

AFFIDAVIT OF DURESS: MEMBER DEPOSITION

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1
 2 The purpose of this affidavit is to develop legally admissible evidence upon which a court may and should rely in establishing
 3 evidence supporting a reasonable belief that:

- 4 1. The Opposing party is maliciously prosecuting the Affiant. This has made these proceedings into an exercise of
 5 UNCIVIL procedure, and not CIVIL procedure.
 6 2. Affiant is under illegal duress from actors and persons under which this court has definite jurisdiction.
 7 3. Affiant pleads duress under Federal Rule of Civil Procedure 8(c).
 8 4. This court has a duty to eliminate all forms of duress in the context of this proceeding that are within its jurisdiction in
 9 the interests of justice.
 10 5. Affiant solicits assistance and protection from the court in removing all identified sources of illegal duress within the
 11 jurisdiction of the court in order that the credibility of all evidence gathered may be maintained.
 12 6. It is inappropriate to request, rely upon, or grant testimony of or discovery against the Affiant unless and until the court
 13 exercises all powers available to it in eliminating said duress. Meeting this requirement is important because the
 14 existence of said duress renders all statements and actions relating to Affiant in the context of this proceeding, other than
 15 this affidavit, as inadmissible as evidence.
 16 7. Affiant is a foreign sovereign not subject to the jurisdiction of this court, and therefore not bound to honor its requests
 17 except through comity and/or voluntary cooperation.
 18 7.1. His domicile is the Kingdom of Heaven on Earth. The Bible says that the Earth belongs to God and NOT to any
 19 man. Therefore, Affiant has no domicile within the jurisdiction of any man-made court or government.
 20 7.2. Affiant is a “Stateless person” within the meaning of 28 U.S.C. §1332 because he does not live within any of the
 21 “States” defined in 28 U.S.C. §1332(d). See [Newman-Green v. Alfonso Larrain, 490 U.S. 826 \(1989\)](#).
 22 7.3. Affiant’s status is protected by the CONSTITUTIONAL Diversity of Citizenship described in the Constitution,
 23 Article III, Section 2. He is NOT protected by the STATUTORY Diversity of Citizenship described in 28 U.S.C.
 24 §1332 because the “State” described in 28 U.S.C. §1332(d) does not include states of the Union, which are “foreign
 25 states” with respect to nearly all federal subject matters, including income taxation. If this court REALLY has
 26 Article III jurisdiction, which Affiant has no reason to believe that it does and lots of evidence to prove that it
 27 DOESN’T, then it must act ONLY in an Article III capacity under the common law, and not pursuant to any
 28 statutory authority or Act of Congress in the context of this case.
 29 7.4. Affiant is minister of a foreign state with diplomatic immunity, which foreign state is the Kingdom of Heaven.
 30 7.5. The court would be involving itself in “political questions” in order to change either the declared citizenship or
 31 domicile of the Affiant, because these are “political questions” not subject to involuntary change by the court. See:

<i>Political Jurisdiction</i> , Form #05.004 http://sedm.org/Forms/FormIndex.htm

 32 7.6. The Affiant’s voluntary choice of domicile and citizenship to date have not been challenged with anything but false
 33 and unconstitutional “presumption” by the court. The court cannot participate in any such prejudicial presumption
 34 without violating the oath of its PUBLIC officers to support and defend the Constitution and breaching the solemn
 35 fiduciary duty they owe to the “public”, of which the Affiant is a member.

36 All of the facts stated in this affidavit are based on personal knowledge of the affiant. Affiant has personally read and
 37 researched all of the authorities cited and has a firm belief about their accuracy and authority. Affiant is also willing to testify
 38 to all of the facts stated herein.

39 Exhibits 1 and 2, if attached, also constitute Judicial Notice, pursuant to Federal Rule of Civil Procedure 201, of the sovereign
 40 status of the Affiant which this court must honor and act in strict accordance with.

1 **1. Requirement for consent of the governed**

2 It is an undisputed fact that the Declaration of Independence states that all government authority derives from the “consent
3 of the governed”:

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

7 Therefore, any authority asserted by government which does not demonstrably proceed directly from the consent of the
8 governed is unjust by implication.

9 *“A State does not owe its origin to the Government of the United States, in the highest or in any of its branches.
10 It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary
11 and deliberate choice of the people...A State is altogether exempt from the jurisdiction of the Courts of the United
12 States, or from any other exterior authority, unless in the special instances when the general Government has
13 power derived from the Constitution itself.”*
14 *[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1793)]*

15 It is an undisputed fact that all civil law derives from consent of the governed. It is also an undisputed fact that criminal law
16 does not require consent of the governed because it involves police powers and public protection from harm, and if criminals
17 had to consent, we couldn’t prevent any harm to the public.

18 *“No man has a natural right to commit aggression on the equal rights of another, **and this is all [and ONLY]**
19 **from which the laws ought to restrain him.**”*
20 *[Thomas Jefferson to Francis Gilmer, 1816. ME 15:24*
21 *SOURCE: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff0150.htm>]*

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

28 Since this is a civil and not a criminal proceeding, then it must proceed entirely upon voluntary consent of both parties in
29 some form. The court has been provided with absolutely no evidence of consent to date. All pleadings have been prepared
30 and submitted as a First Amendment petition and not an appearance or general appearance.

31 **appearance.** *A coming into court as a party to a suit, either in person or by attorney, whether as Opposing party
32 or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The*
33 **voluntary submission** *to a court's jurisdiction.*

34 *In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who*
35 *enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages*
36 *of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his*
37 *behalf. See e.g., Fed.R.Crim.P. 43.*

38 *An appearance may be either **general** or **special**; the former is a simple and unqualified or unrestricted*
39 *submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose*
40 *only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the*
41 *sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a*
42 *general appearance is made where the defendant waives defects of service and submits to the jurisdiction of*
43 *court. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.*
44 *[Black’s Law Dictionary, Sixth Edition, p. 97]*

45 No “appearances” have been entered in this or any other pleading entered in this court in order to emphasize the non-existence
46 of any kind of voluntary submission to the jurisdiction of the foreign state and foreign sovereign called the United States.

47 *“A foreign corporation is one that derives its existence solely from the laws of another state, government, or*
48 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*
49 *by or under the laws of another state or a corporation created by or under the laws of a foreign country.”*

1 "A federal corporation operating within a state is considered a domestic corporation rather than a foreign
2 corporation. **The United States government is a foreign corporation with respect to a state [and by implication,
3 all the inhabitants of the state]."**
4 [19 Corpus Juris Secundum, Corporations, §883 (2003)]

5 Consequently, Affiant has not surrendered any sovereign immunity by virtue of any personal appearances in this case and
6 has not given the court any kind of consent to proceed on any issue.

7 **2. Sovereignty of Affiant**

8 In a society populated by sovereigns, the only way a person can lose their rights is to voluntarily contract them away. In that
9 respect, America is what we call "the land of the kings":

10 "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but
11 they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as
12 fellow citizens, and as joint tenants in the sovereignty."
13 [Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 454, 1 L.Ed. 440, 455 @DALL 1793 pp. 471-472]

14 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while
15 sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people [WE
16 THE PEOPLE!], by whom and for whom all government exists and acts."
17 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

18 "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are
19 ordinarily construed to exclude it."
20 [Wilson v. Omaha Indian Tribe, [442 U.S. 653](#), 667 (1979)]

21 "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are
22 ordinarily construed to exclude it."
23 [U.S. v. Cooper, [312 U.S. 600](#), 604, 61 S.Ct. 742 (1941)]

24 "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not
25 be construed to do so."
26 [U.S. v. United Mine Workers of America, [330 U.S. 258](#), 67 S.Ct. 677 (1947)]

27 A "sovereign", and especially a foreign sovereign protected by the Foreign Sovereign Immunities Act, cannot lawfully be
28 compelled or required to surrender any part of that sovereignty unless it has performed an activity that makes it subject to the
29 exceptions found in 28 U.S.C. §1605. The Opposing party has not yet at any time demonstrated any reason to believe that
30 the Affiant is subject to any of these exceptions to the act. Therefore, Affiant must be presumed to be innocent until proven
31 guilty and this court is without authority to proceed lawfully.

32 Any cooperation requested from a foreign sovereign who has not demonstrably made himself subject to any of the exceptions
33 to the act in 28 U.S.C. §1605 must therefore originate from consensual, voluntary action, because he is outside the legislative
34 jurisdiction of the forum of the Opposing party in this Case:

35 "It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247 U.S.](#)
36 [251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal**
37 **affairs of the states; and emphatically not with regard to legislation.**"
38 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

39
40 "Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the
41 law of comity must necessarily rest, the following maxims: First 'that **every nation possesses an exclusive**
42 **sovereignty and jurisdiction within its own territory**'; secondly, '**that no state or nation can by its laws directly**
43 **affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural**
44 **born subjects or others.**' The learned judge then adds: 'From these two maxims or propositions there follows a
45 third, and that is that whatever force and obligation the laws of one country have in another depend solely upon
46 the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and
47 upon its own express or tacit consent.' Story on Conflict of Laws §23."
48 [Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

49 The only real question posed to this court in the context of this proceeding is

1 "Why does the I.R.C. NOT qualify as "legislation" under the above ruling of the Supreme Court, and if it is
2 legislation, then what is the origin of jurisdiction being asserted in this case? The only other source of jurisdiction
3 that can exist in this case under Federal Rule of Civil Procedure Rule 17(b) is that of "agency" created by the
4 operation of private law, which implies contractual obligations between the Affiant and the United States. These
5 contractual obligations can only arise through either private contract or federal employment. Affiant has stated
6 in his Original Answer and repeated in responses and motions since that time that he is not a federal "employee"
7 or agent and has no contracts with the federal government. Both the Opposing party and the Court are then
8 asked to produce evidence of the existence of such contract or agency, and if it cannot, to dismiss this case and
9 any associated motions."

10 Affiant has stated repeatedly under penalty of perjury, both orally to the opposition and in his pleadings the following, none
11 of which have been contradicted by the Opposing party or the Court with evidence. Consequently, they continue to stand as
12 fact until rebutted with admissible, authenticated evidence from a person with personal knowledge:

- 13 1. He is a fiduciary of God, who is a "[nontaxpayer](#)", and therefore we are "nontaxpayers". Our legal status takes on the
14 character of the sovereign who we represent. Therefore, we become "[foreign diplomats](#)".

15 "**For God is the King of all the earth**; Sing praises with understanding."
16 [[Psalms 47:7](#), Bible, NKJV]

17
18 "For the LORD is our Judge, the LORD is our Lawgiver, the LORD is our King; He will save [and protect] us."
19 [[Isaiah 33:22](#), Bible, NKJV]

- 20 2. Maintains no earthly domicile and accepts earthly legislative protection from no government because God is his only
21 protector and Lawgiver. Instead, his "[domicile](#)" is Heaven and not any place on earth. All he expects is for his natural,
22 Constitutional rights to be respected by the government which has jurisdiction where he happens to temporarily live, and
23 domicile is not necessary in order to invoke the protection of the Constitution.

24 "Where rights secured by the Federal Constitution are involved, there can be no rule-making or legislation [or
25 judge-made law or judicial precedent] which would abrogate them."
26 [[Miranda v. Arizona](#), 384 U.S. 436 (1966)]

27
28 "The very essence of civil liberty certainly consists in the right of every individual [not "["citizen"](#)" or "["resident"](#),
29 but "["individual"](#)", which includes "["transient foreigners"](#)] to claim the protection of the laws, whenever he receives
30 an injury. One of the first duties of government is to afford that protection."
31 [[Marbury v. Madison](#), 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)]

32
33 "Is any one of the rights secured to the individual by the Fifth or by the Sixth Amendment any more a privilege
34 or immunity of a citizen of the United States than are those secured by the Seventh? **In none are they privileges**
35 **or immunities granted and belonging to the individual as a citizen of the United States, but they are secured to**
36 **all persons as against the Federal government, entirely irrespective of such citizenship.** As the individual does
37 not enjoy them as a privilege of citizenship of the United States, therefore, when the Fourteenth Amendment
38 prohibits the abridgment by the states of those privileges or immunities which he enjoys as such citizen, it is not
39 correct or reasonable to say that it covers and extends to [176 U.S. 581, 596] certain rights which he does not
40 enjoy by reason of his citizenship, but simply because those rights exist in favor of all individuals as against
41 Federal governmental powers."
42 [[Maxwell v. Dow](#), 176 U.S. 581 (1900)]

43
44 "In [Truax v. Raich](#), supra, the people of the state of Arizona adopted an act, entitled 'An act to protect the [271
45 U.S. 500, 528] citizens of the United States in their employment against noncitizens of the United States,' and
46 provided that an employer of more than five workers at any one time in that state should not employ less than 80
47 per cent. qualified electors or native-born citizens, and that any employer who did so should be subject upon
48 conviction to the payment of a fine and imprisonment. **It was held that such a law denied aliens an opportunity**
49 **of earning a livelihood and deprived them of their liberty without due process of law, and denied them the**
50 **equal protection of the laws. As against the Chinese merchants of the Philippines, we think the present law**
51 **which deprives them of something indispensable to the carrying on of their business, and is obviously intended**
52 **chiefly to affect them as distinguished from the rest of the community, is a denial to them of the equal protection**
53 **of the laws.**"
54 [[Yu Cong Eng v. Trinidad](#), 271 U.S. 500 (1926)]

- 1 3. He is a "[Nonresident alien](#)" and "[national](#)" but not "[citizen](#)" under federal law. He is NOT a "U.S. national" under [8](#)
2 [U.S.C. §1408](#), but rather a "national" under [8 U.S.C. §1101\(a\)\(21\)](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#). The reason this must
3 be so is that a "[citizen of the United States](#)" (who are all born in and resident within exclusive federal jurisdiction under
4 [8 U.S.C. §1401](#)) may not be classified as an instrumentality of a foreign state under [28 U.S.C. 1332\(c\)](#) and (d). See our
5 article entitled "[Why you are a 'national' or a 'state national' and not a 'U.S. citizen'](#)" for further details and evidence.
6 Opposing party is demanded to rebut the evidence and questions at the end or be estopped from challenging the issues
7 raised therein in the future under "estoppel in pais":
8 <http://famguardian.org/Subjects/LawAndGovt/Citizenship/WhyANational.pdf>
9 4. He is not and cannot be a "[resident](#)" or a "citizen" or "inhabitant" of any earthly jurisdiction because all of these statuses
10 have in common a domicile within the forum. He cannot maintain these statuses without having a conflict of interest
11 and violating the first four Commandments of the [Ten Commandments](#) found in [Exodus 20](#). Heaven is his exclusive
12 legal "[domicile](#)", and his "permanent place of abode", and the source of **ALL** of our permanent protection and
13 security. He cannot and should not rely upon man's vain earthly laws as an idolatrous substitute for Gods sovereign laws
14 found in the Bible. Instead, only God's laws and the Common law, which is derived from God's law, are suitable
15 protection for his God-given rights.

