

# ***NOTICE AND DEMAND TO CORRECT FAULTY BANK SOFTWARE FORM INSTRUCTIONS***

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Source: <http://sedm.org>

## **1. PURPOSE OF THIS FORM**

- 1.1. Members born in a constitutional state who are American Nationals under 8 U.S.C. 1101(a)(21) but not Statutory “U.S. citizens” under 8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c) sometimes have trouble opening unenumerated nonresident alien bank accounts. This is usually because they present a USA (NOT “U.S.”) passport and the bank computer system PRESUMES falsely that there is only ONE type of “citizen” anywhere in America
- 1.2. If they are rejected for an account or they have an existing unenumerated account, they may have to fill out a complaint form documenting why the bank may not discriminate against them in refusing an account.
- 1.3. The focus of this form is to provide a succinct complaint form to submit to the bank management or attach to a complaint form submitted to the bank demanding that they correct their faulty bank management software so that they will allow state nationals who are nonresident aliens to open accounts without SSNs or TINs.
- 1.4. The companion form to this form is Form #04.202, which proves that nonresident aliens not engaged in the “trade or business” excise taxable franchise are not required to provide identifying numbers.

## **2. INSTRUCTIONS FOR USE**

- 2.1. Print the form.
- 2.2. Fill in the destination and return address.
- 2.3. Enter the Case Number given to you by the bank or financial institution, if any.
- 2.4. Download Form #04.202 and fill it out. Attach the completed form after the Exhibit B cover page.

## **3. RESOURCES FOR FURTHER STUDY:**

- 3.1. *About IRS Form W-8BEN*, Form #04.202  
<https://sedm.org/Forms/FormIndex.htm>
- 3.2. *Citizenship Status v. Tax Status*, Form #10.011  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
- 3.3. *Citizenship Diagrams, Form #10.010*-proper citizenship status of most Americans on tax forms  
<https://sedm.org/Forms/FormIndex.htm>
- 3.4. *Non-Resident Non-Person Position*, Form #05.020  
<https://sedm.org/Forms/FormIndex.htm>
- 3.5. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001-withholding form to use for members  
<https://sedm.org/Forms/FormIndex.htm>
- 3.6. *W-8 Attachment: Citizenship*, Form #04.219  
<https://sedm.org/Forms/FormIndex.htm>
- 3.7. *Federal and State Withholding Options for Private Employers*, Form #09.001  
<https://sedm.org/Forms/FormIndex.htm>
- 3.8. *Federal and State Income Taxation of Individuals Course*, Form #12.003  
<https://sedm.org/Forms/FormIndex.htm>
- 3.9. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006. Proves that you don’t satisfy the qualifications for issuing a Social Security Number found in 20 C.F.R. §422.104.  
<http://sedm.org/Forms/FormIndex.htm>
- 3.10. *You’re Not a STATUTORY “citizen” under the Internal Revenue Code*  
<http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
- 3.11. *You’re not a STATUTORY “resident” under the Internal Revenue Code*  
<http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm>

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Email: \_\_\_\_\_  
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Cert. Mail #

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Subject: NOTICE AND DEMAND TO CORRECT FAULTY BANK MANAGEMENT SOFTWARE

Case number: \_\_\_\_\_

Reference (check all that apply):

- (1)  In person visit to your facility on: \_\_\_\_\_ (date)
- (2)  Email received from \_\_\_\_\_ on \_\_\_\_\_ (date) identifying the person handling this complaint.

Enclosure(s):

- (1) Exhibit A: Legal Points and Authorities
- (2) Exhibit B: Completed Form W-8BEN

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Dear Sir/Madam,

**1 INTRODUCTION**

Per Reference (1), I made a visit to your regional bank facility for the purposes of either applying for a new account or updating the information on an existing account. The reason I had to go into the branch is because phone support told me that I could not request a Debit card over the phone or online and had to come into the branch.

During my visit to your branch, I was refused service and bluntly told that I either couldn't open an unenumerated nonresident alien account or would have to add an SSN or TIN to my existing nonresident account. The reason I was given for this was that because I presented a "United States OF AMERICA" passport and that:

1. The bank computer system only presented ONE option for the location of birth, which is "United States". I was not born in the "United States" as defined in the Internal Revenue Code.
2. The bank computer system only presented ONE option for my status, which is "U.S. citizen" under 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) or "U.S. person" under 26 U.S.C. §7701(a)(30).
3. The implication is that I was being treated INCORRECTLY as a statutory "U.S. person" under 26 U.S.C. §7701(a)(30) who had a duty to present an SSN or TIN as required by 26 C.F.R. §1.6109-1(b).

