

Developing Evidence Of Citizenship and Sovereignty

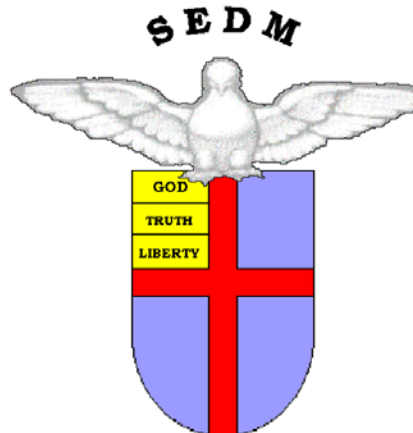
Form #12.002

by:

Sovereignty Education and Defense Ministry (SEDM)

<http://sedm.org>

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Course Materials

If you want a copy of this presentation after viewing the course, you can download it from:

- Liberty University, Item #2.3
<http://sedm.org/LibertyU/LibertyU.htm>
- SEDM Form #12.002
<http://sedm.org/Forms/FormIndex.htm>

Introduction

- This training course will cover the “how to” in developing evidence that we are a constitutional but not statutory citizen
- If you use these techniques, you will likely generate evidence that you are not a statutory “U.S. citizen” pursuant to [8 U.S.C. §1401](#) that will stand up in court
- This evidence is useful especially in tax litigation, because the IRS loses its jurisdiction if you claim you are a “nonresident alien” and do not have any income from the U.S. government or a “[trade or business](#)”. Once you have the proper evidence, IRS *must* treat your estate as a “foreign estate” pursuant to [26 U.S.C. §7701\(a\)\(31\)](#)
- This sidebar builds on information presented in our previous training course entitled “[Citizenship and Sovereignty](#)”
- Much of these procedures are covered in the section 2.5.3.13 of the following using forms contained in section 3.6. This manual is available at:
Sovereignty Forms and Instructions Manual, Form #10.005
<http://sedm.org/Forms/FormIndex.htm>
- An online electronic version of the above manual is available at:
<http://famguardian.org/TaxFreedom/FormsInstr.htm>

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Overview

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- **Forms Useful in establishing evidence of your sovereignty**
- **Using your evidence of citizenship against the IRS**
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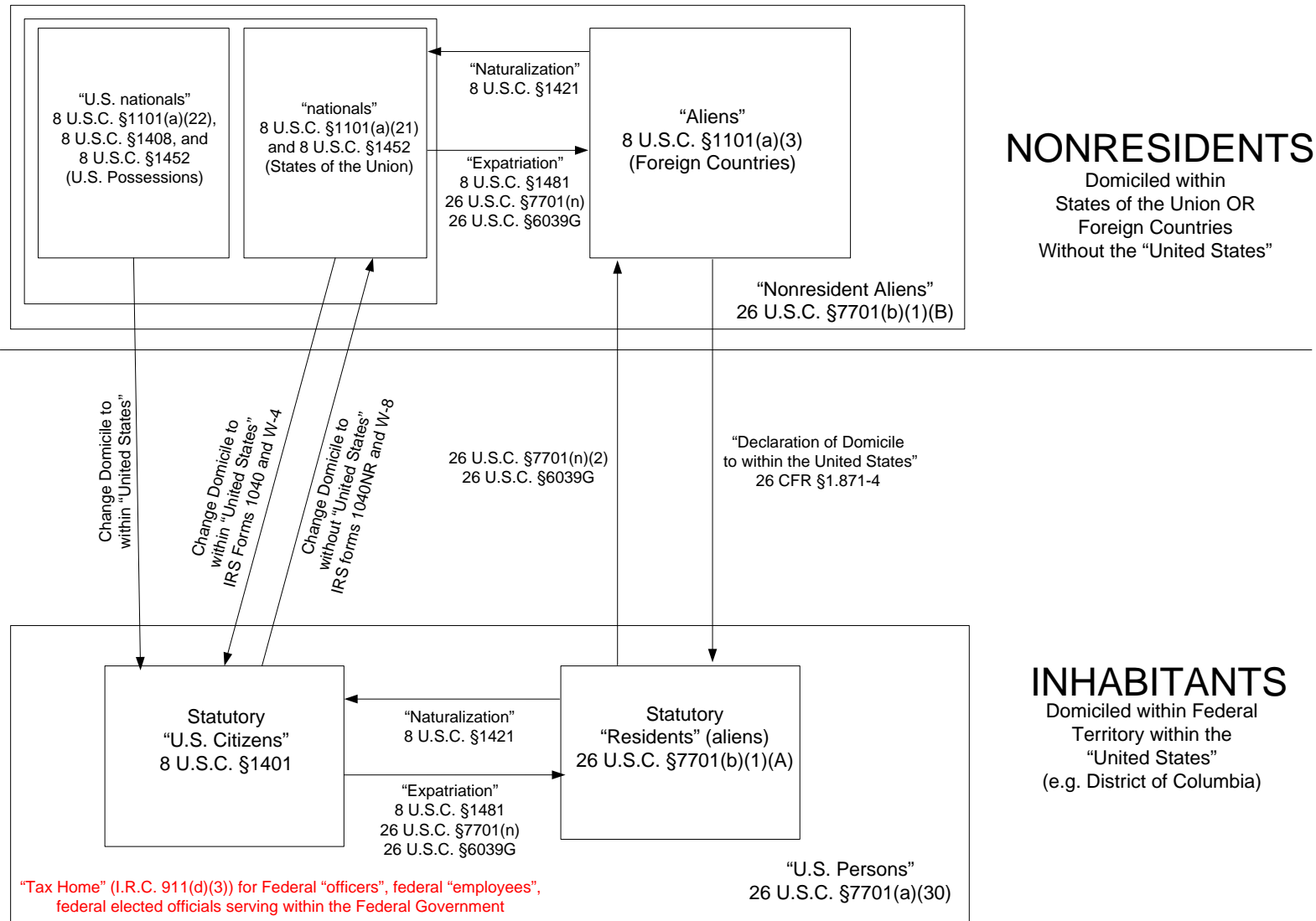
REVIEW OF VARIOUS CITIZENSHIP AND DOMICILE OPTIONS

For further exhaustive details, see:

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

<http://sedm.org/Forms/FormIndex.htm>

Citizenship, Domicile, and Tax Status



Citizenship Status v. Federal Income Tax Status Summary

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 CFR 1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 CFR §1.1441-1(c)(3)(i) and 26 CFR §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 CFR §1.1441-1(c)(3))	“Nonresident alien NON-individual” (defined in 26 U.S.C. §7701(b)(1)(B))
1	“U.S. citizen” or “Statutory U.S. citizen”	Anywhere in America	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	“U.S. national”	Anywhere in America	American Samoa; Swain’s Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No

Citizenship Status v. Federal Income Tax Status Summary

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						“Citizen” (defined in 26 CFR 1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 CFR §1.1441-1(c)(3)(i) and 26 CFR §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 CFR §1.1441-1(c)(3))	“Nonresident alien NON-individual” (defined in 26 U.S.C. §7701(b)(1)(B))
3.1	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Section 1	No	No	No	Yes
3.2	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Section 1	No	No	Yes	No
3.3	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Section 1	No	No	No	Yes

Citizenship Status v. Federal Income Tax Status Summary

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 CFR 1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 CFR §1.1441-1(c)(3)(i) and 26 CFR §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 CFR §1.1441-1(c)(3))	“Nonresident alien NON-individual” (defined in 26 U.S.C. §7701(b)(1)(B))
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	“alien” or “Foreign national”	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	“alien” or “Foreign national”	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(3)	No	No	No	Yes

What is a “Sovereign”?