16 *"For I was ashamed to request of the king an escort of soldiers and horsemen to help us against the enemy on*
17 *the road, because we had spoken to the king, saying 'The hand of our God is upon all those for good who seek*
18 *Him, but His power and His wrath are against all those who forsake Him.' So we fasted and entreated our God*
19 *for this, and He answered our prayer."*
20 [[Ezra 8:21-22](#), Bible, NKJV]

- 21 5. Affiant is a "Foreign Ambassador" and "Minister of a [Foreign State](#)" called Heaven. The U.S. Supreme Court said in
22 U.S. v. Wong Kim Ark below that "ministers of a foreign state" may not be statutory "citizens of the United States".
23 Furthermore, the Fourteenth Amendment was intended exclusively for freed slaves and not sovereign Americans such
24 as us.

25 *"For our citizenship is in heaven [and not earth], from which we also eagerly wait for the Savior, the Lord Jesus*
26 *Christ"*
27 [[Philippians 3:20](#), Bible, NKJV]

28
29 *"And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing*
30 *the first clause [of the [Fourteenth Amendment](#)], observed that "**the phrase 'subject to the jurisdiction thereof'***
31 ***was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign***
32 ***states, born within the United States."***
33 [[U.S. v. Wong Kim Ark](#), [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

- 34 6. His dwelling, which is a "[temporary](#) and not [permanent](#) place of abode", is a "Foreign Embassy". He is a "transient
35 foreigner". To wit:

36 *"Transient foreigner. One who visits the country, without the intention of remaining."*
37 [[Black's Law Dictionary](#), Sixth Edition, p. 1498]

- 38 Notice we didn't say "residence", because only "[residents](#)" (aliens) can have a "residence" under 26 CFR §1.871-2(b).
39 Therefore, Affiant cannot be classified as a "citizen", a "resident" or an "inhabitant", all of which have as a prerequisite
40 domicile within the forum state. Since he has no earthly domicile, then he is ONLY a transient foreigner, just like his
41 Lawgiver and his God, who said of that same condition:

42 *Then a certain scribe came and said to Him [Jesus], "Teacher, I will follow You wherever You go." And Jesus*
43 *said to him, "Foxes have holes and birds of the air have nests, but the Son of Man has nowhere to lay His head*
44 *[no domicile or home or permanent place of abode]." [[Matt. 8:19-20](#), Bible, NKJV]*

- 45 7. He is protected from federal government persecution by [18 U.S.C. §112](#) and the [Foreign Sovereign Immunities Act of](#)
46 [1976](#).
47 8. Affiant is not allowed under God's law to conduct "[commerce](#)" or "intercourse" with "the Beast" by sending to it his
48 money or receiving benefits we did not earn. Black's law dictionary defines "[commerce](#)" as "intercourse". The Bible
49 defines "the Beast" as the "kings of the earth"/political rulers in Rev. 19:19:

50 *"**Commerce** ... **Intercourse** by way of trade and traffic between different peoples or states and the citizens*
51 *or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the*

1 instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it
2 is carried on..."

3 [Black's Law Dictionary, Sixth Edition, p. 269]

4
5 **"Come, I will show you the judgment of the great harlot [the atheist totalitarian democracy] who sits on many**
6 **waters [which are described as seas and multitudes of people in Rev. 17:15], with whom the kings of the earth**
7 **[political rulers of today] committed fornication [intercourse], and the inhabitants of the earth were made**
8 **drunk with the wine of her fornication [intercourse, usurious and harmful commerce]."**

9 So he carried me away in the Spirit into the wilderness. And I saw a woman sitting on a scarlet beast which was
10 full of names of blasphemy, having seven heads and ten horns. The woman was arrayed in purple and scarlet,
11 and adorned with gold and precious stones and pearls, having in her hand a golden cup full of abominations and
12 the filthiness of her fornication [intercourse]. And on her forehead a name was written: MYSTERY, BABYLON
13 THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE EARTH.

14 I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw
15 her, I marveled with great amazement."
16 [Rev. 17:1-6, Bible, NKJV]

17
18 **"And I saw the beast, the kings [heathen political rulers and the unbelieving democratic majorities who control**
19 **them] of the earth [controlled by Satan], and their armies, gathered together to make war against Him [God]**
20 **who sat on the horse and against His army."**
21 [Revelation 19:19, Bible, NKJV]

22
23 The Bible calls this kind of commerce "fornication" and "adultery" and describes the fornicator called "Babylon the Great
24 Harlot" basically as a democracy instead of a Republic in [Revelation chapters 17 to 19](#). This is consistent with the
25 Foreign Sovereign Immunities Act found in [28 U.S.C. §1605\(a\)\(2\)](#), which says that those who conduct "commerce" with
26 the "United States" federal corporation within its legislative jurisdiction thereby surrender their sovereignty.
27 Participation in our corrupted tax system also fits the classification of "commerce" within the meaning of this
28 requirement. See: http://travel.state.gov/law/info/judicial/judicial_693.html.

- 29 9. He has pursued the above status by the lawful exercise of his First Amendment right to freely associate as he sees fit.
30 That right includes the right to disassociate with all earthly political groups and to choose a legal domicile outside of all
31 of them. The right to associate implies the right to disassociate and to not be compelled to associate with any political
32 group, whether it be a state or a government or a nation.

33 Unless and until the court respects every aspect of the sovereignty of the Affiant as described above throughout every aspect
34 of this proceeding, then Affiant asserts the existence of illegal duress upon him by the court. The Affiant is forbidden by his
35 First Amendment religious beliefs to bow down or worship any man or tribunal that cannot demonstrate lawful authority
36 direct from its sovereign Master, We The People.

37 *"You shall have no other gods [including judges, Kings, U.S. attorneys, or government] before Me. You shall*
38 *not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth*
39 *beneath, or that is in the water under the earth; **you shall not bow down or serve them [whether it be in a court***
40 ***or by taking a perjury oath]. For I, the Lord your God, am a jealous God, visiting the iniquity of the fathers upon***
41 *the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those*
42 *who love Me and keep My commandments."*
43 [Exodus 20:3-6, NKVJ]

44 Affiant will not participate an any quasi-judicial or legal process that makes government into an unquestioned false god, and
45 this court into essentially a church and political "worship" service:

46 *"But there are many rulers [including judges and U.S. attorneys] in these days who call themselves "Christian",*
47 *who arrogantly assume that their power is limited by no one, not even by God, and they surround themselves with*
48 *flatterers [licensed attorneys, court-appointed "whore" experts] **who adore them as gods upon earth**. Not to*
49 *mention the many others who, out of fear or constraint, either believe, or appear to believe, that rulers ought to*
50 *be obeyed in all things, and by all men."*
51 [Vindiciae Contra, First Question]

1 "For my own part, when I consider the cause of the many calamities that have afflicted Christendom lately, I am
2 reminded of the words of the prophet Hosea: "The princes of Judah were like those that remove a boundary. On
3 them I will pour out my wrath like water. Ephraim is oppressed, crushed in judgment, because he was determined
4 to follow the commandments of men." (Hosea 5:10-11) Here you see the sin of the rulers and people fully
5 displayed in these two verses. The rulers exceed their authority, not being content with that authority which the
6 almighty and all good God has given them, but seek to usurp that sovereignty which He has reserved to Himself
7 over all men. And not being content with absolute power over the lives and property of their subjects, these
8 tyrants seize for themselves the right to rule over their consciences as well, over which the authority belongs
9 to Jesus Christ alone. Holding the earth not great enough for their ambition, they want to climb and conquer
10 heaven itself. The people, on the other hand, follow the commandments of men when they yield to these rulers
11 who command that which is against the law of God. Thus, the people burn incense and adore these earthly
12 gods and, instead of resisting them (if they are able), they instead permit them to usurp the place of God,
13 apparently untroubled by their giving to Caesar that which belongs properly [and ONLY] to God"
14 [Vindiciae Contra, First Question. (Attributed to Philippe Duplessis-Mornay (1549-1623) and Hubert Languet
15 (1518-1581).]

16 God commands me to resist such tyranny, which is an exercise of my First Amendment rights:

17 "Preach the Word [of God, and Christian liberty]; be prepared in season and out of season; correct, rebuke and
18 encourage [public servants]—with great patience and careful instruction. For the time will come when men [in
19 politics, the legal profession, or the judiciary] will not put up with sound [legal] doctrine [such as that found
20 on the Family Guardian website]. Instead, to suit their own desires, they [our covetous public dis-servants]
21 will gather around them a great number of teachers [court-appointed "experts", "licensed" government
22 whores called attorneys and CPA's, and educators in government-run or subsidized public schools and liberal
23 universities] to say what their itching ears want to hear. They will turn their ears away from the truth and turn
24 aside to [government and legal-profession] myths. But you [the chosen of God and His servants must], keep
25 your head in all situations, endure hardship, do the work of an evangelist, discharge all the duties of your
26 ministry."
27 [2 Tim. 4:2-5, Bible, NKJV]

28
29 "Is this not the fast that I have chosen:
30 To loose the bonds of [government] wickedness,
31 To [lawfully] undo the heavy [tax] burdens,
32 To let the oppressed [federal tax prisoners] go free,
33 And that you break every yoke [contract with the Beast]?"
34 [Isaiah 58:6, Bible, NKJV]

35 Obedience to or worship of any political leader, judge, or U.S. attorney who refuses to respect the lawful limits of their
36 authority is SATAN worship:

37 **The Fall of Lucifer**

38 "How you are fallen from heaven,
39 O Lucifer, son of the morning!
40 How you are cut down to the ground,
41 You who weakened the nations!
42 For you have said in your heart:

43 ' I [Satan] will ascend into heaven,
44 I will exalt my throne [for my judgeship, or my public office] above the stars of God;
45 I will also sit on the mount of the congregation
46 On the farthest sides of the north;
47 I will ascend above the heights of the clouds,
48 I will be like the Most High [God].'
49 Yet you shall be brought down to Sheol,
50 To the lowest depths of the Pit.
51 " Those who see you will gaze at you,
52 And consider you, saying:

53 ' Is this the [evil] man who made the earth tremble,
54 Who shook kingdoms,
55 Who made the world as a wilderness
56 And destroyed its cities [by corruption and malicious prosecution],
57 Who did not open the house of his [federal tax] prisoners?'
58 " All the kings of the nations,
59 All of them, sleep in glory,

1 Everyone in his own house;
2 But you are cast out of your grave
3 Like an abominable branch,
4 Like the garment of those who are slain,
5 Thrust through with a sword,
6 Who go down to the stones of the pit,
7 Like a corpse trodden underfoot.
8 You will not be joined with them in burial,
9 Because you have destroyed your land [with your iniquity]
10 And slain your [unborn] people [using abortion].
11 The brood of evildoers shall never be named.
12 Prepare slaughter for his [Satan's] children
13 Because of the iniquity of their fathers,
14 Lest they rise up and possess the land,
15 And fill the face of the world with cities [and courts, and judges, and corrupted governments].”
16 [[Isaiah 14:12-21](#), Bible, NKJV]