## **2 Problems with your clerk and the computer**

The clerk I spoke with did not seem to understand that the account was either being opened or previously was opened by me with the following status:

1. Born in the "United States OF AMERICA", which is what my passport says. It uses that phrase several times rather than "United States". The "United States OF AMERICA" is the exclusive jurisdiction of a Constitutional State and not within any federal enclave within the state, such as that described in California Revenue and Taxation Code, Sections 6017, and 17018.
2. Not physically located within, purposefully doing business within, or domiciled within the STATUTORY "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d). See Exhibit A, Section 2.1, Item 2 for STATUTORY geographical definitions limiting the application of the Internal Revenue Code.
3. Not engaged in a statutory "trade or business"/public office per 26 U.S.C. §7701(a)(26). See Exhibit A, Section 2.1, Item 1 for the STATUTORY definition of "trade or business".
4. Not representing a public office in the U.S. government under Federal Rule of Civil Procedure 17(b)(2).
5. A "nonresident alien" under 26 U.S.C. §7701(b)(1)(B), because neither a STATUTORY "citizen of the United States" NOR a STATUTORY "resident (alien)" under 26 U.S.C. §7701(b)(1)(A). See Exhibit A, Section 2.1 for STATUTORY definitions.
6. Not a statutory "citizen of the United States" per 8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c), which is a human being born within the exclusive jurisdiction of Congress on federal territory or a federal enclave and not within the exclusive jurisdiction of a Constitutional state of the Union. See Exhibit A, Section 2.1, Item 5.
  - 6.1. The only types of "citizens" mentioned in 26 U.S.C. §7701(b)(1)(B) are TERRITORIAL STATUTORY citizens born within the exclusive jurisdiction of Congress on federal territory or within a federal enclave. Humans born in the Constitutional "United States OF AMERICA" are not born on federal territory.
  - 6.2. The following two groups are MUTUALLY exclusive groups, born in different, non-overlapping geographies:
    - 6.2.1. Territorial citizens under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c).
    - 6.2.2. State "nationals" under the Fourteenth Amendment are two
7. Not an "individual" as defined in 26 C.F.R. §1.1441-1(c)(3) because not an alien. You can't be an "alien" and a "national" at the same time. Those born in a constitutional state and the Constitutional "United States of America" are not aliens, but "nationals" under 8 U.S.C. §1101(a)(21). See Exhibit A, Section 2.1, Item 4.
8. Statutory "U.S. persons" under 26 U.S.C. §7701(a)(30) only include territorial statutory citizens under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c). State citizens are foreigners in respect to federal jurisdiction as require by the Separation of Powers Doctrine<sup>1</sup>.

*"Foreign Corporations-The United States government is a foreign corporation with respect to a state."*

*[19 Corpus Juris Secundum (CJS) §§883-884 (Publication date 2003)]*

If the "United States" federal government is a foreign corporation in respect to a constitutional state, then the people BORN there and domiciled there are also.

9. Not required to furnish an identifying number per 31 C.F.R. §1020.410(b)(3)(x), 26 C.F.R. §301.6109-1(b)(2)(i), W-8BEN Inst. P. 1,2,4,5 (Cat. 25576H), W-8 Supp. Inst. P. 1,2,6 (Cat. 26698G); Pub 515 Inst. P. 7; Form 1042-s Inst. P. 1,14.

## **3 Unlawful Demand for a TIN or SSN**

The clerk told me that "The USA Patriot Act" requires a number, but clearly, item 7 above shows that this status is FALSE. I reminded the clerk that there are TWO types of "citizens of the United States", because there are two primary definitions of "United States" used throughout our country:

<sup>1</sup> See: *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; <https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>.

1. The United States OF AMERICA, which is the exclusive jurisdiction of a Constitutional state of the Union identified in the USA Constitution.
2. The "United States" under the Internal Revenue Code, at 26 U.S.C. §7701(a)(9) and (a)(10).