- A Sovereign is “foreign” with respect to federal and state civil jurisdiction. See:
<http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
- His/her estate is a “foreign estate” pursuant to 26 U.S.C. §7701(a)(31)
- A person is a “Sovereign” because he/she did not surrender their sovereignty by:
 - Being or claiming to be a *statutory* “citizen” pursuant to 8 U.S.C. §1401. 28 U.S.C. §1603(b)(3) says that you cannot be a “foreign state” or instrumentality of a foreign state if you fit the description of a *statutory* “citizen” found in 28 U.S.C. §1332(c) and (d). Instead, we must describe ourselves as a “national” or a “non-citizen” national pursuant to 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 and a *constitutional* Citizen. See:
Why You Are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
 - Engaging in “commerce” of any kind within the legislative jurisdiction of the federal government pursuant to 28 U.S.C. §1605(a)(2). This type of commerce includes either being in receipt of or being eligible to receive any federal benefit, such as Social Security, Medicare, etc. or being a federal “employee”, instrumentality, or “public officer”.

Restoring Our Sovereignty

We can therefore restore our Sovereignty as following:

1. Correcting the government's records to reflect our proper citizenship status. This is done by:

- Sending in the following form:
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001
<http://sedm.org/Forms/FormIndex.htm>
- Correcting voter registration or un-registering to vote
- Terminating old passport and getting a new one as a “national” and without a federally issued number
- Responding properly to jury summons
- Using the proper IRS forms to describe our status. You can't use the IRS form 1040, because it is for “citizens and residents” of the District of Columbia. The AMENDED 1040NR is the only proper form for natural persons
- Doing the following whenever we litigate in any court
 - Properly describing our status whenever we litigate in a court of law
 - Invoking constitutional diversity of citizenship pursuant to [Constitution Article III](#), Section 2, but NOT statutory diversity pursuant to [28 U.S.C. §1332](#)

2. Terminating all commercial relations with any and all governments. This is done by:

- Filing the proper tax form, which is the 1040NR instead of the 1040, and indicating no “trade or business” earnings. See:
Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Long, Form #15.001
<http://sedm.org/Forms/FormIndex.htm>

Restoring Our Sovereignty (cont)

- Sending in the following form:
Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
 - Terminating all professional licenses that require an SSN or TIN.
 - Terminating our state driver's license, which can only be issued to those engaged in "commerce" as federal "employees". See:
Defending Your Right To Travel, Form #06.010
<http://sedm.org/Forms/FormIndex.htm>
3. **Avoiding satisfying any of the other criteria found in [28 U.S.C. §1605](#) for surrendering sovereignty.**
4. **Getting educated about sovereignty and *personally* using the law to frequently defend our rights from those who would oppress us. See:**
- Liberty University
<http://sedm.org/LibertyU/LibertyU.htm>
 - Litigation Tools Page
<http://sedm.org/Litigation/LitIndex.htm>
 - *Sovereignty Forms and Instructions*, Form #10.004
<http://sedm.org/Forms/FormIndex.htm>
 - *Sovereignty Forms and Instructions Manual*, Form #10.005
<http://sedm.org/Forms/FormIndex.htm>

Restoring Our Sovereignty (cont)

5. Avoiding the corrupted government or corrupted legal profession like the plague. DO NOT do business with any of them. Instead, we must:

- Be entirely self-governing within our own lives and families so that we never need the government or the legal profession for anything. See the following free book:

Family Constitution, Form #13.003

<http://sedm.org/Forms/FormIndex.htm>

- Get married without a marriage license, so we don't enter into a polygamous relationship with the state. See the following book:

Sovereign Christian Marriage, Form #13.009

<http://sedm.org/Forms/FormIndex.htm>

- Get rid of our state driver's license and get a private driving license. This will eliminate our domicile within the corporate, federal "State". See the following book:

Defending your Right to Travel, Form #06.010

<http://sedm.org/Forms/FormIndex.htm>

Why Do We Need Evidence?

- The government doesn't want you claiming that you are a "national" or a "state national" pursuant to [8 U.S.C. §1101\(a\)\(21\)](#), [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) and [8 U.S.C. §1452](#).
- The reason the government doesn't want you claiming to be a "national" is that you cannot be a "foreign sovereign" under the [Foreign Sovereign Immunities Act, 28 U.S.C. §1602](#) and following as a *statutory* "U.S. citizen" pursuant to [8 U.S.C. §1401](#) but you CAN as a "national" but not "citizen". This is also confirmed by the Department of State Website:

"Section 1603(b) defines an "agency or instrumentality" of a foreign state as an entity (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a [statutory] citizen of the a state of the United States as defined in Sec. 1332(c) and (d) nor created under the laws of any third country."

[Department of State Website, http://travel.state.gov/law/info/judicial/judicial_693.html]

- The basis for the above Dept of State Website statement originates from [28 U.S.C. §1603\(b\)\(3\)](#):

[TITLE 28](#) > [PART IV](#) > [CHAPTER 97](#) > § 1603

[§ 1603. Definitions](#)

For purposes of this chapter—

(b) An "agency or instrumentality of a foreign state" means any entity—

(3) which is neither a citizen of a State of the United States as defined in section [1332](#) (c) and (d) of this title, nor created under the laws of any third country.

Why Do We Need Evidence? (cont)

- The government would rather that you claim to be a statutory “U.S. citizen” under 8 U.S.C. §1401, because the income tax is only “imposed” in Internal Revenue Code section 1 on “citizens” and “resident aliens”, who collectively have a domicile in the District of Columbia and not a state of the Union
- The courts have said:

"Unless the defendant can prove he is not a citizen of the United States, the IRS has the right to inquire and determine a tax liability."

[U.S. v. Slater, 545 Fed. Supp. 179,182 (1982).]

Why Do We Need Evidence? (cont.)

- “[Nonresident aliens](#)” and “[resident aliens](#)” are not equivalent or interchangeable in the tax code
- Nonresident alien “income taxes” are prescribed in [26 U.S.C. §871](#). Those not employed with, under contract with, or receiving payments for the U.S. government can earn no “[gross income](#)” under that section and therefore are “[nontaxpayers](#)”
- Therefore: Proving that you are not a statutory “[citizen of the United States](#)” pursuant to [8 U.S.C. §1401](#) and the I.R.C. is important!
- A “state national” or a “national” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) or a “non-citizen national” pursuant to [8 U.S.C. §1452](#) are not a statutory “[citizen of the United States](#)” or “[U.S. citizen](#)” under I.R.C. Subtitle A. See:

You're Not a “citizen” under the Internal Revenue Code

<http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>

1. CORRECTING OUR CITIZENSHIP AND DOMICILE DOCUMENTATION

Why We Want to be “nationals” or “state nationals”

- “nationals” are not subject to most federal statutes and codes
- “nationals” are “nonresident aliens” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#)
- “nationals” file the form 1040NR. It says that right on the form
- “nationals” pay [I.R.C. Subtitle A](#) “income taxes” as follows:
 - “[gross income](#)” which is “effectively connected with a trade or business within the [federal] United States” under [26 U.S.C. §871\(b\)](#). This is a graduated rate income tax
 - “gross income” not “effectively connected with a trade or business within in the [federal] United States” that originates from the District of Columbia at a flat rate of 30% under [26 U.S.C. §871\(a\)](#)
- **BUT(!):**
 - There is no liability statute anywhere in 26 U.S.C. making anyone responsible to pay taxes under Subtitle A of the Internal Revenue Code
 - One cannot earn “gross income” until they first earn “income”, and the Supreme Court has never defined “income” to mean anything other than “corporate profit”, because the income tax is an indirect excise tax on corporate privileges associated with foreign commerce and defined in [26 U.S.C. §7001!](#)
 - [26 U.S.C. §861\(a\)\(3\)\(C\)](#) excludes earnings of nonresident aliens (which includes “nationals”) from “gross income”
 - [26 CFR §1.872-2\(f\)](#) says that all earnings of nonresident aliens not engaged in a “trade or business” do are not includible in “gross income”. This effectively eliminates all sources of income from outside the [federal] United States from being counted as “gross income” or being subject to tax
 - [26 CFR §31.3401\(a\)\(6\)-1\(b\)](#) excludes earnings of nonresident aliens from “income tax” withholding
- **Therefore:** most “nationals” and “state nationals” are “nonresident aliens” under subtitle A of the Internal Revenue Code are not “liable” to pay taxes or withhold on their earnings or to file any “income tax” or “withholding form”

