless the person makes sufficiently
28 known his intention of fixing there, either tacitly or by an express declaration. Vatt. [Law Nat.](#) pp. 92, 93.
29 Grotius nowhere uses the word "domicile," but he also distinguishes between those who stay in a foreign
30 country by the necessity of their affairs, or from any other temporary cause, and those who reside there from
31 a permanent cause. The former he denominates "strangers," and the latter, "subjects." The rule is thus laid
32 down by Sir Robert Phillimore:

34 *There is a class of persons which cannot be, strictly speaking, included in either of these denominations of*
35 *naturalized or native citizens, namely, the class of those who have ceased to reside [maintain a domicile] in*
36 *their native country, and have taken up a permanent abode in another.* These are domiciled inhabitants. They
37 have not put on a new citizenship through some formal mode enjoined by the law or the new country. They
38 are de facto, though not de jure, citizens of the country of their [new chosen] domicile.
39 [[Fong Yue Ting v. United States](#), [149 U.S. 698](#) (1893)]

40 **10 Anyone may change their citizenship or domicile and no Court may interfere with that** 41 **political choice**

42 If a person decides that the laws and the people of the area in which he lives are injurious of his life, liberty, and property,
43 then he is perfectly entitled to withhold his allegiance and shift his domicile to a place where better protection is afforded.
44 When a person has allegiance and domicile to a place or society other than where he lives, then he is considered "foreign"
45 in that society and all people comprising that society become "foreigners" relative to him in such a case. He becomes a
46 "transient foreigner" and the only laws that are obligatory upon him are the criminal laws and no other. Below is what the
47 U.S. Supreme Court said about the right of people to choose to disassociate with such "foreigners" who can do them harm.
48 Note that they say the United States government has the right to exclude foreigners who are injurious. This authority, it
49 says, comes from the Constitution, which in turn was delegated by the Sovereign People. The People cannot delegate an
50 authority they do not have, therefore they must individually ALSO have this authority within their own private lives of
51 excluding injurious peoples from their legal and political life by changing their domicile and citizenship. This act of
52 excluding such foreigners becomes what we call a "political divorce" and the result accomplishes the equivalent of
53 "disconnecting from the government matrix":

1 "The government, possessing the powers which are to be exercised for protection and security, is clothed with
2 authority to determine the occasion on which the powers shall be called forth; and its determinations, so far as
3 the subjects affected are concerned, are necessarily conclusive upon all its departments and officers. If,
4 therefore, the government of the United States, through its legislative department, considers the presence of
5 foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and
6 security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation
7 of which the foreigners are subjects. The existence of war would render the necessity of the proceeding only
8 more obvious and pressing. The same necessity, in a less pressing degree, may arise when war does not exist,
9 and the same authority which adjudges the necessity in one case must also determine it in the other. In both
10 cases its determination is conclusive upon the judiciary. If the government of the country of which the
11 foreigners excluded are subjects is dissatisfied with this action, it can make complaint to the executive head of
12 our government, or resort to any other measure which, in its judgment, its interests or dignity may demand; and
13 there lies its only remedy.

14 The power of the government to exclude foreigners from the country whenever, in its judgment, the public
15 interests require such exclusion, has been asserted in repeated instances, [130 U.S. 581, 607] and never
16 denied by the executive or legislative departments.

17 [. . .]

18 The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the
19 United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any
20 time when, in the judgment of the government, the interests of the country require it, cannot be granted away
21 or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and
22 are incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their
23 exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise
24 of these public trusts is not the subject of barter or contract."
25 [Chae Chan Ping v. U.S., [130 U.S. 581](#) (1889)]

26 Notice above the phrase:

27 "If the government of the country of which the foreigners excluded are subjects is dissatisfied with this action, it
28 can make complaint to the executive head of our government, or resort to any other measure which, in its
29 judgment, its interests or dignity may demand; and there lies its only remedy."