I said that I cannot be both at the same time or PRESUME that the two are equivalent, because that would violate the rules of statutory construction. I also said that the rules of statutory construction FORBID adding to the meaning of terms or PRESUMING that two mutually exclusive contexts are equivalent:

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

**"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."**  
*[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

I also told the clerk that his/her computer system was NOT presenting all the available citizenship options, and that by only having "United States" and not "United States of America", it was forcing me to be treated AS IF I was domiciled on federal territory and subject to acts of Congress under Federal Rule of Civil Procedure 17, which I know is not true and would constitute perjury. Furthermore, I said that to FORCE me to adopt such a status would be an act of criminal identity theft.<sup>2</sup>

The clerk called the technical support line, and they told him/her to enter all zeros for the TIN, which I did, but the computer said that was invalid. Therefore, your computer would not let me get past its validation and aborted the transaction. That computer screen was OBVIOUSLY making a FALSE presumption that I was a statutory "U.S. person". At that point, I either had to commit PERJURY or file a legal complaint and leave the branch in disgust and wait to communicate personally with you.

I remind you that specifically asking for an SSN and receiving one would constitute legal evidence that I believe I am a STATUTORY "citizen of the United States" under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c):

[26 CFR § 301.6109-1 - Identifying numbers.](#)

(g) Special rules for taxpayer identifying numbers issued to foreign persons -

(1) General rule -

(i) Social security number.

**A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.**

Nonresident aliens not engaged in the "trade or business"/public office excise taxable franchise, however, are not required to provide ANY number:

[26 C.F.R. §301.6109-1\(b\)](#)

(b) Requirement to furnish one's own number—

(2) Foreign persons.

**The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons--**

**(i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business at any time during the taxable year;**

<sup>2</sup> See: *Government Identity Theft*, Form #05.046; <https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

The "U.S." as described above is either the U.S. Inc. federal corporation or federal territory or a federal enclave not within the exclusive jurisdiction of a Constitutional state. To represent otherwise is an attempt at equivocation. Note that a state domiciled human being born in that state would not be a "foreign person" as described above. One may not have a civil status in a legislatively but not constitutional foreign jurisdiction without satisfying one or more of the following conditions, none of which I satisfy in relation to the exclusive jurisdiction of Congress:<sup>3</sup>

1. A physical presence in that place. The status would be under the COMMON law.
2. CONSENSUALLY doing business in that place. The status would be under the common law. See the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and International Shoe v. Washington, 326 U.S. 310 (1945).
3. A domicile in that place. This would be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(a).
4. CONSENSUALLY representing an artificial entity (a legal fiction) that has a domicile in that place. This would be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(b)

Instead, the laws of my religion and the First Amendment forbid me doing any of the above in relation to any government or instrumentality of any government. This includes a prohibition against pursuing any privileged status under any government statutory civil law (such as "person", "citizen", "resident", "taxpayer"), from accepting loans of government property that create franchise offices, or from serving as a public officer franchisee.<sup>4</sup>

*"I [God] brought you up from Egypt [slavery] and brought you to the land of which I swore to your fathers; and I said, 'I will never break My covenant with you. And you shall make no covenant [contract or franchise or agreement of ANY kind] with the inhabitants of this [corrupt pagan] land; you shall tear down their [man/government worshipping socialist] altars.' But you have not obeyed Me. Why have you done this?"*

*"Therefore I also said, I will not drive them out before you; but they will become as thorns [terrorists and persecutors] in your side and their gods will be a snare [slavery!] to you."*

*So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up their voices and wept.*

*[Judges 2:1-4, Bible, NKJV]*

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*"You shall make no covenant [contract or franchise] with them [foreigners, pagans], nor with their [pagan government] gods [laws or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a "resident" or domiciliary in the process of contracting with them], lest they make you sin against Me [God]. For if you serve their [government] gods [under contract or agreement or franchise], it will surely be a snare to you."*  
*[Exodus 23:32-33, Bible, NKJV]*

For an exhaustive treatise on why it is illegal for me to use an SSN or TIN, see:

[Why It is Illegal for Me to Request or Use a Taxpayer Identification Number](https://sedm.org/Forms/04-Tax/2-Withholding/WhyTINIllegal.pdf), Form #04.205  
<https://sedm.org/Forms/04-Tax/2-Withholding/WhyTINIllegal.pdf>

#### **4 Standing to litigate for failure to accommodate my situation**

As a matter of law, no matter what internal procedures you maintain for accountholders, I remind you that your procedures cannot encourage or mandate or inadvertently cause the commission of a crime, force me to commit perjury, or worse yet, criminally impersonate a STATUTORY citizen under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c) in criminal violation of 18 U.S.C. §911. Any such policy clearly cannot stand up in a court of law. Your policies and procedures on this subject clearly need to IMMEDIATELY change.