“state nationals” and Federal Taxes

- “state nationals” who have no earnings from the District of Columbia or connected to an excise taxable activity called a “trade or business” under 26 U.S.C. §871:
 - Are “nontaxpayers” not subject to the Internal Revenue Code or the jurisdiction of any federal court in the context of their earnings
 - Cannot use the IRS form W-4 without committing perjury under penalty of perjury, which is a crime
 - Are not “liable” to deduct “kickbacks” on their earnings
 - Are not required to file the form 1040NR
 - Need not withhold:

Title 26

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

Subpart E—Collection of Income Tax at Source

§ 31.3401(a)(6)-1 Remuneration for services of nonresident alien individuals.

[. . .]

(b) Remuneration for services performed outside the United States. Remuneration paid to a nonresident alien individual (other than a resident of Puerto Rico) for services performed outside the United States is excepted from wages and hence is not subject to withholding.

Source Rules for “Gross Income”

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

The term “trade or business” includes the performance of the functions of a public office.”

- [26 CFR §31.3401\(a\)\(6\)-1](#) Remuneration for services of nonresident alien individuals.

(a) In general. All remuneration paid after December 31, 1966, for services performed by a nonresident alien individual, **if such remuneration otherwise constitutes wages within the meaning of §31.3401(a)-1 and if such remuneration is effectively connected with the conduct of a trade or business within the United States, is subject to withholding** under section 3402 unless excepted from wages under this section. In regard to wages paid under this section after February 28, 1979, the term “nonresident alien individual” does not include a nonresident alien individual treated as a resident under section 6013 (g) or (h).

(b) Remuneration for services performed outside the [federal] United States. **Remuneration paid to a nonresident alien individual (other than a resident of Puerto Rico) for services performed outside the [federal] United States is excepted from wages and hence is not subject to withholding.**

- [TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter N](#) > [PART I](#) > [Sec. 861](#).

[Sec. 861](#). - *Income from sources within the United States*

(a) Gross income from sources within United States

The following items of gross income shall be treated as income from sources within the United States:

(3) Personal services

Compensation for labor or personal services performed in the United States; **except that compensation for labor or services performed in the United States shall not be deemed to be income from sources within the United States if -**

- » (A) the labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year,
- » (B) such compensation does not exceed \$3,000 in the aggregate, and
- » **(C) the compensation is for labor or services performed as an employee of or under a contract with -**
 - **(i) a nonresident alien, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or**

Definitions of Citizenship Terms

- We must always be aware of the context in which we are using citizenship terms, or we can become easily confused
- There are four contexts:
 - [Government forms](#)
 - [State statutes and codes](#)
 - State constitutions
 - [Federal statutes and codes](#)
 - [The U.S. Constitution](#)
- The term “[United States](#)” and “citizen” and “[citizen of the United States](#)” have *different* legal meanings and definitions in *each* of the above contexts.

THIS IS IMPORTANT AND OFTEN OVERLOOKED!

- On government forms, the terms are seldom defined and they are designed to be deliberately misleading in order to trap you into creating a false presumption on the part of the government that you are a *statutory* “[U.S. citizen](#)” under [8 U.S.C. §1401](#)
- If you are at all unsure about the context, then you should take the time to unambiguously define exactly what the term means in the document or form you are preparing to remove all possibility of false presumption. This will prevent your rights from being prejudiced
- What follows is a summary of definitions in the various contexts

General Definitions

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state	Union state	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" ^[1]	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" ^[2] (<u>State Revenue and taxation</u>)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively ^[3]	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	States of the Union (collectively)	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

Citizenship definitions

- “**national**”=a person who owes allegiance to a “state”. See [8 U.S.C. §1101\(a\)\(21\)](#). This is a person born in any state of the Union.
- “state national”=equivalent to a “national” above
- “**citizen**”=“national” with ALSO has a domicile within the legislative jurisdiction. See: <http://sedm.org/Forms/MemLaw/Domicile.pdf>
- “**citizen of the United States**”
 - Under federal law: a person born in the District of Columbia or the territories of the federal United States under [8 U.S.C. §1401](#).
 - Under state law and the U.S. Constitution: a person born in a state of the Union. **EXCLUDES STATUTORY** [8 U.S.C. 1401](#) citizens.
- “**U.S. citizen**”=same as above. Also called a “statutory U.S. citizen”
- “**national of the United States**”=a larger group that includes *statutory* “citizens of the United States”, “non-citizen U.S. nationals” as defined in [8 U.S.C. §1408](#), and *statutory* “**U.S. citizens**”. Basically includes anyone born in or domiciled in any territory or possession of the United States but excludes persons born in and domiciled in states of the Union.
- “**nationals but not citizens of the United States at birth**”=a person who is a national but not a *statutory* “**citizen of the United States**”. Defined in [8 U.S.C. §1408](#)
- “**nationals but not citizens of the United States**”= person who owes allegiance to the United States. Defined in [8 U.S.C. §1101\(a\)\(22\)\(B\)](#), [8 U.S.C. §1408](#), and [8 U.S.C. §1452](#)
- “**resident**”=synonymous with “**resident alien**”. See [26 CFR §1.1-1\(a\)\(2\)\(ii\)](#).
- “**alien**”= a “resident” of the federal zone who is neither a *statutory* “citizen” nor a “national of the United States”. Defined in [26 CFR §1.1441-1\(c\)\(3\)\(i\)](#)
- “**citizenship**”=nationality=“national”
- “**nonresident alien**”= someone who is neither a “citizen” nor a “**resident**” of the federal zone. Defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#). This includes both foreign nationals as well as persons born within and domiciled within any state of the Union.

Avoiding False Presumptions About Your Citizenship

- It is important to avoid encouraging **false presumptions** about your citizenship on government forms. The following rules should help:
 - Do not use the word “**United States**” or “U.S.” in describing your citizenship
 - Do not use the word “**citizen**” in describing your citizenship.
 - » This creates a **false presumption** that you have a domicile within the jurisdiction of the government. The only place that Christians can be “citizens” of is Heaven. See: [Philippians 3:20](#), [Hebrews 11:13](#), [1 Peter 2:1](#), [James 4:4](#), [Romans 12:2](#)
 - » This term only has significance in a **statutory** context and you don’t want to be subject to any government statutes.
 - The best way to describe your citizenship:
 - » Use the word “national” instead of “**citizen**” and relate it to a state of the Union and NOT the federal government, or “U.S.” or “**United States**”.
 - » **Example:** “I’m a California National but not a citizen”.
 - » Describe yourself as a “transient foreigner”, which is a person without a domicile in a the place you are presently at.
 - Do not sign any government form that uses the word “**United States**” or “U.S.” in describing your citizenship. If you are presented with a government form that asks you if you are a “**U.S. citizen**”, then:
 - » Line out “**U.S. citizen**” and put a note next to it:
“See attached Affidavit of Citizenship, Domicile, and Tax Status. Application NOT valid without WHOLE attachment.”
 - » Then fill out and attach the following:
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>