30 The court is tacitly admitting that there is NO legal remedy in the case where a foreigner is expelled because the party
31 expelling him has an absolute right to do so. This right to expel harmful foreigners is just as true of what happens on a
32 person's private property as it is to what they want to do with their ENTIRE LIFE, property, and liberty. This same
33 argument applies to us divorcing ourselves from the state where we live. There is absolutely no legal remedy in any court
34 and no judge has any discretion to interfere with your absolute authority to divorce not only the state, but HIM! This is
35 BIG, folks! You don't have to prove that a society is injurious in order to disassociate from it because your right to do so is
36 absolute, but if you want or need a few very good reasons why our present political system is injurious that you can show
37 to a judge or a court, read through chapter 2 of the free [Great IRS Hoax](#) book:

[Great IRS Hoax](#), Form #11.302
<http://sedm.org/Forms/FormIndex.htm>

38 If we divorce the society where we were born, do not abandon our nationality and allegiance to the state, but then choose a
39 domicile in a place *other* than where we physically live and which is outside of any government that might have jurisdiction
40 in the place where we live, then we become "transient foreigners" and here is the status the Supreme Court then attributes to
41 us:

42 The writers upon the law of nations distinguish between a temporary residence in a foreign country for a
43 special purpose and a residence accompanied with an intention to make it a permanent place of abode. The
44 latter is styled by Vattel [in his book *The Law of Nations* as] "domicile," which he defines to be "a habitation
45 fixed in any place, with an intention of always staying there." Such a person, says this author, becomes a
46 member of the new society at least as a permanent inhabitant, and is a kind of citizen of the inferior order
47 from the native citizens, but is, nevertheless, united and subject to the society, without participating in all its
48 advantages. This right of domicile, he continues, is not established unless the person makes sufficiently
49 known his intention of fixing there, either tacitly or by an express declaration. Vatt. [Law Nat.](#) pp. 92, 93.
50 Grotius nowhere uses the word "domicile," but he also distinguishes between those who stay in a foreign
51 country by the necessity of their affairs, or from any other temporary cause, and those who reside there from
52 a permanent cause. The former he denominates "strangers," and the latter, "subjects." The rule is thus laid
53 down by Sir Robert Phillimore:

1 There is a class of persons which cannot be, strictly speaking, included in either of these denominations of
2 naturalized or native citizens, namely, the class of those who have ceased to reside [maintain a domicile] in
3 their native country, and have taken up a permanent abode in another. **These are domiciled inhabitants. They**
4 **have not put on a new citizenship through some formal mode enjoined by the law or the new country. They**
5 **are de facto, though not de jure, citizens of the country of their [new chosen] domicile.**
6 [Fong Yue Ting v. United States, [149 U.S. 698](#) (1893)]

7 We must remember that in America, the People, and not our public servants, are the Sovereigns. We The People, who are
8 the Sovereigns, choose our associations and govern ourselves through our elected representatives.

9 “The words ‘people of the United States’ and ‘citizens,’ are synonymous terms, and mean the same thing. They
10 both describe the political body who, according to our republican institutions, form the sovereignty, and who
11 hold the power and conduct the government through their representatives. They are what we familiarly call the
12 ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. ...”
13 [Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

14 When those representatives cease to have our best interests or protection in mind, then we have not only a right, but a duty,
15 according to our Declaration of Independence, to alter our form of self-government by whatever means necessary to
16 guarantee our future security.

17 “But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to
18 reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to
19 provide new Guards for their future security.”
20 [Declaration of Independence]

21 The lawful and most peaceful means of altering that form of government is simply to either choose another government or
22 country that is already available elsewhere on the planet as our protector, or to use God's laws as the basis for your own
23 self-government and protection, as suggested in this book. In effect, we are “firing” our local servants in government
24 because they are not doing their job of protection adequately, and when we do this, we cease to have any obligation to pay
25 for their services through taxation and they cease to have any obligation to provide any services. If we choose God and His
26 laws as our form of government, then we choose Heaven as our domicile and our place of primary allegiance and
27 protection. We then become:

- 28 1. “citizens of Heaven”.
- 29 2. “nationals but not citizens” of the country in which we live.
- 30 3. Transient foreigners.
- 31 4. Ambassadors and ministers of a foreign state called Heaven.