17 **3. Implications of sovereignty of Affiant**

18 The implications for the court of dealing with a foreign sovereign are that:

- 19 1. Under [Federal Rule of Civil Procedure 17](#)(b), the court may only enforce law from one of the following two source:
 - 20 1.1. From within the declared domicile of the sovereign. When this is done, it must notice said law under [Federal Rule](#)
 - 21 [of Civil Procedure 44.1](#).
 - 22 1.2. Arising from private law or contracts between the foreign sovereign and the government which create agency and
 - 23 liability with a person within the exclusive legislative jurisdiction of the forum in question. These contracts must
 - 24 be demonstrated in writing by the production of a signed document attesting to consent of the foreign sovereign.
- 25 2. If a court institutes compulsion of any kind not arising from any of the sources identified in item 1 above, then it is
- 26 instigating illegal duress. Any testimony, evidence, or signed documents produced in the presence of said duress renders
- 27 them inadmissible as evidence because compelled. Duress includes compulsion from the court to testify absent any
- 28 authenticated evidence on the record of the existence of any injury to any party. The Affiant reminds this court that
- 29 statements of an attorney in a Complaint do not constitute “testimony” or evidence, and this is especially true when they
- 30 have not been signed under penalty of perjury as in the instant case. See *United States v. Lovasco*:

31 *“Manifestly, [such statements by counsel] cannot be properly considered by us in the disposition of [a] case.”*
32 *Adickes v. Kress & Co., 398 U.S. 144, 157 -158, n. 16. While I do not question the good faith of Government*
33 *counsel, it is not the business of appellate courts to make decisions on the basis of unsworn matter not*
34 *incorporated in a formal record.”*
35 [*United States v. Lovasco, 431 U.S. 783 (1977)*]

- 36 3. Court may not cite any caselaw or precedent from within its own forum unless the case relates to a foreign sovereign
- 37 who was under similar conditions to that of the Affiant. Case law must originate from the same forum as the domicile
- 38 of the Affiant, or else incongruity would result between forum law and case law. That forum is the Kingdom of Heaven,
- 39 and the court is hereby give Judicial Notice pursuant to [Federal Rule of Evidence 201](#) of the foreign law that applies in
- 40 that place, which is summarized below:

[Laws of the Bible](#), Form #05.028
<http://sedm.org/Forms/FormIndex.htm>

- 41 4. The court may not cite any federal statutory law against the Affiant, but may only apply the common law, which in turn
- 42 is based ONLY upon God’s laws indicated above.
- 43 5. Must render the same equal protection to the foreign sovereign as it grants to all other litigants as required by the
- 44 Fourteenth Amendment.

45 **4. Sources of unlawful duress within the jurisdiction of court and/or caused by the court**

46 The opposite of “consent” is “duress”, which is defined as follows in American Jurisprudence Legal Encyclopedia:

47 *“Under the modern view, any wrongful threat which actually puts the victim in such fear as to compel him to act*
48 *against his will constitutes duress.”¹*

¹ *Gallon v Lloyd-Thomas Co. (CA8 Mo) 264 F2d 821, 2 FR Serv 2d 231, 77 ALR2d 417 (fear of deportation); Rizzi v Fanelli (Mun Ct App Dist Col) 63 A2d 872; Fox v Piercey, 119 Utah 367, 227 P2d 763.*

3 “An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not
4 exercising his free will, and the test is not so much the means by which the party is compelled to execute the
5 agreement as the state of mind induced.² Duress, like fraud, rarely becomes material, except where a contract
6 or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract
7 or conveyance voidable, not void, at the option of the person coerced,³ and it is susceptible of ratification. Like
8 other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.⁴ However, duress in the
9 form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so,
10 is generally deemed to render the resulting purported contract void.⁵”
11 [American Jurisprudence 2d, Duress, §21 (1999)]

12 Black’s Law Dictionary also defines “duress” as follows:

13 **“duress.** Any unlawful threat or coercion used by a person to induce another to act (or to refrain from acting) in
14 a manner he or she otherwise would not (or would). Subjecting person to improper pressure which overcomes
15 his will and coerces him to comply with demand to which he would not yield if acting as free agent. *Head v.*
16 *Gadsden Civil Service Bd.*, Ala.Civ.App., 389 So.2d. 516, 519. Application of such pressure or constraint as
17 compels man to go against his will, and takes away his free agency, destroying power of refusing to comply with
18 unjust demands of another. *Haumont v. Security State Bank*, 220 Neb. 809, 374 N.W.2d. 2,6.

19 [...]

20 A contract entered into under duress by physical compulsion is void. Also, if a party’s manifestation of assent
21 to a contract is induced by an improper threat by the other party that leaves the victim no reasonable alternative,
22 the contract is voidable by the victim. *Restatement, Second, Contracts* §§174, 175.

23 As a defense to a civil action, it must be pleaded affirmatively. *Fed.R.Civil P.* 8(c).

24 As an affirmative defense in criminal law, one who, under the pressure of an unlawful threat from another human
25 being to harm him (or to harm a third person), commits what would otherwise be a crime may, under some
26 circumstances, be justified in doing what he did and thus not be guilty of the crime in question. See *Model Penal*
27 *Code* §2.09. See also *Coercion*; *Economic duress*; *Extortion*; *Undue influence*. ”
28 [Black’s Law Dictionary, Sixth Edition, p. 504]

29 The following types of duress have been or will be attempted or instituted by either the Court, or the Opposing party in this
30 proceeding, which renders all testimony and actions by the Affiant as tainted and untrustworthy unless and until said duress
31 is removed by the Court:

- 32 1. The original complaint contains no evidence or affidavits and is not signed under penalty of perjury. Consequently, it is
33 nothing but a malicious prosecution unsupported by any probable cause. This constitutes illegal duress and standing to
34 pursue a tort. The cross complaint in this matter will contain an action for malicious prosecution against the Opposing
35 party personally, and the judge will be added if he or she attempts to compel attendance of the Affiant without any
36 demonstrated probable cause.

37 A justice or judge may be subject to an action for malicious prosecution, however, where he acted entirely without
38 jurisdiction and for the wrongful and unlawful purpose of injuring a person,⁶ or where he had a personal and

² Brown v Pierce, 74 U.S. 205, 7 Wall 205, 19 L Ed 134

³ Barnette v Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L Ed 669, 46 S Ct 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v Gershman, 30 Misc 2d 442, 215 NYS2d 144; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 SW2d 773, writ ref n r e (May 16, 1962); Carroll v Fetty, 121 W Va 215, 2 SE2d 521, cert den 308 U.S. 571, 84 L Ed 479, 60 S Ct 85.

⁴ Fiske v Gershman, 30 Misc 2d 442, 215 NYS2d 144; Heider v Unicume, 142 Or 416, 20 P2d 384; Glenney v Crane (Tex Civ App Houston (1st Dist)) 352 SW2d 773, writ ref n r e (May 16, 1962)

⁵ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

⁶ Hoppe v Klapperich, 224 Minn 224, 28 NW2d 780, 173 ALR 819; Shaw v Moon, 117 Or 558, 245 P 318, 45 ALR 600.

1 pecuniary interest in the matter,⁷ or for maliciously conspiring with others to institute a criminal prosecution in
2 his court.⁸
3 [*American Jurisprudence 2d, Malicious Prosecution, §6 (1999): Public officers-judicial officers*]

- 4 2. Affiant has declared himself to be a foreign sovereign protected by the Foreign Sovereign Immunities Act. As such,
5 Opposing party has the burden of proving that the Affiant has satisfied the requirement for contact with the forum state.
6 This court may not assert long-arm jurisdiction over the Affiant without demonstrating said minimum contacts, and there
7 is no evidence on the record, much less any evidence which meets this requirement.

8 *American Jurisprudence 2d, Private Franchise Contracts, §834 (1999): Personal jurisdiction over*
9 *nonresidents; long-arm statutes generally*

10 *Many states have so-called "long-arm" statutes permitting personal jurisdiction over a nonresident defendant,*
11 *based on doing business in the state, 55 the transaction of any business within the state, 56 the ownership,*
12 *use, or possession of real property within the state, or the commission of a tort within the state. 57* In addition,
13 the Federal Rules of Civil Procedure 58 permit service of process within or without the state in which the district
14 court sits in any manner permitted by state law, thus permitting a person suing in the federal court to make as
15 complete use of a state's long-arm statute as if the action had been brought in a state court. 59

16 *The only limitation is the constitutional requirement of due process which is satisfied if the defendant has such*
17 *"minimum contacts" with the state that it is consistent with "traditional notions of fair play and substantial*
18 *justice" that he be required to defend an action in the courts of that state. 60* In a major decision on the issue
19 of personal jurisdiction over nonresidents, the U.S. Supreme Court held that, in an action by a Florida
20 corporation against one of its out-of-state franchisees who allegedly had breached the franchise agreement, the
21 exercise of in personam jurisdiction over the franchisee by a federal district court in Florida, pursuant to the
22 state's long-arm statute, does not violate the due process clause of the Fourteenth Amendment where the
23 franchisee established a substantial and continuing relationship with the Opposing party's headquarters in
24 Florida and received fair notice from the contract documents and the course of dealing that he might be subject
25 to suit in that state. In so holding, the court reviewed and restated the key requisites of due process: minimum,
26 meaningful contacts with the forum, and fair warning that a particular activity may subject the individual to the
27 jurisdiction of a foreign sovereign. And the court noted that, to defeat assertion of in personam jurisdiction over
28 him, a nonresident defendant who purposefully has directed his activities at forum residents must present a
29 compelling case that the presence of some other considerations would render jurisdiction unreasonable; most
30 such considerations may be accommodated through means short of finding jurisdiction unconstitutional, such as
31 through application of the forum's choice-of-law rules or through a change of venue. 61
32 [*American Jurisprudence 2d, Private Franchise Contracts, §834 (1999): Personal jurisdiction over nonresidents;*
33 *long-arm statutes generally*]

34 It is to be noted that the materials of the Affiant specifically and individually identify themselves as improper for anyone
35 resident or domiciled within the "United States". See:
36 <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>. It is therefore impossible for the government to
37 assert "minimum contacts" without also agreeing that the materials in question have been used in an unauthorized manner
38 inconsistent with the SEDM Member Agreement, Form #01.001. Members are not allowed to obtain any materials
39 without unconditionally consenting to every provision of said Member Agreement. It is an egregious wrong for this court
40 to participate in holding the Affiant or any Member of the ministry liable for the misuse or unauthorized use of his
41 materials or writings. This constitutes an actionable tort and if the Court willfully proceeds in spite of this warning, it
42 will become a party to the Cross complaint.

- 43 3. Opposing party is attempting to abuse legal process to compel violation of the SEDM Member Agreement, Form #01.001
44 by the Affiant. See: <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>. The agreement requires the
45 Affiant to not answer any questions about SEDM, and explains that its purposes in doing so are lawful. Any attempt at
46 discovery which might violate that agreement therefore constitutes duress. That agreement was formed BEFORE this
47 proceeding was initiated and supersedes it. This court may not compel violation of a contract because the U.S. Supreme
48 Court said that the U.S. government is without authority to impair contracts:

49 *"Independent of these views, there are many considerations which lead to the conclusion that the power to*
50 *impair contracts [either the Constitution or the Holy Bible], by direct action to that end, does not exist with the*
51 *general [federal] government. In the first place, one of the objects of the Constitution, expressed in its*
52 *preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was*
53 *justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the*
54 *time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was*

7 Gibbs v Jacobsen (ND) 136 NW2d 550.

8 Gibbs v Jacobsen (ND) 136 NW2d 550.

1 engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of
2 compact were established between the people of the original States and the people of the Territory, for the
3 purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty,
4 upon which the States, their laws and constitutions, were erected. **By that ordinance it was declared, that, in the**
5 **just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that**
6 **shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud**
7 **previously formed.'** The same provision, adds the Chief Justice, found more condensed expression in the
8 prohibition upon the States [in Article I, Section 10 of the Constitution] against impairing the obligation of
9 contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition
10 is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and
11 the majority of the court at the time, **that it was clear 'that those who framed and those who adopted the**
12 **Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that**
13 **the justice which the Constitution was ordained to establish was not thought by them to be compatible with**
14 **legislation [or judicial precedent] of an opposite tendency.'** 8 Wall. 623. [99 U.S. 700, 765] Similar views are
15 found expressed in the opinions of other judges of this court."
16 [*Sinking Fund Cases*, 99 U.S. 700 (1878)]

- 17 4. Opposing party has proceeded against Affiant under the alleged authority of a statute, [26 U.S.C. §6700](#), which by statute
18 only applies to corporations and partnerships and not to natural persons. Yet, the Opposing party has offered no proof
19 that the Affiant meets this criteria. [26 U.S.C. §6671](#)(b) defines "person" as follows:

20 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)
21 [§ 6671. Rules for application of assessable penalties](#)

22 (b) Person defined

23 The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or
24 employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect
25 of which the violation occurs.

26 The above statute also does not have any implementing regulations. The Federal Register Act, 44 U.S.C. §1505(a)(1)
27 says that all laws "having general applicability and legal effect" MUST be published in the Federal Register. It also says
28 that all laws which prescribe a penalty have general applicability and legal effect.