Avoiding False Presumptions About Your Citizenship

- **WARNING!: DO NOT:**

- Fill out any government application for employment or benefits, because all such applications:
 - » Result in a surrender of your sovereignty and sovereign immunity pursuant to [28 U.S.C. §1605\(a\)\(2\)](#).
 - » Make you into a “[public official](#)” who is representing a federal corporation called the United States, as defined in [28 U.S.C. §3002\(15\)\(A\)](#). Pursuant to [Fed.Rul.Civ.Proc. 17\(b\)](#), you assume the character of the corporation you represent and the laws that apply are those of the corporation, which are the laws of the District of Columbia. Since the corporation is a “[U.S. citizen](#)”, then you ALSO become a “U.S. citizen”. See:
[Why Your Government is Either A Thief or you are a “Public Officer” For Income Tax Purposes](#), Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
- Describe yourself as a “[citizen](#)”. Instead use “national”
- Describe yourself as anything that includes the words “U.S.” or “[United States](#)”. Instead use the name of your state such as the following:
“California national but not citizen”
- Describe yourself as a “[U.S. national](#)”. These people are born in American Samoa and Swain’s Island pursuant to [8 U.S.C. §1408](#). Instead use “state national” or “national”.
- Describe yourself as a “[U.S. citizen](#)”. You *must* modify it to at least say “National but not citizen” and preferably refer to the following:
[Affidavit of Citizenship, Domicile, and Tax Status](#), Form #02.001
<http://sedm.org/Forms/FormIndex.htm>
- Allow anyone to compel you to willfully misrepresent your status on a government form. If they do, they are engaging in conspiracy to commit perjury under penalty of perjury punishable under the following authorities:
 - » [18 U.S.C. §1001](#): Statements or entries generally
 - » [18 U.S.C. §1621](#): Perjury generally
 - » [18 U.S.C. §1542](#): False statements in application and use of passport.

Passports as Evidence of Citizenship

- What the Supreme Court says about Passports as evidence:

"...the only means by which an American can lawfully leave the country or return to it - absent a Presidentially granted exception - is with a passport... As a travel control document, a passport is both proof of identity and proof of [allegiance](#) to the United States. Even under a travel control statute, however, a passport remains in a sense a document by which the Government vouches for the bearer and for his conduct. "
[*Haig v. Agee*, [453 US 280](#) (1981)]

"It [a passport] is a document which, from its nature and object, is addressed to foreign powers; purporting to only be a request that the bearer of it may pass safely and freely, and it is to be considered rather in the character of a political document, by which the bearer is recognized in foreign countries as an American citizen(sic), and which, by usage and the law of nations, is received as evidence of that fact. But this is a very different light from that in which it is to be viewed in a court of justice where the inquiry is as to the fact of citizenship. It is a mere ex parte certificate; and, if founded upon any evidence produced to the Secretary of State establishing the fact of citizenship, that evidence, if of a character admissible in a court of justice, ought to be produced upon the trial as higher and better evidence of the fact..."
[*Urtetiqi v. D'Arbel*, 9 Peters 692]

- A person who has "[allegiance](#)" is a "national"

[8 U.S.C. §1101 Definitions](#)

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

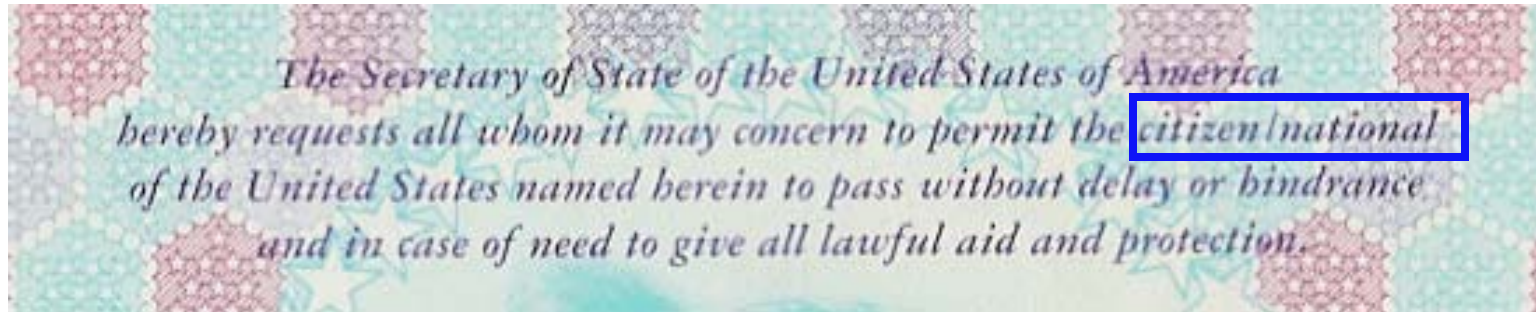
Applying for a Passport

- The Department of State issues U.S. passports
- Their Foreign Affairs Manual, 7 FAM 1100, does a very good job describing citizenship but does not explain everything you need to know:
<http://foia.state.gov/masterdocs/07fam/07m1110.pdf>
- Form DS-11 is the form to apply for a U.S. passport:
 - Is written to encourage false presumption
 - Does not define the term “U.S.”
 - Does not define the term “U.S citizen”
 - Does not offer the option of “national” or “state national” for the citizenship of your spouse or parents, even though this is what applies to most persons born in states of the Union. Only option is “U.S. citizen” “YES” or “NO”
 - Instructions do not indicate that states of the Union are “nations” and that you can enter your state name under “COUNTRY” in block 2 for your domicile address
- We don't recommend using the government's standard form without any modifications or an addendum, because it encourages [false presumption](#).

Applying for a Passport (cont)

- You can obtain an amended form that removes all presumption below:
 - <http://famguardian.org/TaxFreedom/Forms/Emancipation/DS-0011-Modified.pdf>
 - [Local copy](#)
- If the Dept. of State will not accept the Amended DS-11 form, then submit the standard form and attach the following EXCELLENT form:
 - USA Passport Application Attachment*, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>
- Detailed instructions are available for applying for a USA Passport as a “non-citizen national” at the address below:
 - How to Apply for a USA Passport as a “National”*, Form #09.007
<http://sedm.org/Forms/FormIndex.htm>
- If you already had a passport before you discovered our ministry and want to update the original application to correct your status:
 - Passport Amendment Request*, Form #06.016
<http://sedm.org/Forms/FormIndex.htm>

Passport Information: Citizenship



“citizen/national”= “citizen” OR “national”

“/”= “virgule”

Passports: Special Endorsements

- **If the Department of State approves you as a “national”, you will know because page 24 will say you are a “national”**
- **This special endorsement is the only way to get your status specifically recognized in a passport**
- **If the passport you were issued doesn't have the “national” endorsement on page 24, you can request an amendment to your passport using a form DS-19: Amendment Validation Request, but you must otherwise follow our procedures in order to qualify for the amendment**

Overcoming the Limitations of Passports as Evidence of Citizenship

- **Passports:**
 - Simply say “citizen/national” on the back page and nothing more
 - Indicate on page 24 whether you are a “non-citizen national” under:
 - » [8 U.S.C. §1408](#) and [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) if born in America and domiciled in a possession
 - » [8 U.S.C. §1101\(a\)\(21\)](#) if born in America and domiciled within a state of the Union
 - » [8 U.S.C. §1452](#) if born in America and domiciled in either a possession or a state of the Union
 - Do not directly indicate exactly the type of citizenship you specified on your application, unless you request an amendment on page 24 showing you are a “national” and provide evidence to support the amendment
- ... THEREFORE: most passports have almost no value as evidence of your citizenship.
- **There are only two ways to prove your citizenship status:**
 - The approved DS-11 application form
 - The amendment/endorsement on page 24 showing you are a “national”
- **The Department of State will:**
 - NOT give you a copy of the approved DS-11 application at the time they issue you the passport.
 - Only provide you a copy of the completed application if you obtain it under their rules and pay the \$30 fee.
 - Drag their feet in providing you with the “national” amendment on page 24
- **When you get a copy of your approved DS-11 passport application, make sure it is “certified” or authenticated with the seal of the Secretary of State so it is admissible as evidence in court under:**
 - Federal Rule of Evidence 902
 - <http://www.law.cornell.edu/rules/fre/rules.htm#Rule902>