32 **11 Judges who interfere with choice of domicile or citizenship are terrorists, according to the** 33 **Federal Regulations**

34 Interfering with people’s free exercise of political rights and trying to compel them to associate with a domicile or
35 citizenship or political group they do not want to associate with is TERRORISM. Below is the proof:

36 Title 28: Judicial Administration
37 [PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE](#)
38 [§0.85 General functions.](#)

39 (1) Exercise Lead Agency responsibility in investigating all crimes for which it has primary or concurrent
40 jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the
41 statutory jurisdiction of the United States. Within the United States, this would include the collection,
42 coordination, analysis, management and dissemination of intelligence and criminal information as appropriate.
43 If another Federal agency identifies an individual who is engaged in terrorist activities or in acts in preparation
44 of terrorist activities, that agency is requested to promptly notify the FBI. **Terrorism includes the**
45 **unlawful use of [judicial] force and violence [through incarcerations,**
46 **contempt citations, etc] against persons or property to intimidate or**
47 **coerce a government, the civilian population, or any segment thereof, in**
48 **furtherance of political or social [rather than lawful] objectives.**

1 Therefore, judges that interfere with a person’s choice of domicile or citizenship are TERRORISTS. The most enlightening
2 and eloquent of the cases which describes this illegal activity by judges was the U.S. Supreme Court case of *Luther v.*
3 *Borden*, which stated:

4 *"But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme*
5 *Court] can never with propriety be called on officially to be the umpire in questions merely political. The*
6 *adjustment of these questions belongs to the people and their political representatives, either in the State or*
7 *general government. These questions relate to matters not to be settled on strict legal principles. They are*
8 *adjusted rather by inclination, or prejudice or compromise, often.*

9 [. . .]

10 *Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament*
11 *of judges would be that, in such an event, all political privileges and rights would, in a dispute among the*
12 *people, depend on our decision finally. We would possess the power to decide against, as well as for, them,*
13 *and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much*
14 *perverted, if not entirely prostrated.* But, allowing the people to make constitutions and unmake them, allowing
15 their representatives to make laws and unmake them, and without our interference as to their principles or
16 policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as
17 empowered by the State or the Union, commence their functions and may decide on the rights which conflicting
18 parties can legally set up under them, rather than about their formation itself. *Our power begins after theirs*
19 *[the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after*
20 *them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is*
21 *the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise,*
22 *or control neither. The disputed rights beneath constitutions already made are to be governed by precedents,*
23 *by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts, moral duties, and fixed*
24 *rules; they are per se questions of law, and are well suited to the education and habits of the bench.* But the
25 other disputed points in making constitutions, depending often, as before shown, on policy, inclination, popular
26 resolves and popular will and arising not in respect to private rights, not what is meum and tuum, but in
27 relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a
28 people bred in the school of Sydney and Russel for them ever to intrust their final decision, when disputed, to a
29 class of men who are so far removed from them as the judiciary, a class also who might decide them
30 erroneously, as well as right, and if in the former way, *the consequences might not be able to be averted except*
31 *by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new*
32 *elections or instructions in a single month; and if the people, in the distribution of powers under the*
33 *constitution, should ever think of making judges supreme arbiters in political controversies when not selected*
34 *by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments*
35 *as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own*
36 *invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the republic,*
37 *in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than*
38 *the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs,*
39 *the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching,*
40 *or to defend them, on the other, under the Constitution and the laws, when they are encroached upon.* And if
41 the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the
42 legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate
43 both the laws and Constitution, than on the people themselves in their primary capacity as makers and
44 amenders of constitutions."
45 [*Luther v. Borden, 48 U.S. 1 (1849)*]

46 Most of the corruption of our courts on the tax matter is described in the scenario above, in which activist judges have
47 unilaterally involved themselves in such “political questions” by interfering with the political affiliations, domicile, and
48 citizenship choices of the litigants. This has:

- 49 1. Made the United States into a federal slave plantation, whereby the “rent” for living on the plantation is an illegally
50 enforced, feudal tribute paid for “protection” that is not wanted or needed.
- 51 2. Made the federal judiciary into an imperial monarchy.
- 52 3. Replaced the political sovereignty of the people with the whims of judges. Below is how the Bible describes this
53 corruption:

54 *The Book of Judges stands in stark contrast to Joshua. In Joshua, an obedient [to God] people conquered the*
55 *land through trust in the power of God. In Judges, however, a disobedient and idolatrous [towards judges and*
56 *government] people are defeated time and time again because of their rebellion against God.*

57 *In seven distinct cycles of sin to salvation, Judges shows how Israel had set aside God’s law and in its place*
58 *substituted “what was right in his [or the Judge’s] own eyes” (21:25). The recurring result of abandonment*
59 *from God’s law is corruption from within and oppression from without. During the nearly four centuries*
60 *spanned by this book, God raises up military champions to throw off the yoke of bondage and to restore the*

1 nation to pure worship [of God]. But all too soon the “sin cycle” begins again as the nations spiritual
2 temperature grows steadily colder.