The following authorities constitute standing to litigate this issue if I do not receive your voluntary cooperation in this matter;

1. Illegal compelled use of government identifying numbers. 42 U.S.C. §408(a)(8).
2. Compelled association in violation of the First Amendment. I do not want to legally or politically associate with any government. Acquiring any civil status (citizen, person, taxpayer) I do not consent to is an act of compelled association.
3. Discrimination based on national origin. Title VII, 29 C.F.R. Part 1601, 29 C.F.R. Part 1606. I am being discriminated against based on the place I come from by forcing me to abandon the legal protections of that place ( the constitution) in exchange for statutory privileges.  
[https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination#\\_Toc451518838](https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination#_Toc451518838)
4. Perjury. 18 U.S.C. §1001; 18 U.S.C. §1542; 18 U.S.C. §1621. Your computer records are verified under penalty of perjury.

<sup>3</sup> See: *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008; <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>.

<sup>4</sup> See: *Government Instituted Slavery using Franchises*, Form #05.030; <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>.

5. Fraudulent computer records about me. 18 U.S.C. §1030. Your computer records are knowingly false in associating me with the statutory “United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10), with “U.S. person” status, or with statutory “citizen of the United States” status under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c).
6. Interference with free exercise of religion. 42 U.S.C. §2000bb-1. My religion forbids me from taking the “mark of the beast”.
7. Identity theft.
  - 7.1. California Penal Code, §484.1.
  - 7.2. Impersonating a statutory citizen under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c).
  - 7.3. Impersonating a public officer in violation of 18 U.S.C. §912 (“trade or business”=public office). The regulations authorizing use of government identifying numbers at 20 C.F.R. are entitled “Employees’ Benefits” and I am not a government employee in the context of our interactions.

I remind you that this is clearly an instance of DISCRIMINATION against me based on my national origin, which is a state of the Union INSTEAD of federal territory or a federal enclave. Discrimination in banking is clearly illegal, and as a federally enfranchised member bank of the Federal Reserve, you must follow regulations forbidding such discrimination. Furthermore, as a federally privileged entity, you are acting as an agent or officer of the national government and may not violate my constitutional rights as a result under the State Action Doctrine. This is especially true if you claim to be acting under the authority of law in requesting a governing issued identifying number, which is property with legal strings attached that create agency on your part per 20 C.F.R. §422.103(d).

## **5 Request for your cooperation in allowing me to keep my unenumerated nonresident alien account**

I also remind you that I have had an account at your bank since \_\_\_\_\_ as an unenumerated “nonresident alien” without incident. It seems that only since Wells Fargo had the HUGE fraud of employees creating MILLIONS of bogus accounts to earn commission and receiving the largest fine of any bank in history for it may have contributed to tighter controls on the creation of new accounts, which I clearly understand. I understand the vulnerability to such an abuse especially in the case of new accounts created under bogus names without SSNs or TINs. I remind you, however, that those tighter controls cannot require me to violate the law, misrepresent my status, commit perjury in the process, and criminally impersonate a STATUTORY “citizen” under 8 U.S.C. §1401/26 C.F.R. §1.1-1(c). I will have no part of that. I am very sympathetic to your plight, but I did not create it and should not be punished as a loyal customer because I am innocent of any transgression or legal violation. This is an internal problem that I should not suffer for.

I humbly request that you end this discrimination, modify your computer system to accommodate account holders such as myself, and give me the thing that I asked for, which is the simple ability to update my address on your online system. I would like to avoid legal action if we can handle this administratively.

I am willing to wait as long as it takes for you to modify your computer system code, up to 6 months if necessary, before I entertain legal action.

To document the legal authorities upon which I rely in this communication, I have attached Exhibit A for your corporate counsel, which is Points and Authorities. I have also included Exhibit B: Form W-8BEN documenting my status consistent with this communication and including all the relevant authorities.