Obtaining Certified Copies of Passport Records

- **Costs for certified copies of passport applications:**
 - \$30 for first request
 - \$20 for additional requests
 - Free when it will be submitted as part of an application for Federal, State, or municipal benefits or when requested by a court of competent jurisdiction
- **Instructions for obtaining passport records that we obtained through the Freedom of Information Act are available below on the Family Guardian website:**
<http://famguardian.org/TaxFreedom/Instructions/3.13ObtainingPassportRecords.pdf>
- **Place to send requests for “certified” passport records:**
*Department of State
Passport Services
Research and Liaison Section
Room 500
1111 19th Street, N.W.
Washington, D.C. 20524-1705*

“Certificates of Non-Citizen National Status”

- Mandated by Congress under [8 U.S.C. §1452](#)
- [8 U.S.C. §1452](#) says the Secretary of State shall provide them
- Documented in American Jurisprudence Legal Encyclopedia, 3C Am.Jur.2d Section 2735, p. 235
<http://famguardian.org/TaxFreedom/CitesByTopic/USNational-3CAmJur2732.pdf>
- Current policy of the Dept. of State:
 - Will NOT issue these, even though [8 U.S.C. §1452](#) says they have to
 - Their website says that if you want one of these, you should apply for a U.S. passport INSTEAD. See:
 - » http://travel.state.gov/noncit_cert.html
 - » [Local copy](#)
 - Disadvantage of applying for a passport is that they don't give you a certified copy of your approved application back that you can use as evidence, whereas the “Certificate of non-citizen National status” does provide evidence.
 - We suspect that this change in policy not authorized by law is designed to eliminate the availability of proof of “non-citizen national status” for use in income tax litigation
 - Way around this is to use the techniques on the previous slide to FOIA for the approved DS-11 application at:
 - » <http://foia.state.gov/request.asp>
 - » [Local copy](#)
- Since “Certificates of Non-Citizen National Status” are not longer available from the Department of State, then I can't show you what they look like

“Certificates of Non-Citizen National Status”

[TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part II > Sec. 1452.](#)
[Sec. 1452. - Certificates of citizenship or U.S. non-citizen national status; procedure](#)

(b) Application to Secretary of State for certificate of non-citizen national status; proof; oath of allegiance

A person who claims to be a national, but not a citizen, of the United States may apply to the Secretary of State for a certificate of non-citizen national status. Upon -

- (1)** proof to the satisfaction of the Secretary of State that the applicant is a national, but not a citizen, of the United States, and
- (2)** in the case of such a person born outside of the United States or its outlying possessions, taking and subscribing, before an immigration officer within the United States or its outlying possessions, to the oath of allegiance required by this chapter of a petitioner for naturalization, the individual shall be furnished by the Secretary of State with a certificate of non-citizen national status, but only if the individual is at the time within the United States or its outlying possessions

Registering to Vote

- Registering to vote is done by the county registrar of voters
- Most state voter registration forms have a check box in all capital letters under citizenship that says:
US CITIZEN: YES NO
- Voter registration forms seldom define exactly what the term “US CITIZEN” means on the form
- If you fill out a voter registration form, since the terms aren’t defined, then the following attachment form ensures that you define the term “US CITIZEN” unambiguously so that it properly reflects your state as a “non-citizen national”. See:
<http://famguardian.org/TaxFreedom/Forms/Emancipation/VoterRegAttachment.htm>
- If you use the attachment above, it’s best to put a notation on the voter registration application in pen and ink at the bottom indicating:
 - Page ___ of ___
 - Not valid without enclosed signed attachment
- After the registrar of voters accepts your voter registration, make sure you get a certified copy for your records.
- Some registrars of voters will give you trouble for using the above attachment to clarify what you mean by “US CITIZEN” on the application. If they do, tell them that they:
 - Are violating your First Amendment right to free speech
 - Are depriving you of the right to vote, even though you claim to have allegiance and nationality requisite to qualify

Registering to Vote (cont.)

- **A synopsis of the citizenship requirements to be an elector in all 50 states is available on the web at the following address:**
<http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>
- **We have never heard of anyone not being able to register to vote after they clarify or correct their choice of citizenship status using the above paperwork**
- **The following form is recommended as an attachment to all state voter registration applications:**
***Voter Registration Attachment*, Form #06.003**
<http://sedm.org/Forms/FormIndex.htm>
- **Additional less useful information on this subject is available at (OFFSITE LINK):**
 - **Sovereignty Forms and Instructions, Form #4.9: Voter Registration Attachment**
<http://famguardian.org/TaxFreedom/Forms/Emancipation/VoterReqAttachment.htm>

Jury Summons

- Serving on jury duty is an important civic duty that keeps our government honest and you should make every effort to participate
- Either the state or federal courts may summons you to appear for jury service.
- The jury summons will ask you if you are a “US CITIZEN” without defining the term and ask you to send in the completed form. This ambiguity is deliberate and is meant to create a false presumption on the part of the government that you are a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 .
- To prevent false government presumptions based on the form, we recommend writing on the jury summons response above the signature

“Not valid without attached ‘Affidavit of Citizenship, Domicile, and Tax Status”

and then attaching the following attachment to your Jury Summons response:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

<http://sedm.org/Forms/FormIndex.htm>

Declaratory Judgments Relating to Citizenship

- **A declaratory judgment is a judgment issued by a court of competent jurisdiction and which addresses the issues before the court absent involvement by a jury**
- **Declaratory judgments are commonplace in the context of citizenship**
- **The only type of declaratory judgment relating to citizenship that is worth getting is one declaring you to be a anyone of the following, which are all equivalent:**
 - **A “national” under [8 U.S.C. §1101\(a\)\(21\)](#), which is a person born in America and domiciled in a state of the Union**
 - **“U.S. national” under [8 U.S.C. §1408](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#)**
 - **A “non-citizen national” under and [8 U.S.C. §1452](#), which includes either of the two above statuses**
- **There are two places you can get a declaratory judgment about your citizenship status:**
 - **State court**
 - **Federal court**

Declaratory Judgments: Requirements in State Court

- **We could find no references on obtaining declaratory judgments about citizenship in state court**
- **If you initiate your request for a declaratory judgment in state court, the typical response is:**
 - **The state court will try to transfer the case to federal court**
 - **The state court will claim sovereign immunity, and thereby refuse to recognize YOUR sovereign immunity as a “national but not a citizen”**
 - **Will claim they have no jurisdiction over the case, because it is a federal matter, which is HOGWASH**
- **You should be prepared for all of the devious abuses documented above and have an argument against them in your Petition for Declaratory Judgment**

Declaratory Judgments: Requirements in Federal Court

- The process of obtaining declaratory judgments in federal court is described in the [American Jurisprudence Legal Encyclopedia, 2d \(also called Am.Jur.2d\), Volume 3C, Aliens and Nationality, sections 2738 through 2752, pages 235-241.](#)

WARNING: This procedure is for a declaratory judgment as a “U.S. National” and NOT a “national” but not a citizen. It is only intended for those born within American Samoa or Swain’s Island. No procedure is documented anywhere we could find for obtaining a declaratory judgment as a “national” or “state national” but not a “U.S. National”. Therefore, you should use the above reference as a guide on how to do it, but consider that it will need to be tailored for your unique circumstances.

- Requirements for getting a declaratory judgment relating to citizenship in federal court:
 - Cannot relate to an exclusion proceeding under the Immigration and Nationality Act (INA). See 3C Am.Jur.2d 236
 - Denial of claim must be related to a right or privilege of being a “U.S. national”. See 3C Am.Jur.2d 236
 - Denial must have been of claim by person within the federal United States at the time of the offense. Offense must occur inside the federal zone. NEVER admit that you LIVE in the federal zone, only that the offense occurred in the federal zone. See 3C Am.Jur.2d 237 and 8 USCA 1503(a).