3 The Hebrew title is “Shophetim, meaning “judges,” “rulers,” “delivering.” First the judges deliver the
4 people; then they rule and administer justice. The Septuagint used the Greek equivalent of this word, Krtaí
5 (“Judges”). The Latin Vulgate called it Liber Judicum, the “Book of Judges.” This book could also
6 appropriately be titled “The Book of Failure.”
7 [The Open Bible, New King James Version, Thomas Nelson Publishers, 1997, p. 340]

- 8 4. Corrupted the legal process and created conflict of interest of judges and jurors, who because of judicial fiat or tyranny,
9 are either “taxpayers” or federal benefit recipients, in violation of 18 U.S.C. §208, 18 U.S.C. §597, 28 U.S.C. §455,
10 etc.

11 “And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”
12 [[Exodus 23:8](#), Bible, NKJV]

13 We would therefore certainly hope that it is not the intention of any Court to institute tyranny by substituting its “political
14 will” for that of the submitter of this paper in his choice of citizenship, domicile, or political affiliation, all of which are
15 synonymous. This would be a supreme injustice and the essence of slavery itself, according to the U.S. Supreme Court.

16 “For the very idea that one man may be compelled to hold his life, or the means of living, or any material right
17 essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where
18 freedom prevails, as being the essence of slavery itself.”
19 [Yick Wo v. Hopkins, [118 U.S. 356](#) (1885)]

20 “Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it
21 be obtained, or until liberty be lost in the pursuit.”
22 [Federalist Paper #51, James Madison]

23 **12 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government**

24 These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who
25 would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain
26 financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the
27 questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an
28 admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We
29 are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

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

30 Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person
31 against whom you are attempting to unlawfully enforce federal law.

- 32 1. Admit that a “state” is a political group.

33 “**State.** A people permanently occupying a fixed territory bound together by common-law habits and custom
34 into one body politic exercising, through the medium of an organized government, independent sovereignty and
35 control over all persons and things within its boundaries, capable of making war and peace and of entering into
36 international relations with other communities of the globe. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201
37 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v.*
38 *Moralitis*, C.C.A.Md., 136 F.2d 129, 130. In its largest sense, a “state” is a body politic or a society of men.
39 *Beagle v. Motor Vehicle Acc. Indemnification Corp.*, 44 Misc.2d 636, 254 N.Y.S.2d 763, 765. A body of people
40 occupying a definite territory and politically organized under one government. *State ex re. Maisano v.*
41 *Mitchell*, 155 Conn. 256, 231 A.2d 539, 542. A territorial unit with a distinct general body of law.
42 *Restatement, Second, Conflicts*, §3. Term may refer either to body politic of a nation (e.g. *United States*) or to
43 an individual government unit of such nation (e.g. *California*).

44 [...]

45 The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the
46 public; as in the title of a cause, “The State vs. A.B.”

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION: _____

2. Admit that one's choice of citizenship is a type of political affiliation.

"Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact [contract]; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. [. . .] The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign...."
[Talbot v. Janson, 3 U.S. 133 (1795)]

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION: _____

3. Admit that being a "citizen" implies a political affiliation with a group of people called a "state".

"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government. 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."
[Minor v. Happersett, 88 U.S. 162 (1874)]

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION: _____

4. Admit that one's choice of "domicile" is also a type of political affiliation.

See article about domicile at:
<http://sedm.org/Forms/MemLaw/Domicile.pdf>

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION: _____

5. Admit that there are two legal prerequisites in determining one's "domicile", which are physical presence within the state and consent to be subject to the laws of that place, which Black's Law Dictionary calls "intent".

*"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. 310m 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]

1 YOUR ANSWER: ___ Admit ___ Deny

2
3 CLARIFICATION: _____

4 6. Admit that according to the Declaration of Independence, all just powers of government derive from the consent of the
5 governed.