I realize that this is an unusual request, and that this situation is a product of the fact that most Americans are not taught law in public school and in many cases, don’t even learn it at the level of detail described here as practitioners of the law. That should not stop your organization from doing the right thing and modifying your computer system to continue doing for me what it has done since 2003 and suddenly stopped doing. It is quite understandable that your bank clerks do not understand this situation because they receive no legal training. As a matter of fact, if they did receive legal training, they probably wouldn’t remain bank clerks for long.

If there are any questions at all about this matter, I would be happy to answer the truthfully and in good faith. I request that anyone who wishes to ask such questions simply identify their full legal birth name, their work address, their phone number, and their email address. I have found that when people operate anonymously, they tend to be abusive and are more inclined to violate the law. The reasons for this are described below:

1. [The Psychology of Evil: The Lucifer Effect in Action](http://www.youtube.com/watch?v=luCaAGx_dPY) – Philip Zimbardo. What causes people to become evil.
2. [Lucifer Effect](https://www.youtube.com/watch?v=OsFEV35tWsg) – how good people are transformed to do and think and believe evil
3. [Stanford Prison Experiment](http://prisonexp.org/) – why unaccountable power corrupts and motivates government corruption

I certify under penalty of perjury that the facts and law described by me in this correspondence accurately describe my condition and circumstances.

Very Sincerely and Respectfully,

\_\_\_\_\_  
(Signature)

Printed Name: \_\_\_\_\_

## 6 EXHIBIT A: LEGAL POINTS AND AUTHORITIES

This section contains legal points and authorities you may provide to your corporate counsel supporting all of the law referenced in this communication.

### 6.1 Definitions

#### 1. "Trade or business":

26 U.S.C. §7701

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(26) trade or business

"The term 'trade or business' includes the performance of the functions of a public office."

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"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee. But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot authorize [or "license" with an SSN or TIN] a trade or business within a State in order to tax it.**"

[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

#### 2. "United States" and "State":

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]  
Sec. 7701. – Definitions

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) United States

The term "United States" when used in a geographical sense includes only **the States** and the District of Columbia.

(10) State

The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

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TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES  
CHAPTER 4 - **THE STATES**  
Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

#### 3. "Nonresident alien"

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]  
Sec. 7701. – Definitions

(b) Definition of resident alien and nonresident alien

(1) In general

For purposes of this title (other than subtitle B)—

(B) Nonresident alien

An individual is a nonresident alien if such individual is neither a citizen of the [United States](#) nor a resident of the [United States](#) (within the meaning of subparagraph (A)).



4. "Individual"

[26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c) Definitions**

**(3) Individual.**

(i) Alien individual.

*The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).*

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[26 C.F.R. 1.1441-1T Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c) Definitions**

**(3) Individual.**

(ii) Nonresident alien individual.

*The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S. [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this chapter](#). An alien individual who has made an [election](#) under section 6013(g) or (h) to be treated as a resident of the [United States](#) is nevertheless treated as a [nonresident alien individual](#) for [purposes](#) of [withholding](#) under chapter 3 of the Code and the regulations thereunder.*

5. "citizen of the United States" (in the context of the Internal Revenue Code ONLY). I am not domiciled in the "United States" as defined in the Internal Revenue Code and therefore cannot have the civil status of "citizen" there.

***"Domicile and citizen are synonymous in federal courts.** Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."  
[Black's Law Dictionary, Fourth Edition, p. 311]*

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***Indeed, other federal courts have adhered to the precedents of the Insular Cases in similar cases involving unincorporated territories. For example, the Second, Third, Fifth, and Ninth Circuits have held that the term "United States" in the Citizenship Clause [of the Fourteenth Amendment] did not include the Philippines during its time as an unincorporated territory. See generally Nolos v. Holder, 611 F.3d. 279 (5th Cir. 2010); Valmonte v. I.N.S., 136 F.3d. 914 (2d Cir. 1998); Lacap v. I.N.S., 138 F.3d. 518 (3d Cir. 1998); Rabang, 35 F.3d. 1449. These courts relied extensively upon Downes to assist with their interpretation of the Citizenship Clause. See Nolos, 611 F.3d. at 282-84; Valmonte, 136 F.3d. at 918-21; Rabang, 35 F.3d. at 1452-53. Indeed, one of my own distinguished colleagues in an earlier decision cited these precedents to reaffirm that the Citizenship Clause did not include the Philippines during its territorial period. See Licudine v. Winter, 603 F.Supp.2d. 129, 132-34 (D.D.C. 2009) (Robinson, J.).***

[...]

***Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside. See, e.g., Jackman v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]."); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution's breadth. See U.S. Const. art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States[\*\*\*]"); id. at art. I, § 8, cl. 4 (Congress may "establish a uniform Rule of Naturalization . . ."). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.***<sup>16</sup>  
[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

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***The Naturalization Clause does not apply of its own force and the governments have not consented to its applicability. The Naturalization Clause has a geographic limitation: it applies "throughout the United States[\*\*\*]". The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the Revenue Clause's identical explicit geographic limitation, "throughout the United States[\*\*\*]", did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part of the United States[\*\*\*]". Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757-58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born ... in the United States" did not extend***

citizenship to those born in the Philippines during the period when it was an unincorporated territory. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451. Every court to have construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920-21 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998); Licudine v. Winter, 603 F.Supp.2d. 129, 134 (D.D.C.2009).

Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the "United States." This limitation "prevents its extension to every place over which the government exercises its sovereignty." Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.

[Eche v. Holder, 694 F.3d. 1026]

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The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401/26 C.F.R. §1.1-1(c) STATUTORY "citizen of the United States"]. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States<sup>\*\*\*</sup> are citizens of the United States<sup>\*\*\*</sup>,' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States<sup>\*\*\*</sup> and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.

While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.

[...]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[...]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.

[Rogers v. Bellei, 401 U.S. 815 (1971)]

Based on the definitions above, the applicant sincerely believes that:

1. He/she is "foreign" and "nonresident" in respect to the place where the tax applies.
2. Not an "alien" as that term is defined in 8 U.S.C. §1101(a)(3), but rather a "national" per 8 U.S.C. §1101(a)(21).
3. Not the "individual" defined above. Applicant cannot lawfully have any civil status where he/she is:
  - 3.1. Not physically present in.
  - 3.2. Not consensually doing business in or with and therefore waiving sovereign immunity under 26 U.S.C. §1605.
  - 3.3. Not a statutory "citizen" under 8 U.S.C. §1401 who cannot be an instrumentality or agent of a foreign state. State citizens and statutory "U.S. citizens" are not equivalent and mutually exclusive.

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
  - 3.4. Not civilly domiciled within and not representing a public office that is domiciled with under Federal Rule of Civil Procedure 17(b). Domicile in the geographical "United States" defined above is a prerequisite to all income tax liability.

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
  - 3.5. Not contracting in or with the government of that place in a way that would surrender sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.

- 3.6. Not engaged in a public office or a statutory “trade or business” within the corporation “United States” and therefore not representing a legal fiction that is a statutory “person” and likely the ONLY statutory “person” within the Internal Revenue Code Subtitle A.
- 3.7. Not availing myself of any statutory remedy that might cause a waiver of common law or constitutional protections:

*The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:*

[...]

**6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

**FOOTNOTES:**

[FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108. \[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

*"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption. "*  
*[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;*  
*SOURCE: [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)]*

**FOOTNOTES:**

*See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.*

- 4. The following documents are presented if the recipient STILL challenges the assertions in this document. They contain IRREFUTABLE evidence of the veracity of this document and its conclusions:
  - 4.1. [Citizenship Status v. Tax Status](#), Form #10.011  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
  - 4.2. [Why You are a "national", "state national", and Constitutional but not Statutory Citizen](#), Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
  - 4.3. [Challenge to Income Tax Enforcement Authority within Constitutional States of the Union](#), Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
  - 4.4. [The "Trade or Business" Scam](#), Form #05.001  
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

**6.2 Definitions based on context**

**Table 1: Meaning of geographical “words of art”**

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
“state”	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
“State”	Union state	Federal state	Federal state	Union state	Union state	Union state

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"in this State" or "in the State" <sup>1F5</sup>	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" <sup>2F6</sup> (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively <sup>3F7</sup>	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

**NOTES:**

1. The term "Federal state" or "Federal 'States'" as used above means a federal territory as defined in [4 U.S.C. §110\(d\)](#) and EXCLUDES states of the Union.
2. The term "Union state" means a "State" mentioned in the United States Constitution, and this term EXCLUDES and is mutually exclusive to a federal "State".
3. If you would like to investigate the various "words of art" that lawyers in the federal government use to deceive you, we recommend the following:
  - 3.1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
  - 3.2. *Great IRS Hoax*, Form #11.302, Sections 3.9.1 through 3.9.1.28.