29 [TITLE 44 > CHAPTER 15 > § 1505](#)
30 [§ 1505. Documents to be published in Federal Register](#)

31 **(a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect;**
32 **Documents Required To Be Published by Congress. There shall be published in the Federal Register—**

33 (1) Presidential proclamations and Executive orders, **except those not having general applicability and legal**
34 **effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees**
35 **thereof;**

36 (2) documents or classes of documents that the President may determine from time to time have general
37 applicability and legal effect; and

38 (3) documents or classes of documents that may be required so to be published by Act of Congress.

39 **For the purposes of this chapter every document or order which prescribes a penalty has general applicability**
40 **and legal effect.**

41 Note that the only exception to the above is that of "Federal agencies or persons in their capacity as officers, agents, or
42 employees thereof". [26 U.S.C. §6700](#) is a statute which prescribes a penalty. It was never published in the Federal
43 Register, and it has no implementing regulations that might apply it to anything other than "Federal agencies or persons
44 in their capacity as officers, agents, or employees thereof", none of which the Affiant may be classified as. [5 U.S.C.](#)
45 [§553](#)(a)(2) again confirms the above conclusions by saying that "rules", which are regulations published in the Federal
46 Register, are not required in the case of "agency management or personnel or to public property, loans, grants, benefits,
47 or contracts":

48 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 553](#)
49 [§ 553. Rule making](#)

50 (a) This section applies, according to the provisions thereof, **except to the extent that there is involved—**

1 (1) a military or foreign affairs function of the United States; or

2 (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or
3 contracts.

4 Consequently, both this Court and the Opposing party are wrongfully “presuming” that the Affiant is “Federal agencies
5 or persons in their capacity as officers, agents, or employees thereof”, which he *vehemently and vociferously* denies and
6 which there is no evidence on the record to support. Such a false “presumption” is a gross violation of due process which
7 prejudices his rights and is UNCONSTITUTIONAL:

8 *"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory*
9 *[or judicial] presumption any more than it can be violated by direct enactment. The power to create presumptions*
10 *is not a means of escape from constitutional restrictions."* 219 U.S., at 239.

11 *Thus the Court held that presumptions, while often valid (and some of which, I think, like the presumption of*
12 *death based on long unexplained absence, may perhaps be even salutary in effect), must not be allowed to*
13 *stand where they abridge or deny a specific constitutional guarantee."*
14 *[United States v. Gainly, 380 U.S. 63 (1965)].*

15 The Genie, which is the “United States” and this Court, which is an agent of that corporate fiction, MUST go back into
16 its tiny little legal bottle in the District of Columbia where the founders put it, and never again come out to terrorize,
17 harass, wrongfully oppress or threaten its maker, We The People, again.

18 *"No one [at the founding of our nation and the writing of our Constitution] then dreamed of spreading a*
19 *network of Federal tax-gatherers over the land [and the states of the Union] more numerous and more wasting*
20 *than the "swarm" which the colonists complained had been sent from Great Britain to "harass the people*
21 *and eat out their substance ;" it was never contemplated that Congress should lay its grasping hands on the*
22 *earnings of business [in states of the Union] or the gains of capital for any purpose whatever, and certainly*
23 *nobody dared imagine that, should such a bold stretch of Federal authority ever be exercised, it would seek to*
24 *execute itself without regard to the clear directions of the very instrument [the Constitution] on which alone it*
25 *could rely for its warrant."*

26 *[Congressional Globe, 41st Congress, Second Session, June 2, 1870, pp. 446-447, emphasis added. You can view*
27 *the original version of this document yourself at:*
28 <http://famguardian.org/TaxFreedom/Evidence/Congressional/CongGlobe-pp446-447.pdf>

29 Therefore, duress is being applied and this proceeding is groundless and without merit. Opposing party must satisfy the
30 burden of proof that Affiant satisfies the definition of “person” above, or that some other section or regulation expands
31 upon that definition. Under the rules of statutory construction, what is not explicitly included must be presumed to be
32 excluded in order to avoid due process violations or prejudicing rights using presumption:

33 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one***
34 ***thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*
35 *170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or***
36 ***things are specified in a law, contract, or will, an intention to exclude all others from its operation may be***
37 ***inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*
38 *of a certain provision, other exceptions or effects are excluded."*
39 *[Black's Law Dictionary, Sixth Edition, p. 581]*

40 If Opposing party or court disagree with the above, they must rebut the evidence contained in the pamphlet below or
41 forever be estopped from challenging these relevant facts in the future:

42 <http://famguardian.org/Subjects/Taxes/FalseRhetoric/Includess.pdf>

43 5. Opposing party is violating due process and thereby instituting duress by implying involvement in “abusive tax shelters”
44 when:

45 5.1. The word “abusive” is nowhere defined and is therefore subjective. Therefore the statute is void for vagueness and
46 unenforceable under the void for vagueness doctrine.

47 *"Men of common intelligence cannot be required to guess at the meaning of penal enactment.*

48 *"In determining whether penal statute is invalid for uncertainty, courts must do their best to determine whether*
49 *vagueness is of such a character that men of common intelligence must guess at its meaning.*

50 *"Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained."*
51 *[Winters v. People of State of New York, 333 U.S. 507; 68 S.Ct. 665 (1948)]*

1 5.2. Tax shelters can only be offered to “taxpayers”, who are forbidden by the SEDM Member Agreement, Form
2 #01.001 from using any of the writings of the Affiant. See:

3 <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>

4 6. Affiant emphasizes that he has a religious objection to the taking of oaths. The court MAY NOT compel an oath because
5 it would violate his religious beliefs:

6 *Jesus Forbids Oaths*

7 *“Again you have heard that it was said to those of old, ‘You shall not swear falsely, but shall perform your oaths*
8 *to the Lord.’ **But I say to you, do not swear at all: neither by heaven, for it is God’s throne; nor by the earth,***
9 ***for it is His footstool; nor by Jerusalem, for it is the city of the great King. Nor shall you swear by your head,***
10 ***because you cannot make one hair white or black. But let your ‘Yes’ be ‘Yes,’ and your ‘No,’ ‘No.’ For***
11 ***whatever is more than these is from the evil one [Satan].”***
12 *[Matt. 5:33-37, Bible, NKJV]*

13 For the court to order Affiant to take an oath at a deposition would constitute duress and violation of the First Amendment.

14 7. The Opposing party is proceeding in equity with unclean hands. Despite repeated invitations by Affiant to do so, at no
15 time has he ever, prior to instituting litigation, approached the Affiant to point out errors or illegalities in any of his
16 materials so that they could be improved without the need to litigate. A page on the website in question even defines the
17 means by which corrections can be made and prescribes the terms for making the corrections, which issue NOT from the
18 Affiant, but from the U.S. Government and the federal judiciary. See: <http://famguardian.org/aboutus.htm>, section 21.
19 An injunction is a drastic, last ditch result of what should be a long, disciplined administrative process, and such “judicial
20 review” of agency decisions of the IRS such as this should *only* condone litigation where the agency in question has
21 made *every* attempt to exhaust other less burdensome and costly administrative options. To do otherwise would be to
22 unnecessarily burden this court, to encourage litigation and malicious prosecution, and to discourage out of court
23 equitable settlements. In the instant case, there is absolutely *no* good faith agency activity for this court to “judicially
24 review”, and this proceeding is therefore undertaken in *bad faith* and with malicious intent to harass, discredit, and
25 terrorize the Affiant. When a natural person initiates litigation against the government in a federal court, the first thing
26 that the Court is supposed to verify before it undertakes “judicial review” is that the litigant has “exhausted his
27 administrative remedies”. That same standard of responsibility and care ought to apply *equally* to the government in this
28 case and if it doesn’t, then this Court is depriving the Affiant of equal protection of the law in violation of the Fourteenth
29 Amendment to the United States Constitution. If the Court is not going to obey the Constitution, then the Affiant will
30 not obey the Court, because he would be conspiring in an act of treason punishable by death.

31 8. Affiant asserts that it would constitute duress if this court were to compel an “affirmation” under [Federal Rule of](#)
32 [Evidence 603](#) at any planned deposition by the Opposing party in order to hold him accountable for any strictly political
33 or religious statements therein, because this court may not involve itself in strictly “political matters”, “political
34 questions”, or “political speech”. The Disclaimer statements made on the Family Guardian Website
35 (<http://famguardian.org>) and in every one of his writings reveal that none of the materials are guaranteed to be accurate,
36 that people should not rely on them, that they do not constitute legal advice, and that accuracy should be verified by the
37 reader before use. Therefore any discovery related to such statements or materials should have an *equal* degree of lack
38 of accountability. The intended purpose for such disclaimer was and continues to be to change the nature of all statements
39 made essentially into religious and political, rather than “factual” statements so that they could not become a source of
40 standing by an injured party. Affiant may therefore *not* be compelled to make accurate or truthful statements about any
41 aspect of the materials on the SEDM or Family Guardian Website, their use, or the audience for them. He will *not* assist
42 the Opposing party, through deposition or otherwise, in transforming such strictly political and religious speech into
43 “actionable” speech:

44 *“**Actionable.** That for which an action will lie, furnishing legal ground for an action. See Cause of action;*
45 *Justiciable controversy.”*
46 *[Black’s Law Dictionary, Sixth Edition, p. 29]*

47 9. Affiant alleges that Opposing party has violated a private contract with the Affiant, the Copyright/Software/License
48 Agreement, Family Guardian Fellowship (<http://famguardian.org/disclaimer.htm>) by virtue of quoting and using licensed
49 materials in this proceeding. He has provided the agreement and shown that the statements in the original Complaint
50 may derive from licensed sources. The court has so far proceeded to deliberately deprive the Affiant of the ability to
51 enforce the contract by taking all pleadings by submission and without hearing or discovery during hearing that might
52 shed light on the nature of the citations by the Opposing party in his complaint. This has violated the Constitution by
53 impairing the obligation of Affiant’s contracts or to contracts to which he is a party, which are his chief means of defense

1 in this case. The contracts would remove him from this proceeding and inability to enforce them illegally compels him
2 to continue to participate.

3 **United States Constitution, Article I, Section 10.**

4 *No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin*
5 *Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any*
6 *Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.*

7 The U.S. Supreme Court has also ruled that the above provision applies equally to the federal government in the case of
8 *Sinking Fund Cases* cited earlier. Consequently, whether the source of impairment of contracts of the Affiant comes
9 from the exercise of legislative or judicial power (judge-made law), the result is the same and is still an unconstitutional
10 tort. This is duress and it has rendered every aspect of these proceedings the product of unlawful, undue influence. It
11 will result in irreparable harm to the credibility of the Affiant and/or his associates and therefore constitutes duress:

12 *“Ordinarily, a threat to breach a contract does not constitute duress.⁹ To infer duress from a threatened breach,*
13 *one must have evidence of irreparable harm for which the remedy afforded by the courts is inadequate.¹⁰ The*
14 *latter part of this statement, it would seem, leaves room for the application of the doctrine of “business*
15 *compulsion” in this class of cases.¹¹ Thus, if failure to receive the promised performance will result in irreparable*
16 *injury to business, the threat may involve duress.¹² The existence of economic duress or business compulsion*
17 *is demonstrated by proof that immediate possession of needed goods is threatened or, more particularly, by proof*
18 *that one party to a contract has threatened to breach the agreement by withholding goods unless the other party*
19 *agrees to some further demand and it also appears that the threatened party could not obtain the goods from*
20 *another source of supply and that the ordinary remedy of an action for breach of contract would not be adequate.*
21 *”¹³*

22 [*American Jurisprudence 2d, Duress and Undue Influence, §17 (1999): Threat to breach contract, generally;*
23 *withholding payment of debt*]

24 The very requirement for equal discovery by the Affiant originates from the need to enforce said contract and thereby
25 remove this and all other forms of duress from this proceeding. Refusal to provide equal protection of his right to equal

⁹ *Coca-Cola Bottling Co. v Coca-Cola Co.* (DC Del) 769 F Supp 671, later proceeding (CA3 Del) 988 F2d 386, cert den (US) 126 L Ed 2d 239, 114 S Ct 289 and affd (CA3 Del) 988 F2d 414 (recognizing rule); *Jamestown Farmers Elevator, Inc. v General Mills, Inc.* (CA8 ND) 552 F2d 1285, 21 UCCRS 783; *Orix Credit Alliance, Inc. v Hanover* (1st Dept) 182 App Div 2d 419, 582 NYS2d 153 (stating that a mere threat by one party to a contract to breach it by not delivering required items, and financial or business pressure of all kinds, even if exerted in the context of unequal bargaining power, does not constitute duress); *Tri-State Roofing Co. v Simon*, 187 Pa Super 17, 142 A2d 333 (holding that a threatened breach of contract by a subcontractor unless the general contractor released him from liability for delayed performance did not constitute duress, where there was no showing that the latter could not have secured another subcontractor to complete the contract, and where it appeared that the remedy at law was adequate to save the general contractor from irreparable damage).

¹⁰ *805 Third Ave. Co. v M.W. Realty Associates*, 58 NY2d 447, 461 NYS2d 778, 448 NE2d 445, later proceeding 125 Misc 2d 1077, 480 NYS2d 674.