6 *“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator
7 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to
8 secure these rights, Governments are instituted among Men, deriving their just powers from the consent of
9 the governed. --That whenever any Form of Government becomes destructive of these ends, it is the Right of the
10 People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and
11 organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”
12 [Declaration of Independence]*

13 YOUR ANSWER: ___ Admit ___ Deny

14
15 CLARIFICATION: _____

16 7. Admit that the enforcement of all civil laws requires the “consent of the governed” while criminal laws do not require
17 consent in the case of the Defendant.

18 YOUR ANSWER: ___ Admit ___ Deny

19
20 CLARIFICATION: _____

21 8. Admit that a person may not have a legal “domicile” in a place without voluntarily consenting to be subject to the laws
22 of that place.

23 YOUR ANSWER: ___ Admit ___ Deny

24
25 CLARIFICATION: _____

26 9. Admit that the [First Amendment](#) Assembly Clause protects our right to freely associate with any political group we
27 choose.

28 YOUR ANSWER: ___ Admit ___ Deny

29
30 CLARIFICATION: _____

31 10. Admit that the right to freely associate under the [First Amendment](#) also implies the right to be free from compelled
32 association with any particular group.

33 YOUR ANSWER: ___ Admit ___ Deny

34
35 CLARIFICATION: _____

36 11. Admit that freedom from compelled association implies the ability to avoid choosing any earthly domicile, and thereby
37 avoid association with the local citizens of a political community called a county or a city.

38 YOUR ANSWER: ___ Admit ___ Deny

39
40 CLARIFICATION: _____

41 12. Admit that the freedom from compelled association implies the ability to be a “national” but not a “citizen” under [8](#)
42 [U.S.C. §1101](#)(a)(22)(B) or 8 U.S.C. §1101(a)(21).

1 YOUR ANSWER: ___ Admit ___ Deny

2
3 CLARIFICATION: _____

4 13. Admit that the freedom from compelled association implies the ability to not have a domicile in the place where one
5 physically inhabits.

6 YOUR ANSWER: ___ Admit ___ Deny

7
8 CLARIFICATION: _____

9 14. Admit that a person who is compelled to maintain a domicile against his will is not legally responsible for the
10 consequences of maintaining such a domicile.

11 *"Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and*
12 *beyond his control, he may be relieved of the consequences attendant on domicile at that place.* In *Roboz*
13 *(USDC D.C. 1963) [Roboz v. Kennedy, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved*
14 *which precluded the return of an alien's property if he was found to be domiciled in Hungary prior to a certain*
15 *date. It was found that Hungary was Nazi-controlled at the time in question and that the persons involved*
16 *would have left Hungary (and lost domicile there) had they been able to. Since they had been precluded from*
17 *leaving because of the political privations imposed by the very government they wanted to escape (the father*
18 *was in prison there), the court would not hold them to have lost their property based on a domicile that*
19 *circumstances beyond their control forced them to retain."*
20 *[Conflicts in a Nutshell, David D. Siegel and Patrick J. Borchers, West Publishing, p. 24]*

21 YOUR ANSWER: ___ Admit ___ Deny

22
23 CLARIFICATION: _____

24 15. Admit that one may not legally have more than one domicile at a time.

25 *"A person may have more than one residence but only one domicile."*
26 *[Black's Law Dictionary, Sixth Edition, p. 485]*

27 YOUR ANSWER: ___ Admit ___ Deny

28
29 CLARIFICATION: _____

30 16. Admit that the coincidence of citizenship and domicile establish one's "political rights" in a community.

31 [CALIFORNIA CONSTITUTION](#)
32 [ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL](#)

33 *SEC. 2. A United States citizen 18 years of age and **resident** in this State may vote.*
34 *[SOURCE: http://www.leginfo.ca.gov/const/article_2/]*

35
36 [California Elections Code](#)
37 [349. \(a\) "Residence" for voting purposes means a person's domicile.](#)

38 *(b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the*
39 *intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At*
40 *a given time, a person may have only one domicile.*

41 *(c) The residence of a person is that place in which the person's habitation is fixed for some period of time,*
42 *but wherein he or she does not have the intention of remaining. At a given time, a person may have more than*
43 *one residence.*
44 *[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=00001-01000&file=300-362>]*

45 YOUR ANSWER: ___ Admit ___ Deny

1 CLARIFICATION: _____

2 17. Admit that when one does not have a domicile in the place they inhabit, they become nationals if they are naturalized
3 or natural born citizens of the country which has jurisdiction over that that place.