Declaratory Judgments: Requirements in Federal Court (cont)

- Administrative remedies must have been exhausted. See 3C Am.Jur.2d 238
 - An actual controversy must exist. See 3C Am.Jur.2d 238
 - Must be instituted within 5 years after the final administrative denial of right occurred based on lack of “national of the United States” status. See 3C Am.Jur.2d 239.
 - Must be brought against the head of the department or agency in the government that violated your rights as a “U.S. national”. See 3C Am.Jur.2d 239-240
 - Court may require a blood test in the process. See 3C Am.Jur.2d 241.
 - There is no right of trial by jury! See 3C Am.Jur.2d 240
 - If there are not disputes over fact, the petition cannot be filed in a District Court and must instead be filed in a Circuit Court
- **Bottom line: Since you don't get a jury trial and the outcome is entirely up to a judge who is beholden to IRS extortion, your chances of success in federal court are prejudiced. State court is better, and then you can get the federal court to recognize the state ruling in the proceeding against the official. If you do try to get the declaratory judgment in federal court, emphasize that you don't have a domicile in or reside in any judicial district, but that the offense occurred in the district. This is important!**

Declaratory Judgments: Requirements in Federal Court

- Where an alien has been ordered to remove him/herself from the United States, [8 U.S.C. § 1252\(b\)\(5\)](#) says that declaratory judgments relating to citizenship **MUST** be obtained in:
 - Federal District Court if there is a dispute with the government over facts
 - Federal Circuit Court if there is no dispute with the government over facts of the dispute

- Text of [8 U.S.C. § 1252\(b\)\(5\)](#):

[TITLE 8](#) > [CHAPTER 12](#) > [SUBCHAPTER II](#) > [Part V](#) > § 1252

[§ 1252. Judicial review of orders of removal](#)

(b) Requirements for review of orders of removal

(5) Treatment of nationality claims

(A) Court determination if no issue of fact If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

(B) Transfer if issue of fact If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section [2201](#) of title [28](#).

(C) Limitation on determination The petitioner may have such nationality claim decided only as provided in this paragraph.

Petition for Declaratory Judgment: Examples

- How **NOT** to do it:

Petition of Barbara Martin

<http://famguardian.org/Subjects/Freedom/Sovereignty/BarbaraMartin/BarbaraMartin.htm>

- How **TO** do it:

<http://sedm.org/>

- Further Study Resources in preparing your own petition:

- *Citizenship, Domicile, and Tax Status Options*, Form #10.003-use this form for depositions and as an attachment to court pleadings
<http://www.ruttergroup.com/cartfcte.htm>
- *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006-attach to legal pleadings to prevent the court and your opponent from making presumptions that jeopardize the benefits of your citizenship and domicile status choice
<http://sedm.org/Litigation/LitIndex.htm>
- *Why you are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
- *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>
- *Federal Civil Trials and Evidence Practice Guide, Rutter Group*
<http://www.ruttergroup.com/cartfcte.htm>

Legal Notice of Change in Domicile/Citizenship Records and Divorce from U.S.

- We have prepared a standard notice you can send to the federal and state governments of your desire to update all their records reflecting your citizenship and domicile
- The form is sent to the Secretary of State of the United States and your State, and several other entities
- The form is a fillable Acrobat form. Just fill in your name and send it off via Registered mail
- If you:
 - Send this form via certified mail with a [Certificate of Service](#) and keep the original and the [Certificate of Service](#)
 - Wait 30 days for the government to respond.
 - ..then you now have legally admissible proof of your citizenship status and have placed the government in a position of Equitable Estoppel regarding your legal, political, and citizenship status.
- You can obtain this FREE form as follows

Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001

<http://sedm.org/Forms/FormIndex.htm>

2. TERMINATING COMMERCIAL RELATIONS WITH THE GOVERNMENT

Resignation of Compelled Social Security Trustee

- **We MUST quit Social Security in order to terminate commercial relations with the government.**
- **Participation in Social Security is the main thing that makes us into “taxpayers” and “public officers” of the U.S.**
 - You cannot collect federal benefits without working for the government. See: <http://famguardian.org/Subjects/Taxes/Articles/PublicVPrivateEmployment.htm>
 - A person who works for the federal government is described in the I.R.C. as a person “effectively connected to a trade or business”. See: *The “Trade or Business” Scam*, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>
- **It is ILLEGAL for a person domiciled in a state of the Union to participate in Social Security, Medicare, or any other federal benefit.**
 - The definition of “State” within the original 1935 Social Security Act itself, section 1101(a)(1) does not include states of the Union
 - The definition of “State” within the current act, [42 U.S.C. §1301\(a\)\(1\)](#) does not include any state of the Union
- **Terminating SS participation is done using the following:**
Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

Filling out Government Tax Forms

- Be careful filling out STANDARD government tax forms because they try to create the following FALSE presumptions about you:
 - That you are a “taxpayer” who made himself voluntarily subject to “trade or business” federal franchise codified in I.R.C. Subtitles A and C
 - That you are a statutory “U.S. citizen”
 - That you are an “individual”, which is a “public officer” acting in a representative capacity for the “United States” federal corporation defined in 28 U.S.C. §3002(15)(A). See 5 U.S.C. 552a(a)(2) and (a)(13) for details.
- To prevent false presumptions about your status, our Member Agreement MANDATES that any STANDARD government tax form you fill out MUST have the following form attached:

Tax Form Attachment, Form #04.201

<http://sedm.org/Forms/FormIndex.htm>

Filing Tax Returns

- If you are a “national” but not a “citizen”, then you *can't* file the IRS form 1040. [IRS Document 7130](#) confirms that only statutory “citizens” and statutory “residents” (aliens with a domicile) of the District of Columbia pursuant to [8 U.S.C. §1401](#) and [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) can file IRS form 1040.

1040A 11327A Each
U.S. Individual Income Tax Return

Annual income tax return filed by citizens and residents of the United States. There are separate instructions available for this item. The catalog number for the instructions is 12088U.

W:CAR:MP:FP:F:I Tax Form or Instructions

[2003 IRS Published Products Catalog, p. F-15;

SOURCE: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSDoc7130.pdf>]

- **The only form that a “national” but not a “citizen” can file is the IRS form 1040NR!**
- Don't undo all your hard work to document your status as a “national” but not a “citizen” and a “nonresident alien” and then turn around and lie to the IRS about your status under penalty of perjury by submitting the WRONG form, the IRS form 1040, and thereby discredit not only yourself, but us!
- The above considerations are the reason why our [Membership Agreement](#) requires that you *must* file an Amended IRS form 1040NR if you file any tax form. That form is found below:

Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government, Form #15.001

<http://sedm.org/Forms/FormIndex.htm>

Endorsing Checks

- Whenever you endorse the back of checks you are cashing, be sure to write the following under your signature:

“All rights reserved, UCC 1-308

A foreign estate under [26 USC 7701\(a\)\(31\)](#)”

- The reason you are a “foreign estate” is because you are not involved in a “trade or business”, which is a federal franchise defined in [26 U.S.C. §7701\(a\)\(26\)](#) as “the functions of a public office”. That public office is in the United States government. You’re a “Kelly Girl” on loan to your private employer from Uncle Sam if you’re a “taxpayer”!

Social Security Numbers

- Social Security Numbers are the property of the government, and NOT you. See [20 CFR §422.103\(d\)](#). It is illegal to use “public property” for a “private purpose” or for personal benefit. See [18 U.S.C. §641](#).