The rule that a threat to break a contract does not in itself constitute duress is predicated on the ground that there is an adequate legal remedy for the breach; if there is no such remedy, the coercive effect of the threatened action may be inferred. *Campbell v Prater*, 64 Wyo 293, 191 P2d 160.

¹¹ *Wou v Galbreath-Ruffin Realty Co.*, 22 Misc 2d 463, 195 NYS2d 886 (holding that where the Opposing party had agreed to vacate certain premises for a stated sum but threatened not to vacate unless he was paid a larger sum, the defendant's supplementary agreement to pay him a larger sum was voidable under the doctrine of business compulsion).

As to the doctrine of business compulsion generally, see §§ 6, 7.

¹² *Tri-State Roofing Co. v Simon*, 187 Pa Super 17, 142 A2d 333.

A threat to breach a contract by withholding performance can constitute economic duress, if the threatened breach will result in irreparable harm. *805 Third Ave. Co. v M.W. Realty Associates*, 58 NY2d 447, 461 NYS2d 778, 448 NE2d 445, later proceeding 125 Misc 2d 1077, 480 NYS2d 674.

¹³ *Austin Instrument, Inc. v Loral Corp.*, 29 NY2d 124, 324 NYS2d 22, 272 NE2d 533.

See *FDIC v Perry Bros.* (ED Tex) 854 F Supp 1248, subsequent app (CA5 Tex) 68 F3d 466, holding that where a lender bank promised borrowers that it would renew their credit line and expressly discouraged borrowers from seeking alternative financing, the lender bank's unreasonable demands drastically modified the credit terms and essentially destroyed the borrowers' credit reputation so that subsequent credit arrangements with the lender bank were found to be entered into under duress.

1 discovery in this case is an impairment of his constitutional right to contract. Affiant is a party to the contract as a
2 Member of the Family Guardian and SEDM organizations, which are the very organizations being attacked and slandered
3 by the Opposing party. For a copy of the contract sought to be enforced, see:

4 <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>

- 5 10. The court has compelled the Affiant to associate with a legal domicile and the political group associated with that
6 domicile which is not of his choosing in violation of the First Amendment right of freedom from compelled association.
7 Choice of domicile is a choice of allegiance.

8 *"This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm
9 foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not
10 at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized
11 citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them,
12 incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way and
13 to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and
14 their condition as to the duties and burdens of Government are undistinguishable."
15 [Fong Yue Ting v. United States, 149 U.S. 698 (1893)]*

16 All allegiance must be consensual and voluntary or it amounts to slavery and involuntary servitude in violation of the
17 Thirteenth Amendment. The political group which the Affiant is being compelled to have allegiance toward is the
18 "United States", which is a foreign corporation defined in [28 U.S.C. §3002](#)(15)(A).

19 *"The right to associate or not to associate with others solely on the basis of individual choice, not being absolute,
20 15 may conflict with a societal interest in requiring one to associate with others, or to prohibit one from
21 associating with others, in order to accomplish what the state deems to be the common good. **The Supreme Court,
22 though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless
23 established certain basic rules which will cover many situations involving forced or prohibited associations.**
24 Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by
25 requiring individuals to associate together for the common good, then such forced association is constitutional.
26 16 **But the Supreme Court has made it clear that compelling an individual to become a member of an
27 organization with political aspects, or compelling an individual to become a member of an organization which
28 financially supports, in more than an insignificant way, political personages or goals which the individual does
29 not wish to support, is an infringement of the individual's constitutional right to freedom of association.** 17
30 The First Amendment prevents the government, except in the most compelling circumstances, from wielding its
31 power to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is
32 not merely a tenure provision that protects public employees from actual or constructive discharge. 18 Thus,
33 First Amendment principles prohibit a state from compelling any individual to associate with a political party,
34 as a condition of retaining public employment. 19 The First Amendment protects nonpolicymaking public
35 employees from discrimination based on their political beliefs or affiliation. 20 But the First Amendment protects
36 the right of political party members to advocate that a specific person be elected or appointed to a particular
37 office and that a specific person be hired to perform a governmental function. 21 In the First Amendment context,
38 the political patronage exception to the First Amendment protection for public employees is to be construed
39 broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service.
40 Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority
41 with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such
42 as a secretary of state given statutory authority over various state corporation law practices, fall within the
43 political patronage exception to First Amendment protection of public employees. 22 However, a supposed
44 interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or
45 high salaries paid to the employees in question should not be counted as indicative of positions that require a
46 particular party affiliation. 23"
47 [American Jurisprudence 2d, Constitutional law, Forced and Prohibited Associations, §546 (1999)]*

48 Choice of both domicile and citizenship are entirely "political questions" subject to the sole and SOVEREIGN discretion
49 of the Affiant and which this court may not constitutionally interfere with without violating the Separation of Powers
50 doctrine.

51 *"For the very idea that one man may be compelled to hold his life, or the means of living, or any material right
52 essential to the enjoyment of life, at the mere will of another [whether judge or jury or an entire foreign state not
53 of his choosing and not within his choice of domicile], seems to be intolerable in any country where freedom
54 prevails, as being the essence of slavery itself."
55 [Yick Wo v. Hopkins, 118 U.S. 356 (1885)]*

56
57 *"Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their
58 purely political character, or because their determination would involve an encroachment upon the executive or
59 legislative powers.*

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

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

8 Affiant WILL NOT permit this type of interference of the free exercise of his political rights and the essential exercise
9 of his sovereignty. The very foundation of all his rights, in fact, originate from his voluntary, uncoerced choice of
10 domicile. He has provided evidence to this court under penalty of perjury that his domicile is as he claims that it is, and
11 that alone should be sufficient to end the court's inquiry and resistance toward the issue of domicile. For the court to
12 "assume" or "presume" any other domicile amounts to kidnapping, terrorism, and identity theft in violation of [18 U.S.C.](#)
13 [§1201](#). Affiant positively refuses to cooperate with any such acts of terrorism and violation of his Constitutional rights.
14 This type of interference with his political rights, in fact, is the very reason he refuses to have a domicile in the "United
15 States" to begin with, and it is fast becoming the reason why he is becoming a prisoner of the whims of what appears to
16 him to be a corrupt court. The fact that his choice of domicile destroys the jurisdiction of both the Opposing party and
17 the court over him in this instance should be of no consequence as long as the evidence is credible. Since neither the
18 court nor the Opposing party have challenged said evidence, then they are *not* free to "presume" any other status or
19 condition, and especially with NO EVIDENCE on the record from the Opposing party to date. It is not enough for the
20 court to say it is "unpersuaded" by the choice of domicile of the Affiant and to act on a contrary, prejudicial
21 "presumption". All such presumptions which undermine Constitutionally protected rights are UNCONSTITUTIONAL,
22 and especially when they act as a *substitute* for real evidence. Presumption may NOT act as a permanent substitute for
23 evidence without violating due process.

24 *"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory*
25 *[or judicial] presumption any more than it can be violated by direct enactment. The power to create presumptions*
26 *is not a means of escape from constitutional restrictions." 219 U.S., at 239.*

27 ***Thus the Court held that presumptions, while often valid (and some of which, I think, like the presumption of***
28 ***death based on long unexplained absence, may perhaps be even salutary in effect), must not be allowed to***
29 ***stand where they abridge or deny a specific constitutional guarantee.***
30 *[United States v. Gainly, 380 U.S. 63 (1965)]*

31 If the court or Opposing party disagree about whether citizenship and domicile are strictly political questions, then they
32 are challenged to rebut the questions at the end of the pamphlet below. Otherwise, the Court and Opposing party are
33 estopped from challenging the declared domicile and citizenship of the Affiant in the future, which is that of a "national"
34 and not a "citizen" under federal law, with no earthly domicile:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

- 35 11. Opposing party has lied about Affiant and/or deceived the public about the behavior of the Affiant in order to slander his
36 good name. This is a tort and constitutes duress.

37 *"Threats to give false testimony as to matters which would have the effect of bringing humiliation and disgrace*
38 *upon a person or his family in their community may constitute duress if such threats overcome the will of such*
39 *person, remove his capacity to act for himself, and cause him to do something he is not legally bound to do."*
40 *[American Jurisprudence 2d, Duress, §14 (1999)]*

41 The United States Constitution does *not* specifically authorize the U.S. government or any of its agents to lie or deceive
42 anyone, or to accuse anyone wrongfully without evidence constituting probable cause. Consequently, this power is
43 reserved to the states and the people by the Ninth and Tenth Amendments to the Constitution. The tactics of the Opposing
44 party are communist tactics and this is NOT the Soviet Union. Allegations within the complaint have therefore libeled
45 and injured the Affiant, created anxiety, sleep deprivation, and mistrust of his lying government, and this is illegal duress.
46 It is also becoming a source of mistrust for those who are watching all of these evil tactics on the websites in question.
47 The false allegations constitute libel because there is absolutely not only no evidence of their veracity before this court,
48 but no evidence at all, before this court from the Opposing party. This court is not authorized by Title 28 or the Federal
49 Rules of Civil Procedure to become an instrument of political persecution, terrorism, or malicious prosecution directed
50 against the Affiant.

51 *Title 28: Judicial Administration*

3 (l) Exercise Lead Agency responsibility in investigating all crimes for which it has primary or concurrent
4 jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the statutory
5 jurisdiction of the United States. Within the United States, this would include the collection, coordination,
6 analysis, management and dissemination of intelligence and criminal information as appropriate. If another
7 Federal agency identifies an individual who is engaged in terrorist activities or in acts in preparation of terrorist
8 activities, that agency is requested to promptly notify the FBI. Terrorism includes the unlawful use of [judicial]
9 force [or police power] and violence [or malicious prosecution] against persons or property to intimidate or
10 coerce a government, the civilian population, or any segment thereof, in furtherance of political or social [but
11 not lawful] objectives. [emphasis added]

12 This is exactly what it has become, however, in the absence of any evidence or probable cause whatsoever to proceed
13 towards rational inquiry in this case. This court may not involve itself in such clearly “political questions” and it will
14 get absolutely no assistance or cooperation or consent from the Affiant if it does.

- 15 12. The Opposing party is attempting to compel accountability of the Affiant over what are clearly described in the
16 Disclaimers and Member agreements (<http://www.sedm.org/MemberAgreement/MemberAgreement.htm>) as strictly
17 political or religious statements which have no claimed relationship to truth of any sort. Political and religious statements
18 and education cannot be regarded as illegal.

19 "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable
20 supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great
21 Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere politician, equally
22 with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with
23 private and public felicity. Let it simply be asked, "where is the security for property, for reputation, for life, if
24 the sense of religious obligation desert the oaths which are the instruments of investigation in courts of
25 justice?" And let us with caution indulge the supposition that morality can be maintained without religion.
26 Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and
27 experience both forbid us to expect that national morality can prevail in exclusion of religious principle."
28 [George Washington in his Farewell Address]

29 The SEDM Member Agreement, Form #01.001 applying to all such statements clearly require that they may not be used
30 in the furtherance of any illegal activity. The court's jurisdiction ends at that point, because this dispute then devolves
31 into an exclusively political and not legal issue. It is patently ridiculous and wasteful to put a person on the stand to
32 answer questions about strictly political statements which advise no one to do anything and which clearly identify
33 themselves as not guaranteed to be truthful. It is even more ridiculous to attack a person, the Affiant, whose main purpose
34 is ONLY to educate the public about government corruption and how to oppose it. This is an exercise of the First
35 Amendment right of a free press to expose government corruption and it is the main reason, according to the Supreme
36 Court, for the creation of the First Amendment to begin with:

37 "In the First Amendment, the Founding Fathers gave the free press the protection it must have to fulfill its
38 essential role in our democracy. The press [and this religious ministry] was to serve the governed, not the
39 governors. The Government's power to censor the press was abolished so that the press would remain forever
40 free to censure the Government. The press was protected so that it could bare the secrets of government and
41 inform the people. Only a free and unrestrained press can effectively expose deception in government. And
42 paramount among the responsibilities of a free press is the duty to prevent any part of the government from
43 deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In
44 my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washington
45 Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so
46 clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely
47 that which the Founders hoped and trusted they would do."
48 [New York Times Co. v. United States, 403 U.S. 713 (1970)]

49 The activities of the Opposing party constitute essentially anti-whistleblowing activity, and this too is illegal and
50 constitutes duress and a tort. The court has an obligation to prevent this kind of malicious prosecution.