4 See Section 2 of: *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen:*
5 <http://famguardian.org/Subjects/LawAndGovt/Citizenship/WhyANational.pdf>

6 YOUR ANSWER: ___ Admit ___ Deny

7
8 CLARIFICATION: _____

9 18. Admit that courts may not interfere with the free exercise of political rights, but have a constitutional obligation to
10 intervene to protect them.

11 *“In holding that the subject matter of this suit was not justiciable, the District Court relied on Colegrove v.*
12 *Green, supra, and subsequent per curiam cases. 29 The [369 U.S. 186, 209] court stated: “From a review of*
13 *these decisions there can be no doubt that the federal rule . . . is that the federal courts . . . will not intervene in*
14 *cases of this type to compel legislative reapportionment.” 179 F. Supp., at 826. We understand the District*
15 *Court to have read the cited cases as compelling the conclusion that since the appellants sought to have a*
16 *legislative apportionment held unconstitutional, their suit presented a “political question” and was therefore*
17 *nonjusticiable. We hold that this challenge to an apportionment presents no nonjusticiable “political question.”*
18 *The cited cases do not hold the contrary.*

19 **Of course the mere fact that the suit seeks protection of a political right does not mean it presents a political**
20 **question. Such an objection “is little more than a play upon words.” Nixon v. Herndon, 273 U.S. 536, 540 .**
21 *Rather, it is argued that apportionment cases, whatever the actual wording of the complaint, can involve no*
22 *federal constitutional right except one resting on the guaranty of a republican form of government, 30 and that*
23 *complaints based on that clause have been held to present political questions which are nonjusticiable.*

24 **We hold that the claim pleaded here neither rests upon nor implicates the Guaranty Clause and that its**
25 **justiciability is therefore not foreclosed by our decisions of cases involving that clause.** *The District Court*
26 *misinterpreted Colegrove v. Green and other decisions of this Court on which it relied. Appellants' claim that*
27 *they are being denied equal protection is justiciable, and if [369 U.S. 186, 210] “discrimination is*
28 *sufficiently shown, the right to relief under the equal protection clause is not diminished by the fact that the*
29 *discrimination relates to political rights.” Snowden v. Hughes, 321 U.S. 1, 11. To show why we reject the*
30 *argument based on the Guaranty Clause, we must examine the authorities under it. But because there appears*
31 *to be some uncertainty as to why those cases did present political questions, and specifically as to whether this*
32 *apportionment case is like those cases, we deem it necessary first to consider the contours of the “political*
33 *question” doctrine. ”*
34 *[Baker v. Carr, 369 U.S. 186 (1962)]*

35 YOUR ANSWER: ___ Admit ___ Deny

36
37 CLARIFICATION: _____

38 19. Admit that in cases where there are no contracts or agency with the government which might interfere with or impair
39 private Constitutional rights, courts may not interfere with one’s choice of citizenship or domicile without violating the
40 [First Amendment](#) right of free association.

41 *“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*
42 *regulator of private conduct, are not the same as the restrictions that it places upon the government in its*
43 *capacity as employer. We have recognized this in many contexts, with respect to many different constitutional*
44 *guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.*
45 *Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable*
46 *cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987)*
47 *(plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for*
48 *refusing to provide the government information that may incriminate them, but government employees can be*
49 *dismissed when the incriminating information that they refuse to provide relates to the performance of their job.*
50 *Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech*
51 *in particular: Private citizens cannot be punished for speech of merely private concern, but government*
52 *employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be*
53 *punished for partisan political activity, but federal and state employees can be dismissed and otherwise*

1 punished for that reason. *Public Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter*
2 *Carriers*, 413 U.S. 548, 556 (1973); *Broadrick v. Oklahoma*, 413 U.S. 601, 616-617 (1973)."
3 [*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

4 YOUR ANSWER: ___Admit ___Deny

5
6 CLARIFICATION:_____

- 7 20. Admit that courts which interfere with one's choice of citizenship or domicile are engaging in "political questions" that
8 are beyond the jurisdiction of any court and which are reserved for coordinate branches of the government.