Title 20: Employees' Benefits
[PART 422—ORGANIZATION AND PROCEDURES](#)
[Subpart B—General Procedures](#)
[§ 422.103 Social security numbers.](#)

(d) Social security number cards. A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) Social security number cards are the property of SSA and must be returned upon request.

- Social Security Numbers may only lawfully be issued to federal “[employees](#)” and “[public officers](#)”. See [20 CFR §422.104](#). It is for use ONLY on official duty while conducting official government business. Note that 20 CFR is entitled “employee benefits”. The “[employee](#)” they are talking about are “public employees” and federal instrumentalities!
- [20 CFR §422.104](#) says that cannot get the number without ALSO being a *statutory* “[U.S. citizen](#)” pursuant to [8 U.S.C. §1401](#) or “[U.S. resident](#)” (lawful permanent resident alien) pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#), who collectively are both called “[U.S. persons](#)” under [26 U.S.C. §7701\(a\)\(30\)](#).

Social Security Numbers

- Using a Social Security Number creates a usually false “[presumption](#)” that you are:
 - A federal instrumentality, such as a “[public official](#)”, “[employee](#)”, agent, or contractor on official business
 - [domiciled](#) in the “[United States](#)”, which is defined in the I.R.C. as the “District of Columbia” in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10). Both [statutory](#) “U.S. citizens” ([8 U.S.C. §1401](#)) and “residents” (aliens, [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)) have in common a domicile in the “United States”:
[26 CFR § 301.6109-1\(g\)](#)
- (g) Special rules for taxpayer identifying numbers issued to foreign persons--(1) General rule--(i) Social security number. A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.*
- [5 U.S.C. §552a\(a\)\(13\)](#) says that all those who receive immediate or deferred federal retirement benefits are “federal personnel”. That means “federal employees”. This includes Social Security, FICA, Medicare, and any other federal “benefit”.
- The federal employment or contract relationship is the main if not ONLY thing that makes most people a “[taxpayer](#)” under [I.R.C. Subtitle A](#)
- The following article describes in detail the difference between “PUBLIC” and “PRIVATE” employers and workers. VERY IMPORTANT!
Public v. Private Employment: You Really Work for Uncle Sam if You Receive Federal Benefits
<http://famguardian.org/Subjects/Taxes/Articles/PublicVPrivateEmployment.htm>
- If you want to know more about this scam and how to leave the system, please see:
Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

Social Security Numbers on Government Documents (cont.)

- NEVER put any Social Security Number on any government document with your name on it because it creates a false presumption that you are a federal instrumentality or “employee” *and* either a statutory “U.S. citizen” under 8 U.S.C. §1401 or a statutory “resident alien” under 26 CFR §1.1-1(a)(2)(ii). See 20 CFR §422.104 for proof.
- If you put a Social Security Number on any government form and you are not in deed and in fact a federal instrumentality, “public official”, or “employee” executing official government business, then you are committing perjury under penalty of perjury and a crime in violation of 18 U.S.C. §912:

TITLE 18 > PART I > CHAPTER 43 > § 912
§ 912. Officer or employee of the United States

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

- If you are asked for a number put one of the following:
 - Nothing: Wait if they ask you. If they insist, put one of the following 3
 - “NA”= “None Available” or Not Applicable” or “NO, Asshole!”
 - “NONE”= NONE or “NONE TO GIVE”
 - “Privacy Act”=you don’t have to give it out. See 5 U.S.C. §552a
 - “Fifth Amendment”
 - “42 U.S.C. §408”=makes it a crime to compel disclosure of SSNs.
- You aren’t obligated to explain what any of the above mean to the agent. Since IRS doesn’t have to define the terms they use on their forms, then neither do you! If they don’t have to tell the complete truth on their forms, then so can you. See:

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

Why you don't "have" a Social Security Number and why the one you think you have isn't "yours"

- A Social Security Number is a fact, a piece of information. It is not a physical "thing"
- You can only "have" a physical thing. Facts cannot be possessed: they can only be understood
- You can't "have" a fact, but you can "know" a fact
- Knowing a fact does not make it "belong" to you, because you can't own knowledge
- You probably never asked for the number you *think* you "have". Your parents probably did before you reached majority, and they do not have the right to contract for you beyond the age of majority (18 years old)
- After you die, the government will recycle what you "think" is "your" number, so it was never really yours because you don't have PERMANENT possession or control of it
- If it was "yours", you could lawfully order the IRS and the government to STOP using it, but in fact they won't, so it can't be yours

Why you don't "have" a Social Security Number (cont.)

- **Definition of “have” from Merriam Webster’s Collegiate Dictionary, 1983:**
 1. a: to hold or maintain as a possession, privilege, or entitlement;
 - 2: to feel obligation in regard to;
 - 3: to stand in a certain relation to;
 - 4 a: to acquire or get possession of: OBTAIN; b: RECEIVE;
 - 5 a: to be marked or characterized by...
- **If the Social Security Number is to be considered a “privilege” or an “entitlement”, then it must also be contractual. Without a contract entitling you to collect, then it can’t be called entitlement. At best it is gambling, and the right of “entitlement” is about as trustworthy as our politician’s ability to balance the budget**
- **The U.S. Supreme Court has ruled that Social Security is not a contract, so it can’t be “possessed” and you can’t “have” a number because it doesn’t guarantee anything. See *Helvering v. Davis*, 301 U.S. 619 (1937) and *Flemming v. Nestor*, 363 U.S. 603 (1960)**

Why you don't "have" a Social Security Number (cont.)

- **Declaration of Independence:**

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

- **Any government power not derived from *consent* is unjust:**

- If you didn't consent to receive the number your parents gave you as a minor, it is a usurpation and tyranny
- Your parents do not have the right to contract for you beyond the age of 18
- When you reach majority, you can eliminate your number and your participation using:
 - » [SSA Form 521](#)
 - » [IRS Form 4029](#)
- Even if decide to use an SSN, you do not have to consent in all cases to use, and for those cases you don't consent to:
 - » You don't "have" one because you choose not to "possess" it in that instance
 - » You can truthfully put "NONE"

- **If you want to know more about the mandatory requirement for consent to all government enforcement actions, see:**

Requirement for Consent, Form #05.003

<http://sedm.org/Forms/FormIndex.htm>

Compelled Use of Social Security Numbers on Government Forms

- The federal government or people acting as its agents cannot lawfully penalize a natural person for failing to provide an SSN on a government form:
 - [Article 1](#), Section 10 of the Constitution makes it unconstitutional for the government to institute a Bill of Attainder, which is a penalty absent a court hearing
 - There are no implementing regulations authorizing any penalties on natural persons for failure to use or provide Social Security Numbers. See:
 - IRS Due Process Meeting Handout*, Form #03.008
 - <http://sedm.org/Forms/FormIndex.htm>
 - [42 U.S.C. 408](#)(a) makes it a felony to compel the disclosure of SSNs which could result in a five year prison sentence:
 - TITLE 42 - THE PUBLIC HEALTH AND WELFARE
 - CHAPTER 7 - SOCIAL SECURITY
 - SUBCHAPTER II - FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS
 - [Sec. 408. Penalties](#)
 - (a) In general
 - Whoever -...**
 - » (8) discloses, uses, or **compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.**
 - [26 U.S.C. §6724](#)(a) says:
 - “No penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not willful neglect.”*
- A private employer who is acting as a voluntary agent of the government by forcing you to fill out and submit tax withholding forms also comes under the provisions of the above law

Compelled Use of Social Security Numbers on Government Forms (cont)