- 51 13. Opposing party is illegally persecuting and slandering a religious group in the free exercise of its religion, in violation
52 of the First Amendment. He is trying to divert attention away from its nature as a religious group by labeling its
53 participants as “customers” in his Complaint instead of church members, and by creating the false impression that this is
54 strictly a commercial activity, which is simply not the case. This is an insidious oppression and persecution which
55 violates the First Amendment right of free association. He is also trying to compel all the members of the group to not
56 only be compelled to associate with the government in violation of the First Amendment by revealing their personal
57 information, but also to be compelled to dis-associate with each other in the context of strictly political activities that are
58 entirely lawful. The persecuted group has a biblical duty to expose, rebuke, prosecute, and punish government corruption

1 wherever it may be found and to thereby protect its members. It also has a biblical duty to dis-associate with evil in
2 society, wherever it may be found:

3 *"And have no fellowship with the unfruitful works off[government and legal profession] darkness, but rather*
4 *expose [rebuke] them."*
5 *[Eph. 5:11, Bible]*

6 See also <http://sedm.org/AboutUs.htm>, section 1. This essentially constitutes a police power being exercised by a self-
7 governing, sovereign state of sovereign individuals, who have a Constitutional right to govern their lives according to a
8 HIGHER law that precedes all man-made law:

9 *"And thou shalt teach them ordinances and laws [of both God and man], and shalt shew them the way wherein*
10 *they must walk, and the work [of obedience to God] that they must do."*
11 *[Exodus 18:20, Bible, NKJV]*

12 *"My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces*
13 *it]."*
14 *[Hosea 4:6, Bible, NKJV]*

15 The goal of the association is to completely disassociate with both state and federal governments by lawfully exercising
16 their political right to change their domicile and citizenship and thereby becoming entirely autonomous, self governing
17 sovereign men and women. They are doing this because they believe federal and state governments have become
18 corrupted beyond all hope. They are doing it in promotion of their future security, as the Declaration of Independence
19 mandates, and in so doing, they are expelling "harmful foreigners" from their lives. Below is what the U.S. Supreme
20 Court said about the right of people to choose to disassociate with such "foreigners" who can do them harm. Note that
21 they say the United States government has the right to exclude foreigners who are injurious. This authority, it says,
22 comes from the Constitution, which in turn was delegated by the Sovereign People. The People cannot delegate an
23 authority they do not have, therefore they must individually ALSO have this authority within their own private lives of
24 excluding injurious peoples from their legal and political life by changing their domicile and citizenship. This act of
25 excluding such foreigners becomes what we call a "political divorce" and the result accomplishes the equivalent of
26 "disconnecting from the government matrix":

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

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

43 [. . .]

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

52 This sincere effort of a religious group to expel "heathen foreigners" from the U.S. government and the foreign/pagan
53 state called the "United States" is a legitimate exercise of religious and political rights which the government may NOT
54 constitutionally interfere with. It is also a strictly "political question" which this court has no jurisdiction to entertain.

1 Any inquiries into the nature of such activity are simply IRRELEVANT and do nothing but invite unwarranted and
2 harmful government intrusion and intervention that simply cannot be justified by any stretch of the imagination. The
3 fact that the legitimate ends of the religious group may have an adverse affect on government revenues is the main
4 motivation behind the illegal efforts of the Opposing party and even this Court to suppress and persecute this group. In
5 that sense the false accusations of the Opposing party and the duress they produce ironically represent the very same
6 brand of “false commercial speech” that it falsely attributes to the Affiant! The court cannot permit this type of hypocrisy
7 to continue. It is blatantly hypocritical for the U.S. government, on the one hand to claim it has the right to govern those
8 who wish to associate with it as group members called “citizens”, but on the other hand, depriving other groups and
9 religious individuals from exercising the same measure of sovereignty, independence, and self-government.

10 *"[S]peech concerning public [or political or religious] affairs is . . . the essence of self-government"*
11 *[Garrison v. Louisiana, 379 U.S. 64, 74-75 (1964)]*

12 You will note that this injunction seeks mainly to stifle free or printed speech, which along with public education are the
13 ONLY goals and activities undertaken by the Affiant.

14 *"The American people have always regarded education and acquisition of knowledge as matters of supreme*
15 *importance which should be diligently promoted [in order to maintain and protect their liberty]. The Ordinance*
16 *of 1787 declares: 'Religion, morality and knowledge being necessary to good government and the happiness*
17 *[and liberty] of mankind, schools and the means of education shall forever be encouraged.'"*
18 *[Meyer v. State of Nebraska, 262 U.S. 390 (1923)]*

19 In doing so, the Opposing party and this court are seeking to deprive all those freely and voluntarily associated with the
20 right of self-government and autonomy and in essence, compelling them to associate with a pagan group they consider
21 harmful and dangerous to their rights, property, and liberties. If the Opposing party or the Court have a factual or legal
22 objection to the conclusions of this item, then they are demanded to rebut the questions at the end of the following source
23 or forever be estopped from challenging these conclusions in the future:

24 <http://sedm.org/Forms/MemLaw/PoliticalJurisdiction.pdf>

- 25 14. Opposing party is demanding authority from this court to compel the Affiant to appear at a deposition, and yet refuses
26 the Affiant the same opportunity to depose him. If Opposing party wants to hold the Affiant accountable for his/her
27 statements, then Opposing party must agree to be equally accountable for his, both in the Complaint and at a deposition.
28 This means he must agree to amend his Complaint so that it is signed under penalty of perjury, and then to answer
29 questions about the statements in it. If he isn't willing to accept equal accountability, then he can go to HELL! This is
30 a deprivation of the equal protection of the laws in violation of the Fourteenth Amendment. Here is how Thomas
31 Jefferson describes the requirement for equal protection:

32 *"Equal and exact justice to all men, of whatever state or persuasion, religious or political, I deem [one of] the*
33 *essential principles of our Government, and consequently [one of] those which ought to shape its administration."*
34 *[Thomas Jefferson: 1st Inaugural Address, 1801. ME 3:321]*

35 *"An equal application of law to every condition of man is fundamental."*
36 *[Thomas Jefferson to George Hay, 1807. ME 11:341]*

37 *"When one undertakes to administer justice, it must be with an even hand, and by rule; what is done for one,*
38 *must be done for everyone in equal degree."*
39 *[Thomas Jefferson to Benjamin Rush, 1803. ME 10:420]*

40 *[SOURCE: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1275.htm>]*

- 41 15. It is of absolutely no consequence that the government asserts sovereign or official immunity in this case. Equal
42 protection still demands equal privilege of discovery by both parties in this case in ALL respects, and especially in the
43 case of an equity proceeding in which “clean hands” of the Opposing party are essential. It is entirely insufficient to
44 deny the Affiant an opportunity to depose the Opposing party, not as an agent of the United States government, but as a
45 private individual, and then to say that the Affiant can or should have to compensate for that injury to his equal rights
46 through other inferior means. Affiant asserts that he cannot make up that injury through other means, and the subject of
47 his questions relating to the enforcement of the private contract between he and the Opposing party as a private person
48 bear directly upon all parties to this case and the subject of this case. He has been deprived by the court of the ability to
49 cross-examine those who have breached contract to his injury, and this breach of contract is directly related to the case
50 at hand. The alleged private contract between the Opposing party as a private person and the Affiant is NOT superseded
51 by sovereign or official immunity, nor does it in any way concern the United States as party to this suit. Rather, the

1 contract itself clearly states that it supersedes sovereign immunity and this case by changing the Opposing party as a
2 natural person into a private party rather than an agent of the “United States”, and by making the Opposing party into
3 the Substitute Defendant. This is a very important subject that we must get to the bottom of before any other type of
4 discovery is even relevant, because it determines who the real Defendant is. If the contract can be demonstrated through
5 the deposition to apply to Opposing party as a natural person and private party, then he becomes the new Substitute
6 Defendant and the Affiant can then step out of these proceedings and need not participate further and cannot be compelled
7 to participate. Here is the provision of the Copyright/Software/User License Agreement which accomplishes that:

8 *This website consists of both copyrighted information and computer software. Use of this web site or any of the*
9 *materials found on it or any attempt to communicate with us verbally, in writing, or via email constitutes an*
10 *implied and mandatory agreement by the user to respect the Copyright and Software User License Agreement*
11 *below applying to all information appearing here and communications with us:*

12 4. Substitute himself/herself as being liable for any judgments against this ministry or its agents relating to
13 complaints filed by him/her or evidence provided by him/her to third parties or litigation initiated by him/her
14 which result in prosecution of this ministry or its agents.

15 [. . .]

16 7.4 Users and readers of our materials stipulate that their duty and allegiance to abide by this agreement is
17 superior to their employment duties and any other agency they may claim to be exercising. Judicial, sovereign,
18 or official immunity are therefore subordinate to the terms of this agreement. Readers and users of our materials
19 agree that any and all lawsuits in which they are participants acting by or for or as witnesses for the Opposing
20 party shall be deemed to be filed by them personally, regardless of the party which they claim to be representing
21 or which is named on the Complaint. For instance if a government attorney named "John Doe" quotes or uses
22 our licensed materials in any legal proceeding in which he or she is the Opposing party or an agent for the
23 Opposing party, and files the lawsuit in the name of the "United States", this agreement stipulates that the
24 definition of "United States" or "United States of America" shall instead mean "John Doe" and John Doe
25 stipulates that he is acting by and on his own behalf and not on the behalf of the government of the states united
26 by and under the Constitution of the United States of America. This will ensure that the Opposing party or
27 prosecuting attorney does not try to claim that he had no authority to bind the U.S. government to abide by this
28 agreement. An important implication of this provision is that if John Doe prosecutes this case on paid time for
29 the U.S. Government, then he can and will be fired and disciplined for conducting private business on company
30 time.

31 [<http://famguardian.org/disclaimer.htm>]

32 16. Opposing party has not at any time identified a place of injury, an injured party, or quantified an injury. This makes it
33 impossible for the Affiant to limit the nature of the Deposition or proceeding to facts relevant to a specific injury, in
34 satisfaction of [Federal Rules of Evidence 401 through 402](#). Therefore, this makes the inquiry into a “witch hunt” and a
35 fishing expedition, instead of a valid process that protects specific, identified, injured parties. Affiant has said that as
36 soon as Opposing party produces evidence of an injury, then he will receive voluntary assistance in prosecuting the
37 perpetrator, but not before and not without equal discovery. The fact that Opposing party is unwilling to identify an
38 injury, an injured party, or take responsibility for his statements in the Complaint by signing them under penalty of
39 perjury is evidence of bad faith and evil motive. This too constitutes duress, because the Constitution does not authorize
40 “inquisitions” or inquiries into the lives of private parties and political or religious figures absent probable cause simply
41 because they are under “suspicion” or because their activities may be lawful but politically unpopular. Here is how the
42 Supreme Court describes it:

43 *“This case involves a cancer in our body politic [[democracy](#), greed and wickedness and covetousness of our*
44 *elected and appointed servants on a massive scale, see [James 1:19-27](#) and [Psalm 94:16-23](#)]. It is a measure of*
45 *the disease which afflicts us...Those who already walk submissively will say there is no cause for alarm. But*
46 *submissiveness is not our heritage. The First Amendment was designed to allow rebellion to remain as our*
47 *Heritage. The Constitution was designed to keep the government off the backs of the people. The Bill of Rights*
48 *was added to keep the precincts of belief and expression, of the press, of political and social activities free from*
49 *surveillance. The Bill of Rights was designed to keep agents of government and official eavesdroppers away from*
50 *Assemblies of People. The aim was to allow men to be free and independent to assert their rights against*
51 *government. There can be no influence more paralyzing of that objective than Army [government] surveillance*
52 *[or unwarranted legal discovery]. When an intelligence officer [or U.S. attorney] looks over every*
53 *nonconformist's shoulder in the library, or walks invisibly by his side in a picket line [or on the internet], or*
54 *infiltrates his club [or association, or orders the member list disclosed], the America once extolled as the voice*
55 *of liberty heard around the world no longer is [[408 U.S. 1, 29](#)] cast in the image which Jefferson and Madison*
56 *designed, but more in the Russian [[Communist!](#)] image, depicted in Appendix III to this opinion.”*
57 [[Laird v. Tatum, 408 U.S. 1; 92 S.Ct. 2318 \(1972\)](#)]

1 The Supreme Court once again has said that the courts, including this court, MAY NOT interfere with such strictly
2 political issues or “political speech” or political activity. The educational and political activities of the Affiant in this
3 case are focused exclusively on persuading people to change their political affiliation by disassociating with “the state”
4 and changing their domicile and citizenship to become “transient foreigners” and “nontaxpayers” and “nationals” but not
5 “citizens” under federal law:

6 *“In barring certain public statements with respect to this issue, the State ban runs directly contrary to the*
7 *fundamental premises underlying the First Amendment as the guardian of our democracy. That Amendment*
8 *embodies our trust in the free exchange of ideas as the means by which the people are to choose between good*
9 *ideas and bad, and between candidates for political office. The State's fear that voters might make an ill-advised*
10 *choice does not provide the State with a compelling justification for limiting speech for political activity, for*
11 *that matter]. It is simply not the function of government to "select which issues are worth discussing or*
12 *debating [for allowing in a political forum or on the Internet]." Police Department of Chicago v. Mosley, 408*
13 *U.S. 92, 96 (1972), in the course of a political campaign.”*
14 *[Brown v. Hartlage, 456 U.S. 45 (1982)]*

15 17. Affiant asserts that forcing him to undergo a deposition without any evidence on the record that he is guilty of any of the
16 allegations made and without any demonstrated, sworn probable cause, constitutes the equivalent of punishing innocence
17 as a crime, which is the antithesis of our system of jurisprudence.