9 YOUR ANSWER: ___Admit ___Deny

10
11 CLARIFICATION:_____

- 12 21. Admit that the consequence of courts involving themselves in the forbidden area of "political questions" was described
13 by the Supreme Court as follows:

14 "Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament
15 of judges would be that, in such an event, all political privileges and rights would, in a dispute among the
16 people, depend on our decision finally. We would possess the power to decide against, as well as for, them,
17 and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much
18 perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing
19 their representatives to make laws and unmake them, and without our interference as to their principles or
20 policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as
21 empowered by the State or the Union, commence their functions and may decide on the rights which conflicting
22 parties can legally set up under them, rather than about their formation itself. Our power begins after theirs
23 [the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after
24 them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is
25 the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise,
26 or control neither. The disputed rights beneath constitutions already made are to be governed by precedents,
27 by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts, moral duties, and fixed
28 rules; they are per se questions of law, and are well suited to the education and habits of the bench. But the
29 other disputed points in making constitutions, depending often, as before shown, on policy, inclination, popular
30 resolves and popular will and arising not in respect to private rights, not what is meum and tuum, but in
31 relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a
32 people bred in the school of Sydney and Russel for them ever to intrust their final decision, when disputed, to a
33 class of men who are so far removed from them as the judiciary, a class also who might decide them
34 erroneously, as well as right, and if in the former way, the consequences might not be able to be averted except
35 by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new
36 elections or instructions in a single month; and if the people, in the distribution of powers under the
37 constitution, should ever think of making judges supreme arbiters in political controversies when not selected
38 by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments
39 as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own
40 invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the republic,
41 in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than
42 the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs,
43 the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching,
44 or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if
45 the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the
46 legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate
47 both the laws and Constitution, than on the people themselves in their primary capacity as makers and
48 amenders of constitutions."
49 [*Luther v. Borden*, 48 U.S. 1 (1849)]

50 YOUR ANSWER: ___Admit ___Deny

51
52 CLARIFICATION:_____

- 53 22. Admit that a government agency which fails to recognize your choice of citizenship or domicile is interfering with your
54 [First Amendment](#) right of free association.

55 YOUR ANSWER: ___Admit ___Deny

56
57 CLARIFICATION:_____

1 23. Admit that the main motivation for a court to change the declared domicile or citizenship of a litigant is to extend the
2 jurisdiction of the court and make the litigant into a “taxpayer” so his property and liberty can be plundered illegally.

3 YOUR ANSWER: ___ Admit ___ Deny

4
5 CLARIFICATION: _____

6 24. Admit that a court failing to recognize one’s voluntary, consensual choice of legal “domicile” within a state of the
7 Union and moves that domicile to the “United States”, which is defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) is
8 implementing the equivalent of kidnapping and identity theft, by transporting the legal “res” or “identity” of the litigant
9 to a foreign jurisdiction.

10 [United States Code](#)
11 [TITLE 18 - CRIMES AND CRIMINAL PROCEDURE](#)
12 [PART I - CRIMES](#)
13 [CHAPTER 55 - KIDNAPPING](#)
14 [Section 1201. Kidnapping](#)

15 (a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for
16 ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when -

17 (1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person
18 was alive when transported across a State boundary if the person was alive when the transportation began;

19 (2) any such act against the person is done within the special maritime and territorial jurisdiction of the
20 United States;

21 (3) any such act against the person is done within the special aircraft jurisdiction of the United States as
22 defined in section 46501 of title 49;

23 (4) the person is a foreign official, an internationally protected person, or an official guest as those terms
24 are defined in section 1116(b) of this title; or

25 (5) the person is among those officers and employees described in section 1114 of this title and any such
26 act against the person is done while the person is engaged in, or on account of, the performance of official
27 duties, shall be punished by imprisonment for any term of years or for life and, if the death of any person
28 results, shall be punished by death or life imprisonment.

29 YOUR ANSWER: ___ Admit ___ Deny

30
31 CLARIFICATION: _____

32 25. Admit that the above statute refers to kidnapping of a “person”, and that such a legal person includes the “res” and
33 legal identity of any litigant in any federal court.