- If your employer asks you to complete a W-4, then you:
 - Aren't required to provide an SSN on it
 - Shouldn't use this form. The correct form is the modified form W-8BEN using the instructions below:
 - About IRS Form W-8BEN, Form #04.202*
<http://sedm.org/Forms/FormIndex.htm>
 - **NEVER, EVER use a form W-4.** It is the *wrong* form for withholding if you are a "national" and/or a "nonresident alien" who does not consent to work for the federal government as one of its instrumentalities
- If a bank asks you for a Social Security Number to open an account, you can tell them that you don't have one and give them the amended W-8BEN form above
- [IRS Publication 1586](#) addresses how Public (not PRIVATE, but PUBLIC) Employers should deal with persons who do not have an SSN. See:
 - IRS Publication 1586*
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSPub1586.pdf>
- For more details on SSNs, see:
 - About SSN's/TINs on Tax Correspondence, Form #05.012*
<http://sedm.org/Forms/FormIndex.htm>

3. AVOID SATISFYING CRITERIA IN 28 USC 1605

Avoid Surrendering Sovereign Immunity

- **Do NOT sign any application for government benefits such as SSA Form SS-5**
- **Do NOT provide any personal information to any government agency unless compelled to do so**
- **Use pseudonyms when you fill out government forms. See:**
Notice of Pseudonym Use and Unreliable Tax Records, Form #04.206
<http://sedm.org/Forms/FormIndex.htm>
- **Quit all government benefit programs you participate in. See:**
Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
- **Do not obtain or use a state-issued driver's license.**
 - It causes you to have a domicile within the Corporate state/federal zone
 - It forces you to use SSN's

Avoid Surrendering Sovereign Immunity

- **Instead of state issued driver's licenses**
 - Start your own sovereignty group and change your domicile to that group.
See:
Sovereignty Federation Government: Articles of Confederation, Form #13.002
<http://sedm.org/Forms/FormIndex.htm>
 - Issue your own license
 - Use the same procedures as the state does. Most state vehicle codes recognize foreign licenses, as long as you use the same guidelines, booklets, and driving tests as they do. Use theirs and have a friend in your sovereignty group document the test on an affidavit that gets notarized
 - A “private” license is a “foreign license” within the meaning of state vehicle codes. Foreign licenses may be used indefinitely in most jurisdictions because they can't compel you to choose a domicile in their jurisdiction and being a “resident” is a prerequisite to being issued a license.
 - For further details, see:
Defending Your Right To Travel, Form #06.010
<http://sedm.org/Forms/FormIndex.htm>

Signing government forms

- When you sign government forms, write under your signature:
“All rights reserved, [UCC 1-308](#) and its predecessor, UCC 1-207”
- This will prevent any surrender of rights in the process of providing information.
- You may also want to copyright or license the information provided on the application you provide in order to prevent the government from using it for any commercial or tax purpose. For an example of how to do this, see:
Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

Forms Useful in Establishing Evidence of Your Sovereignty

- **Why You Are a “National”, “State National”, and Constitutional but not Statutory Citizen**, Form #05.006. Detailed background on citizenship for those who want to dig deeper.
<http://sedm.org/Forms/FormIndex.htm>
- **Citizenship, Domicile, and Tax Status Options**, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>
- **Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States**, Form #10.001. Declaration of intention to change domicile and citizenship and become foreign to federal jurisdiction.
<http://sedm.org/Forms/FormIndex.htm>
- **Voter Registration Attachment**, Form #06.003. Attach to voter registration.
<http://sedm.org/Forms/FormIndex.htm>
- **USA Passport Application Attachment**, Form #06.007. Attach to USA passport applications to correctly describe your citizenship.
<http://sedm.org/Forms/FormIndex.htm>
- **How to Apply for a Passport as a “national”**, Form #09.007
<http://sedm.org/Forms/FormIndex.htm>

Forms Useful in Establishing Evidence of Your Sovereignty

- ***Passport Amendment Request***, Form #06.016-for those who already have a passport and want to update the DS-11 application without getting a new passport
<http://sedm.org/Forms/FormIndex.htm>
- ***Affidavit of Citizenship, Domicile, and Tax Status***, Form #02.001. Attach this to employment applications, withholding forms, and government forms to ensure your correct citizenship is reflected in the government record.
<http://sedm.org/Forms/FormIndex.htm>
- ***Citizenship, Domicile, and Tax Status Options***, Form #10.003-use this form for depositions and as an attachment to court pleadings
<http://www.ruttergroup.com/cartfcte.htm>
- ***Rules of Presumption and Statutory Interpretation***, Litigation Tool #01.006-attach to legal pleadings to prevent the court and your opponent from making presumptions that jeopardize the benefits of your citizenship and domicile status choice
<http://sedm.org/Litigation/LitIndex.htm>
- ***Tax Form Attachment***, Form #04.201. Prevents your status from being misconstrued through presumption whenever submitting any tax or government form
<http://sedm.org/Forms/FormIndex.htm>
- ***Section 1.10 of the Forms Page entitled “Establishing Your Sovereignty”***
<http://sedm.org/Forms/FormIndex.htm>

Using Your Citizenship Evidence Against the IRS

- An EXCELLENT form you can use in many situations which clearly identifies your citizenship, domicile, and tax status is found on our website:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

<http://sedm.org/Forms/FormIndex.htm>

- We highly encourage the frequent use of the above form in all your financial and government interactions to prevent false presumptions about your status that will endanger your sovereignty
- You should provide a copy of your evidence of citizenship to any government official who argues with you about your citizenship status
- When you present your evidence, send it with an affidavit under penalty of perjury. The only way an IRS agent can trump the value of such evidence is with an affidavit himself for facts about which he has a personal knowledge, which no IRS agent has
- The [Declaratory Judgments Act, 28 U.S.C. §2201\(a\)](#) PROHIBITS federal courts from assuming any status other than what you declare yourself under penalty of perjury in the context of federal taxes. **YOU ARE THE SOVEREIGN!**
- If the official continues to argue about respecting your rights as a “national”, then sue for damages

Conclusions

- The government doesn't want you to be able to prove that you are not a statutory "U.S. citizen" under 8 U.S.C. §1401 because then they lose their jurisdiction to tax you under Subtitle A of the Internal Revenue Code
- They have made it very hard to get proof that you are not a statutory "U.S. citizen" by:
 - Confusing the terms relating to citizenship so you will have a hard time asking for or explaining exactly what you need
 - Refusing to comply with the requirements of 8 U.S.C. §1452 by refusing to give you a "Certificate of non-citizen National status"
 - Forcing you to go into court and ask for a declaratory judgment without a jury trial
- You should make a concerted effort to develop certified evidence that you are not an 8 U.S.C. §1401 statutory "U.S. citizen" that is admissible in court
- The easiest and best way to get proof of your citizenship is to request a passport and then FOIA for a certified copy of the approved application showing you are a "national"

Resources for Further Study

- **Liberty University**: Study the free resources here to be able to defend your sovereignty

<http://sedm.org/LibertyU/LibertyU.htm>

- **MANUALS:**

- **Sovereignty Forms and Instructions Manual**, Form #10.004. How to apply what you learned here to most situations to become sovereign.

<http://sedm.org/Forms/FormIndex.htm>

- **Sovereignty Forms and Instructions: Online Version**, Form #10.003. Online version of the above.

<http://sedm.org/Forms/FormIndex.htm>

Resources for Further Study

- **Government References:**

- Title 8, U.S. Code: Aliens and Nationality:

<http://www4.law.cornell.edu/uscode/8/>

- Dept. of State Foreign Affairs Manual, Volume 7, sections 1100 through 1180, and especially section 1100:

<http://foia.state.gov/regs/fams.asp?level=2&id=8&fam=0>

- Social Security Administration, Program Operations Manual (POM), section RS00204.015: Developing Evidence of U.S. Citizenship:

<http://policy.ssa.gov/poms.nsf/lnx/0300204015>

- **Resources on the Family Guardian website:**

- See the section entitled “CITIZENSHIP” in Section 10 of the white area and read the articles:

<http://famguardian.org/Subjects/Taxes/taxes.htm>