18 *"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and*
19 *State legislatures could not do without exceeding their authority, and among them he mentioned a law which*
20 *punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and*
21 *labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that*
22 *made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the*
23 *government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,'*
24 *he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they*
25 *have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence*
26 *into guilt, or punish innocence as a crime [by compelling discovery where no evidence of guilt has first been*
27 *demonstrated], or violate the right of an antecedent lawful private [employment] contract [by compelling W-4*
28 *withholding, for instance], or the right of private property. To maintain that a Federal or State legislature*
29 *possesses such powers [of THEFT! and OPPRESSION] if they had not been expressly restrained, would, in*
30 *my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."*
31 *[Sinking Fund Cases, 99 U.S. 700 (1878)]*

32 The study of law is supposed to be the study of public and civic virtue. When are the Opposing party and this Court going
33 to recognize the virtues espoused here and take personal responsibility for justice and equal protection instead of pursuing
34 privilege, prejudice, and political persecution against those who would question its authority to continue to plunder, enslave,
35 and slander those who want a righteous, accountable, Constitutional, law abiding government? When is this court going to
36 recognize the limits that the Constitution places upon its authority and quit “word smithing” and “legislating from the bench”
37 in order to expand its influence and the retirement and employment benefits of its employees in violation of 28 U.S.C. §144?
38 When is the Opposing party going to quit slandering the Affiant for doing the very job that he himself was hired to do by his
39 sovereign Master, We The People, and yet refuses to do as a part of the “Department of Justice”? Justice is defined as
40 follows:

41 JUSTICE — is rendering to every one [equally, whether citizen or alien] that which is his due. It has been
42 distinguished from equity in this respect, that while justice means merely the doing [of] what positive law
43 demands, equity means the doing of what is fair and right in every separate case.¹⁴
44 *[Easton's Bible Dictionary, 1996]*

45 You will note that 1 U.S.C. §204 legislative notes say that the Internal Revenue is NOT positive law. To enforce that which
46 is not positive law against anyone absent their explicit, written consent is tyranny and treason and INJUSTICE, not justice.

47 *"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it*
48 *be obtained, or until liberty be lost [by the Affiant in this case] in the pursuit."*
49 *[James Madison, Federalist Paper #51]*

50 The way the Opposing party is acting, he works for the Dept. of INJustice, not the Department of Justice, by trying to enforce
51 that which is not positive law, by acting presumptuously and self-servingly, by bending the requirements for implementing
52 regulations, by trying to enlarge the meaning of definitions using the word “includes” and in violation of the rules of statutory

¹⁴Easton, M. 1996, c1897. *Easton's Bible dictionary*. Logos Research Systems, Inc.: Oak Harbor, WA

1 construction, etc. Neither are any of the Statutes at Large relating to taxation positive law either, because [53 Stat. 1, Section](#)
2 [4](#), repealed them all prior to January 2, 1939. Therefore, the Internal Revenue Code Subtitle A is a state-sponsored Bible,
3 and a statement of public policy that is not law except for those who explicitly consent, and religion. This Courtroom is the
4 “church”, and the judge is the “priest” in which this state sponsored bible is taught and worshipped, and Affiant would be
5 violating his religious beliefs to participate in such pagan idol worship. Even the chairs are the same as church pews. The
6 “deacons” of the church are the state-licensed attorneys. They administer the “worship service”. If the Opposing party or
7 this Court disagree, then they are politely asked to rebut the contents and questions at the end of the following two documents:

- 8 • Reasonable Belief About Tax Liability, Form #05.007:
9 <http://sedm.org/Forms/MemLaw/ReasonableBelief.pdf>
- 10 • Requirement for Consent, Form #05.003:
11 <http://sedm.org/Forms/MemLaw/PositiveLaw.pdf>

12 **5. Authorities on malicious prosecution and want of probable cause**

13 Below are some authorities on “malicious abuse of legal process”, from American Jurisprudence legal encyclopedia:

14 **5.1 Malicious abuse of process and malicious prosecution compared**

15 **American Jurisprudence 2d, Abuse of Process, §9 (1999)**

16 “Want of probable cause generally need not be established in order to state a claim for abuse of process,¹⁵
17 although there is authority to the contrary.¹⁶ However, facts tending to show that the person commencing the
18 litigation knew or had reason to know that his or her claim was groundless are relevant to show that the process
19 was used for an ulterior purpose.¹⁷ “

21 **American Jurisprudence 2d, Abuse of Process, §3 (1999)**

22 The action for abuse of process is similar to the action for malicious prosecution in that both actions are based
23 on the imprudent use of the courts; 11 however, they are distinguishable in that malicious prosecution concerns
24 maliciously causing process to issue while abuse of process concerns the improper use of process after it has
25 been issued. 12 **The significant distinction between these two causes of action is the point at which malice**
26 **becomes involved in the prior proceeding; if a defendant maliciously causes process to issue without probable**
27 **cause, the Opposing party will have a claim sounding in malicious prosecution, but if a defendant causes**
28 **process to issue, even where there is probable cause, and later misuses that process, the Opposing party will**
29 **have a claim sounding in abuse of process.** 13 Malice and want of probable cause in procuring issuance of the
30 process, as well as a termination favorable to the Opposing party, are essential to the maintenance of an action
31 for malicious prosecution, 14 but are generally deemed not essential to the maintenance of an action for abuse
32 of process. 15

33 Some jurisdictions use the term “malicious prosecution” when the process involved is criminal, and the term
34 “malicious use of process” when a civil process is involved. 16 In other jurisdictions, these terms may be used
35 interchangeably. 17 In still other jurisdictions, “malicious prosecution” is used to refer to actions involving
36 both civil and criminal processes. 18

¹⁵ Jennings v Shuman (CA3 Pa) 567 F2d 1213; United States v Chatham (ND Ga) 415 F Supp 1214, 24 FR Serv 2d 34 (disagreed with on other grounds by United States v Amtreco, Inc. (MD Ga) 790 F Supp 1576, later proceeding (MD Ga) 806 F Supp 1004, partial summary judgment gr, in part, partial summary judgment den, in part (MD Ga) 1992 U.S. Dist LEXIS 19546); Hall v Field Enterprises, Inc. (Mun Ct App Dist Col) 94 A2d 479; Coplea v Bybee, 290 Ill App 117, 8 NE2d 55; Ahrens v Ahrens (Iowa App) 386 NW2d 536; Grigsby's Ex'r. v Ratecan, 6 Ky Ops 170; Page v Cushing, 38 Me 523; Palmer Ford, Inc. v Wood, 65 Md App 390, 500 A2d 1055; Three Lakes Asso. v Whiting, 75 Mich App 564, 255 NW2d 686; Pic-Walsh Freight Co. v Cooper (Mo App) 618 SW2d 449, 26 CCH EPD ¶ 32080; Nevada Credit Rating Bureau, Inc. v Williams, 88 Nev 601, 503 P2d 9, 56 ALR3d 483; Station Associates, Inc. v Long I. R. Co., 18 Misc 2d 1092, 188 NYS2d 435; Ellis v Wellons, 224 NC 269, 29 SE2d 884; Reynolds v Givens, 72 Or App 248, 695 P2d 946; Kool v Lee, 43 Utah 394, 134 P 906; Strid v Converse, 111 Wis 2d 418, 331 NW2d 350; Brownsell v Klawitter, 102 Wis 2d 108, 306 NW2d 41.

¹⁶ Tapscott v Fowler (Ala) 437 So 2d 116 (ovrld on other grounds by Drill Parts & Service Co. v Joy Mfg. Co. (Ala) 1993 Ala LEXIS 3)

¹⁷ Fishman v Brooks, 396 Mass 643, 487 NE2d 1377.

1 **5.2 Malicious prosecution**

2 **American Jurisprudence 2d, Malicious Prosecution, §1 (1999) Generally, definitions**

3 *The term "malicious prosecution" is used in reference to both (1) the proceeding which was allegedly instituted*
4 *maliciously, and (2) the cause of action arising therefrom. As applied to the original proceeding, a malicious*
5 *prosecution may be briefly defined as one that is begun in malice, without probable cause to believe it can*
6 *succeed, and that finally ends in failure. 1 As applied to the cause of action, it is a suit for damages brought*
7 *by one against whom a criminal prosecution, civil suit, or other legal proceeding has been instituted maliciously*
8 *and without probable cause, after the termination of the former proceedings in favor of the defendant therein. 2*
9 *The gist of the action is the putting of legal process in force regularly for the mere purpose of vexation or injury.*
10 3

11
12 **American Jurisprudence 2d, Malicious Prosecution, §1 (1999): American Rules**

13 *In many other jurisdictions, however, it is held that for the malicious prosecution of a civil action without probable*
14 *cause, the Opposing party therein is answerable to the defendant, even though the latter was not arrested and his*
15 *property rights were not interfered with in any manner. 18 The mere malicious prosecution of a civil action*
16 *without probable cause is considered to be a legal wrong 19 that gives rise to a common-law right of action 20*
17 *and for which the law will afford redress. 21 It is pointed out that our statutes relating to costs differ from the*
18 *Statute of Marlbridge, 1 and it is argued that the costs which those statutes give a successful party are no*
19 *adequate compensation for the time, trouble, and expense of defending a malicious and groundless civil action.*
20 *22 On these considerations, it has been held that the defendant in a will contest has standing to maintain an*
21 *action for the injury done to him by the malicious prosecution of the contest. 23*

22 *Restatements:*

23 *One who takes an active part in the initiation, continuation or procurement of civil proceedings against another*
24 *is subject to liability to the other for wrongful civil proceedings if (a) he acts without probable cause, and*
25 *primarily for a purpose other than that of securing the proper adjudication of the claim in which the proceedings*
26 *are based, and (b) except when they are ex parte, the proceedings have terminated in favor of the person against*
27 *whom they are brought. Restatement, Torts 2d § 674.*

28 *One who by taking an active part in the initiation, continuation or procurement of civil proceedings against*
29 *another causes him to be arrested or deprived of the possession of his land or chattels or other things is subject*
30 *to liability to him for the harm done thereby if (a) he acts without probable cause, and primarily for a purpose*
31 *other than that of securing the proper adjudication of the claim on which the proceedings were based, and (b)*
32 *except when they are ex parte, the proceedings have terminated in favor of the person against whom they are*
33 *brought. Restatement, Torts 2d § 677.*

34 *One who takes an active part in initiating against another civil proceedings alleging the other's insanity or*
35 *insolvency is subject to liability caused thereby, if (a) he acts without probable cause, and primarily for a purpose*
36 *other than that of securing the proper adjudication of the claim on which the proceedings are based, and (b)*
37 *except when they are ex parte, the proceedings have terminated in favor of the person against whom they are*
38 *brought. Restatement, Torts 2d § 678.*

18 Turner v J. Blach & Sons, 242 Ala 127, 5 So 2d 93; Ackerman v Kaufman, 41 Ariz 110, 15 P2d 966; Eastin v Bank of Stockton, 66 Cal 123, 4 P 1106; Slee v Simpson, 91 Colo 461, 15 P2d 1084, 85 ALR 412; Levy v Adams, 140 Fla 515, 192 So 177; Baxter v Brown, 83 Kan 302, 111 P 430; Sartwell v Parker, 141 Mass 405, 5 NE 807; Antcliff v June, 81 Mich 477, 45 NW 1019; Virtue v Creamery Package Mfg. Co. 123 Minn 17, 142 NW 930, motion for reh den 123 Minn 45, 142 NW 1136; Smith v Burrus, 106 Mo 94, 16 SW 881; McCormick Harvesting Mach. Co. v Willan, 63 Neb 391, 88 NW 497; Kolka v Jones, 6 ND 461, 71 NW 558; Carnation Lumber Co. v McKenney, 224 Or 541, 356 P2d 932; Teesdale v Liebschwager, 42 SD 323, 174 NW 620.