34 YOUR ANSWER: ___ Admit ___ Deny

35
36 CLARIFICATION: _____

37 26. Admit that a judge who falsifies or changes the declared domicile of a litigant against his will essentially is therefore
38 instituting involuntary servitude in violation of the Thirteenth Amendment, and thereby abusing the taxing powers of
39 government to plunder assets of the litigant and make him essentially into a compelled government subcontractor and
40 “Kelly Girl”, where the “contract” is the compelled choice of domicile.

41 *“The constitutionality and scope of sections 1990 and 5526 present the first questions for our consideration.*
42 *They prohibit peonage. **What is peonage? It may be defined as a state or condition of compulsory service,***
43 ***based upon the indebtedness of the peon to the master. The basal fact is indebtedness.** As said by Judge*
44 *Benedict, delivering the opinion in Jaramillo v. Romero, 1 N.Mex. 190, 194: ‘One fact existed universally; all*
45 *were indebted to their masters. **This was the cord by which they seemed bound to their masters’ service.’***
46 *Upon this is based a condition of compulsory service. Peonage is sometimes classified as voluntary or*
47 *involuntary, but this implies simply a difference in the mode of origin, but not in the character of the*
48 *servitude. The one exists where the debtor voluntarily contracts to enter the service of his creditor. The other*

1 is forced upon the debtor by some provision of law. But peonage, however created, is compulsory service,
2 involuntary servitude. The peon can release himself therefrom, it is true, by the payment of the
3 [public/government] debt, but otherwise the service is enforced. A clear distinction exists between peonage and
4 the voluntary performance of labor or rendering of services in payment of a debt. In the latter case the debtor,
5 though contracting to pay his indebtedness by labor or service, and subject like any other contractor to an
6 action for damages for breach of that contract, can elect at any time to break it, and no law or force compels
7 performance or continuance of the service.”
8 [Clyatt v. U.S., [197 U.S. 207](#) (1905)]
9

10 “Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least
11 the control of the labor and services of one man for the benefit of another, and the absence of a legal right to
12 the disposal of his own person, property, and services [in their entirety]. This amendment [the Thirteenth
13 Amendment] was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish
14 slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the
15 Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word
16 ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”
17 [Plessy v. Ferguson, [163 U.S. 537](#), 542 (1896)]

18 YOUR ANSWER: ___ Admit ___ Deny

19 CLARIFICATION: _____
20

21 27. Admit that the above type of abuse is described in the statutes as “racketeering”. To wit:

22 [TITLE 18 > PART 1 > CHAPTER 95 > § 1951](#)
23 [1951. Interference with commerce by threats or violence](#)

24 (a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or
25 commodity in commerce [including one’s labor and services], by robbery or extortion or attempts or
26 conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a
27 plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not
28 more than twenty years, or both.

29 (b) As used in this section—

30 (1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the
31 presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury,
32 immediate or future, to his person or property, or property in his custody or possession, or the person or
33 property of a relative or member of his family or of anyone in his company at the time of the taking or
34 obtaining.

35 (2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful
36 use of actual or threatened force, violence, or fear, or under color of official right.

37 (3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of
38 the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia
39 and any point outside thereof; all commerce between points within the same State through any place outside
40 such State; and all other commerce over which the United States has jurisdiction.

41 (c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101–115,
42 151–166 of Title 29 or sections 151–188 of Title 45.

43 YOUR ANSWER: ___ Admit ___ Deny

44 CLARIFICATION: _____
45

46 28. Admit that a threat of contempt of court resulting from challenging a judge’s determination of domicile satisfies the
47 criteria above of “extortion” and that a threat of prison time for contempt is every bit as strong a motivating factor as
48 actual “physical violence” described above.

49 YOUR ANSWER: ___ Admit ___ Deny

50 CLARIFICATION: _____
51

1 29. Admit that the above type of abuse by government employees may explain why the Bible identifies kings and rulers
2 and imperial monarchs called judges as “the Beast” in Revelations 19:19:

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

6 YOUR ANSWER: ____Admit ____Deny

7
8 CLARIFICATION:_____

9
10 **Affirmation:**

11 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing
12 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these
13 answers are completely consistent with each other and with my understanding of both the Constitution of the United States,
14 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not
15 necessarily lower federal courts.

16 Name (print):_____

17 Signature:_____

18 Date:_____

19 Witness name (print):_____

20 Witness Signature:_____

21 Witness Date:_____