19 Kolka v Jones, 6 ND 461, 71 NW 558.

20 Shute v Shute, 180 NC 386, 104 SE 764.

21 Kolka v Jones, 6 ND 461, 71 NW 558.

22 Peerson v Ashcraft Cotton Mills, 201 Ala 348, 78 So 204; McCardle v McGinley, 86 Ind 538.

23 MacDonald v Joslyn, 275 Cal App 2d ----, 79 Cal Rptr 707.

1 **5.3 Want of probable cause**

2 **American Jurisprudence 2d, Malicious Prosecution, §51 (1999): Definitions “probable cause”**

3 *With reference to civil actions, probable cause has been said to be such reason supported by facts and*
4 *circumstances as will warrant a cautious man in the belief that his action and the means taken in prosecuting it*
5 *are legally just and proper; ²⁴ or a knowledge of facts, actual or apparent, strong enough to justify a reasonable*
6 *man in the belief that he has lawful grounds for prosecuting the defendant in the manner complained of. ²⁵ A*
7 *definition sufficiently exact to meet satisfactorily every possible test would be difficult, if not impossible, to*
8 *furnish, for the complete legal idea expressed by the term “probable cause” is not to be gathered from a mere*
9 *definition. However, notwithstanding the different wordings of the many judicial definitions referred to, there*
10 *seems to be sufficient substantial agreement among them to warrant the statement that the standard of conduct*
11 *for beginning or continuing any proceeding, whether civil or criminal, is that of a reasonable or ordinarily*
12 *prudent man placed in the same situation as the defendant. That is, if a reasonable man would have believed and*
13 *acted under the circumstances as the defendant did, there would be probable cause; otherwise not. ²⁶*

14 **Case authorities**

15 *Regarding the requirement for a cause of action for malicious prosecution that the claimant must prove the*
16 *defendant initiated a prior criminal or civil proceeding without probable cause, the term, probable cause for the*
17 *institution of an action, does not mean legal cause therefor, but the term has sometimes been defined as*
18 *reasonable cause, and in the case of both civil and criminal prosecutions the term has been further defined to be*
19 *an honest suspicion or belief on the part of the instigator thereof, founded on facts sufficiently strong to warrant*
20 *a reasonable man in believing that the charge is true. Cowles v Carter (1981) 115 Cal App 350, 171 Cal Rptr*
21 *269.*

22

23 **American Jurisprudence 2d, Malicious Prosecution, §52 (1999): “Want of probable cause”**

24 *Want of probable cause, as an essential, ³ indispensable element of an action for malicious prosecution, ⁴ has*
25 *been said to exist when the prosecution complained of was not based on such facts and circumstances, known to*
26 *the defendant at the time, as were sufficient in themselves to lead him, as a reasonable and cautious man, to*
27 *believe the Opposing party probably guilty of the crime charged, but was actuated by malice or some improper*
28 *or sinister motive. ⁵ Or, stated more simply, there is a want of probable cause if the circumstances are such as*
29 *to satisfy a reasonable man that the defendant had no ground for proceeding but his desire to injure the Opposing*
30 *party. ⁶*

31 **Case authorities**

32 *For purposes of malicious prosecution, probable cause is historically defined as a suspicion founded on*
33 *circumstances sufficiently strong to warrant a reasonable man in the belief that the charge in the prior case is*
34 *true. The existence of probable cause is, in part, determined by an objective test, but if the initiator knows that*
35 *his claim is groundless he cannot have an actual or honest belief in its validity, and may not escape liability for*
36 *commencing an action based on such a claim merely by the fact a reasonable man might have believed it was*
37 *meritorious. Williams v Coombs (1986, 3d Dist) 179 Cal App 3d 626, 224 Cal Rptr 865.*

38

39 **American Jurisprudence 2d, Malicious Prosecution, §54 (1999): Insufficiency or lack of further inquiry**

40 *If a person who has received information tending to show the commission of a crime fails to make such further*
41 *inquiry or investigation as an ordinarily prudent man would have made in the same circumstances before*
42 *instituting a proceeding, such failure renders him liable for proceeding without probable cause. ¹¹ One may*
43 *not rely without further investigation on representations of another where the information received is such as to*
44 *put an ordinarily prudent and cautious person on inquiry, ¹² or, it has been held, where he has no personal*
45 *knowledge of the truth of the representations. ¹³ So, also, there is authority to the effect that to proceed without*
46 *inquiry would be to act without probable cause where the information is readily obtainable, ¹⁴ or where the*
47 *accused himself points out sources of information that would establish his innocence. ¹⁵*

48 *It is not the rule, however, that one must in all cases exercise diligence or effort for the purpose of ascertaining*
49 *whether there are facts other than those which have come to his knowledge. If the facts are such as to warrant*
50 *an ordinarily prudent person in believing that another had committed a crime, failure to make further*
51 *inquiry is not negligence.*

²⁴ Masterson v Pig'n Whistle Corp. 161 Cal App 2d 323, 326 P2d 918; Niesewanger v W. J. Lane Co. 75 ND 448, 28 NW2d 409.

²⁵ Burt v Smith, 181 NY 1, 73 NE 495, error dismd 203 U.S. 129, 51 L Ed 121, 27 S Ct 37.

²⁶ Fowle v Fowle, 263 NC 724, 140 SE2d 398; Brown v Keyes, 54 SD 596, 223 NW 819; Huber v Thomas, 45 Wyo 440, 19 P2d 1042.

1 investigation before instituting a prosecution does not constitute a want of probable cause. 16 Under such
2 circumstances, it is not necessary that all sources of information be exhausted 17 or that each item of information
3 be verified. 18 For instance, one is not precluded from relying on the defense of probable cause if he failed to
4 inquire whether the suspected person could prove an alibi, 19 or failed to demand an explanation from him,
5 especially where there was no reason to believe that any explanation would materially alter the opinion produced
6 by information already received. 20 And though the circumstances may also be such that a person of ordinary
7 prudence and care would make inquiries as to the character of the person suspected of crime, 1 no such inquiry
8 need be made where its results would not be more favorable to the accused than the information already received.
9 2 The failure to inquire into the informant's reputation for veracity is not fatal to the defense, 3 although it has
10 been held that the truth of a statement by a convict implicating another in the offense should be investigated
11 before charging anyone with a crime. 4 Nor is there a duty to make an investigation or to make inquiry of the
12 accused where the prosecutor has reason to believe that in so doing he would expose himself to danger. 5

13 **5.4 Liability of public officers in malicious prosecution cases**

14 *American Jurisprudence 2d, Malicious Prosecution, §6 (1999): Public officers-judicial officers*

15 *A justice or judge may be subject to an action for malicious prosecution, however, where he acted entirely without*
16 *jurisdiction and for the wrongful and unlawful purpose of injuring a person, 27 or where he had a personal and*
17 *pecuniary interest in the matter, 28 or for maliciously conspiring with others to institute a criminal prosecution*
18 *in his court. 29*

19 **6. Petition to remove duress**

20 This affidavit of duress shall constitute a formal, First Amendment petition to immediately remove said duress documented
21 in this Affidavit and instigated by the court and the Opposing party in this case. Until such time as all forms of duress are
22 removed and the Affiant is afforded equal opportunity in all classes of discovery including depositions, then he cannot and
23 will not cooperate in what he views as an unconstitutional and arbitrary abuse of the court's discretion directed at maliciously
24 abusing legal process and politically persecuting the Affiant.

25 **7. Statement of Good Faith Intent and Purpose**

26 By no means should this document be viewed as any attempt whatsoever by the Affiant to escape any aspect of liability for
27 any injury he may have caused to any third party. According to the two great laws laid down by Jesus, he has a duty to love
28 his neighbor, which implies an allegiance to do and say things that are helpful and not harmful to and for him.

29 *"Owe no one anything except to love one another, for he who loves another has fulfilled the law."*
30 *[Romans 13:8, Bible, NKVJ]*

31 If the government is able to demonstrate the following to the Affiant with evidence BEFORE any deposition is held by the
32 Opposing party, then no compulsion will ever be necessary on the part of the court to get the Affiant to testify about the
33 nature or cause of that demonstrated and proven harm.

34 1. Opposing party answers the deposition questions of the Affiant BEFORE government asks any of theirs and stipulates
35 to admit answers into evidence in order to remove judicial discretion to filter such evidence out of the record. This
36 requirement is necessary to compensate for conflict of interest on the part of the judge as a "taxpayer" and a recipient of
37 revenues derived directly from the tax at issue in violation of [18 U.S.C. §208](#) and [28 U.S.C. §455](#). Affiant will emulate
38 the behavior of the Opposing party at the deposition when his turn comes up. If Opposing party refuses to answer
39 questions, then Affiant will assert the same immunity and refuse to answer. This is the essence of equal protection of
40 the law:

41 *"Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its*
42 *example. Crime is contagious. If the government becomes a lawbreaker [or a hypocrite with double standards],*
43 *it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare*

27 Hoppe v Klapperich, 224 Minn 224, 28 NW2d 780, 173 ALR 819; Shaw v Moon, 117 Or 558, 245 P 318, 45 ALR 600.

28 Gibbs v Jacobsen (ND) 136 NW2d 550.

29 Gibbs v Jacobsen (ND) 136 NW2d 550.

1 *that in the administration of the criminal law the end justifies the means...would bring terrible retribution. Against*
2 *that pernicious doctrine this Court should resolutely set its face.”*
3 [*Justice Brandeis, Olmstead v. United States, 277 U.S. 438, 485. (1928)*]

- 4 2. Identifies a place of injury that is within the territorial jurisdiction Subtitle A of the Internal Revenue Code, which is
5 defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as the District of Columbia. Please rebut the questions at the end of the
6 following if you disagree about the territorial extent of Subtitle A of the I.R.C.:
7 <http://famguardian.org/Subjects/Taxes/FalseRhetoric/Includess.pdf>
- 8 3. If the demonstrated harm is outside of the District of Columbia, produces a written signed contract that demonstrates
9 agency of the injured party on behalf of the United States government, as required by [Federal Rule of Civil Procedure](#)
10 [17\(b\)](#). See [Great IRS Hoax, Form #11.302, section 5.2.1](#) for details on why this agency MUST exist at:
11 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.
- 12 4. Identifies a specific injured party within that territorial jurisdiction or among its contracted agents or employees.
- 13 5. Identifies a specific act of the Affiant that is traceable to the specific harm identified.
- 14 6. Identifies complete compliance by the injured party with the terms of the SEDM Member Agreement, Form #01.001 at
15 the address below that protects and covers the materials of the author that are in question:
16 <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>
- 17 7. Identifies evidence that would lead the injured party to think that the SEDM Member Agreement, Form #01.001 holds
18 anyone but the injured party him/herself as exclusively and personally liable for the consequences of the identified injury.
19 For instance, produce a clause in the agreement that demonstrates a guarantee of accuracy or effectiveness and which
20 invites the injured party to put faith, confidence, or trust in the author or to assume the existence of an attorney-client
21 relationship or agency. Affiant says that a reading of the SEDM Member Agreement, Form #01.001 makes it perfectly
22 clear that:
23 7.1. The materials are for educational use only and are not authorized for any other use or purpose. It is impossible for
24 a person to be injured by being simply educated.
25 7.2. All liability for use of the information or materials rests with the consumer and not the producer of the information.

26 None of the above requirements are intended to obstruct or impede justice, but simply to ensure:

- 27 1. That all litigants, decision makers, and triers of fact are as unbiased as legally possible and that all known biases are
28 compensated for to the best extent possible.
- 29 2. That all parties take complete and personal responsibility for their actions and statements.
- 30 3. That all dealings are in good faith with full disclosure.
- 31 4. That equal protection in all respects is extended to all litigants.
- 32 5. Minimal consumption of time and resources by all parties in furthering the noble end of justice in this case.
- 33 6. That the inquiry is focused to the relevant facts in order to limit and define the requirement to discovery as required under
34 [Federal Rules of Evidence 401 through 403](#).
- 35 7. Minimal invasion of privacy on either party in order to prevent future anti-whistleblowing activity by the government
36 directed against the Affiant.

37 **8. Affirmation**

38 I declare under penalty of perjury from without the “United States” and the “State of _____(state name)”, and from within
39 the Republic of _____(state name) under [28 U.S.C. §1746\(1\)](#) that the foregoing facts and all Exhibits are true,
40 correct, and complete to the best of my knowledge and ability, but only when litigated in a state (not federal) Court with a
41 jury trial and with all of the law and facts and evidence mentioned or referred to in this letter admitted into evidence for the
42 jury to read and consider. None of the jurists of the judges or witnesses may be “taxpayers”, “U.S. citizens” under [8 U.S.C.](#)
43 [§1401](#), or in receipt of federal or state benefits derived from income taxes, in order to ensure that the trial is completely
44 impartial.

45 Constitutionally,
46
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49
50

51 American National, Nonresident alien not engaged in a “trade or business”

1 All rights reserved without prejudice, UCC 1-308 and its predecessor, UCC 1-207

2

3 **NOTARY PUBLIC'S JURAT**

4

5 BEFORE ME, the undersigned authority, a Notary Public, of the County of _____, Republic of
6 _____(statename), this _____ day of _____, 20____,
7 _____, the above signed did appear and was identified by (circle one):
8 driver's license/passport/other and who, upon first being duly sworn and/or affirmed, deposes and says that the foregoing
9 asseveration is true to the best of his/her knowledge and belief.

10 WITNESS my hand and official seal:

11

12

13

14

15 /s/ _____ SEAL

16 Notary Public

17 My Commission Expires On:

18

1 **EXHIBIT 1: Certificate of Service of Legal Notice of Change in Domicile/Citizenship Records**
2 **and Divorce From the United States**

3 This exhibit provides evidence in support of the choice to legally and politically divorce the federal/national government.
4 This document provided “reasonable notice” to the state and federal governments of the sovereignty and legal status of he
5 Affiant. Therefore, the court and the deposing counsel must honor the sovereignty of the Affiant.

6 Blank versions of this form are found below, for those who want to use it in their own case:

<p><i>Legal Notice of Change in Domicile/Citizenship and Divorce from the United States</i>, Form #10.001 http://sedm.org/Forms/FormIndex.htm</p>

7

1 **EXHIBIT 2: Certificate of Service for Resignation of Compelled Social Security Trustee**

2 This exhibit provides evidence in support of the choice of Affiant to destroy all commercial and contractual ties with the state
3 and federal government, in order to restore his sovereignty.

4 Blank versions of this form are found below, for those who want to use it in their own case:

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

5