**6.3 Why Statutory Definitions Can't Lawfully Be Expanded by Presumption**

The main purpose of law is to limit government power. The foundation of what it means to have a "society of law and not men" is law that limits government powers. This is covered in [Legal Deception, Propaganda, and Fraud, Form #05.014](#), Section 5. Government cannot have limited powers without DEFINITIONS in the written law that are limiting and which define and declare ALL THINGS that are included and implicitly exclude all things not expressly identified. The rules of statutory construction and interpretation recognize this critical function of law with the following maxims:

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

**"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
[\[Stenberg v. Carhart, 530 U.S. 914 \(2000\)\]](#)

The ability to define terms or ADD to the EXISTING statutory definition of terms is a LEGISLATIVE function that can lawfully and constitutionally be exercised ONLY by the Legislative Branch of the government. The power to define or expand the definition of statutory terms:

1. CANNOT lawfully be exercised by either a judge or a government prosecutor or the Internal Revenue Service.

<sup>5</sup> See California Revenue and Taxation Code, §6017.

<sup>6</sup> See California Revenue and Taxation Code, §17018.

<sup>7</sup> See, for instance, U.S. Constitution Article IV, Section 2.

2. CANNOT be exercised by making **PRESUMPTIONS** about what a term means or by enforcing the COMMON meaning of the term that is already defined in a statute. See [Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017](#):

*"It is apparent, 'this court said in the Bailey Case ( 219 U.S. 239, 31 S.Ct. 145, 151) 'that **a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.**"*  
*[Heiner v. Donnan, 285 U.S. 312 (1932)]*

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*A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. **A presumption is not evidence.** A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.*

*In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. Federal Evidence Rule 301.*

*See also Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a presumption. [Black's Law Dictionary, Sixth Edition, p. 1185]*

3. Unlawfully and unconstitutionally violates the [separation of powers](#) when it IS exercised by a judge or government prosecutor. See [Government Conspiracy to Destroy the Separation of Powers, Form #05.023](#).
4. Produces the following consequences when it IS exercised by a judge or government prosecutor or administrative agency. The statement below was written by the man who DESIGNED our three branch system of government. He also described in his design how it can be subverted, and corrupt government actors have implemented his techniques for subversion to unlawfully and unconstitutionally expand their power:

**"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.**

**Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].**

**There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."**

[...]

**In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."**

*[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;  
 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]*

5. Constitutes engaging in communism as defined by the national government. A communist is legally defined as someone in the government who refuses to recognize or abide by legal and constitutional limits on their authority. The main place that limit occurs is in statutory definitions themselves:

[TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
[Sec. 841. – Findings and declarations of fact](#)

*The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and*

are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in [the public FOOL system](#) by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. **Unlike political parties, the Communist Party [thanks to a [corrupted federal judiciary](#)] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020].** The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. **The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to; force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed**

Any judge, prosecutor, or clerk in an administrative agency who tries to EXPAND or ADD to statutory definitions is violating all the above. Likewise, anyone who tries to QUOTE a judicial opinion that adds to a statutory definition is violating the separation of powers, usurping authority, and STEALING your property and rights. It is absolutely POINTLESS and an act of ANARCHY, lawlessness, and a usurpation to try to add to statutory definitions.

The most prevalent means to UNLAWFULLY and UNCONSTITUTIONALLY add to statutory definitions is through the abuse of the words "[includes](#)" or "including". That illegal and unconstitutional tactic is thoroughly described and rebutted in:

<p><a href="#">Legal Deception, Propaganda, and Fraud</a>, Form #05.014, Section 15.2 DIRECT LINK: <a href="https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf">https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf</a> FORMS PAGE: <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></p>
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Government falsely accuses freedom advocates of practicing anarchy, but THEY, by trying to unlawfully expand statutory definitions through either the abuse of the word "[includes](#)" or through [PRESUMPTION](#), are the REAL anarchists. That anarchy is described and defined as follows:

**Definition: Anarchy**

*The term "anarchy" implies any one or more of the following, and especially as regards so-called "governments". An important goal of this site is to eliminate all such "anarchy":*

- 1. Are superior in any way to the people they govern UNDER THE LAW.*
- 2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.*
- 3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.*
- 4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional courtesy". Never kill the goose that lays the STOLEN golden eggs.*
- 5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in "selective enforcement", whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.*
- 6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.*
- 7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess "supernatural" powers. By "supernatural", we mean that which is superior to the "natural", which is ordinary human beings.*
- 8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.*
- 9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE'S behavior. In other words, they can choose WHEN they want to be a statutory "person" who is subject, and when they aren't. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional "Title of Nobility" towards themselves. On this subject, the U.S. Supreme Court has held the following:*

"No man in this country [including legislators of the government as a legal person] is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives," 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.

[United States v. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]

10. Have a monopoly on anything, INCLUDING "protection", and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the "privilege" of being able to even exist or earn a living to support oneself.

11. Can tax and spend any amount or percentage of the people's earnings over the OBJECTIONS of the people.

12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.

13. Deceive and/or lie to the public with impunity by telling you that you can't trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

[SEDM Disclaimer, Section 4: Meaning of Words; <https://sedm.org/disclaimer.htm>]

For further information on the Rules of Statutory Construction and Interpretation, also called "textualism", and their use in defending against the fraudulent tactics in this section, see the following, all of which are consistent with the analysis in this section:

1. *How Judges Unconstitutionally "Make Law"*, Litigation Tool #01.009-how by VIOLATING the Rules of Statutory Construction and Interpretation, judges are acting in a POLITICAL rather than JUDICIAL capacity and unconstitutionally "making law". <http://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
2. *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 13.9. Section 15 talks about how these rules are UNCONSTITUTIONALLY violated by corrupt judges with a criminal financial conflict of interest. <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
3. *Reading Law: The Interpretation of Legal Texts*, Supreme Court Justice Antonin Scalia and Bryan A Garner -book about statutory interpretation <https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>
4. *Statutory Interpretation*, Supreme Court Justice Antonin Scalia <https://sedm.org/statutory-interpretation-justice-scalia/>
5. *Collection of U.S. Supreme Court Legal Maxims*, Litigation Tool #10.216, U.S. Department of Justice [https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims\\_1993-1998-Governmentattic.org.pdf](https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims_1993-1998-Governmentattic.org.pdf)
6. *Reinquist Court Canons of Statutory Construction*, Litigation Tool #10.217 [https://sedm.org/Litigation/10-PracticeGuides/Rehnquist\\_Court\\_Canons\\_citations.pdf](https://sedm.org/Litigation/10-PracticeGuides/Rehnquist_Court_Canons_citations.pdf)
7. *Statutory Interpretation: General Principles and Recent Trends, Congressional Research Service Report 97-589*, Litigation Tool #10.215 <https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf>
8. *Family Guardian Forum 6.5: Word Games that STEAL from and deceive people*, Family Guardian Fellowship <https://famguardian.org/forums/forums/forum/6-issue-and-research-debates-anyone-can-read-only-members-can-post/65-word-games-that-steal-from-and-deceive-people/>

For a video that emphasizes the main point of this section, watch the following:

*Courts Cannot Make Law*, Michael Anthony Peroutka Townhall  
<https://sedm.org/courts-cannot-make-law/>

#### **6.4 Legal Consequences of Adding to Statutory Definitions or Violating Those Provided**

The legal consequences of adding to statutory definitions include the following:

1. Extortion if you deny me account for trying to read, respect, and obey the limits imposed by the law upon our relationship.
  - 1.1. As a "withholding agent", you are an officer of the national government. See 18 U.S.C. §872.

- 1.2. Since I am a “foreign official” of my state, where the constitutional state is legislatively but not constitutionally foreign, then you are engaging threatening me and intimidating me to pawn off your own income tax liability as a corporation by saying I can’t get an account without an illegal bribe or kickback. 18 U.S.C. 878.
2. Criminally impersonating a public officer. If private people exercise “the functions of a public office” who were not lawfully elected or appointed, then they are criminally impersonating a public officer in violation of 18 U.S.C. §912.
3. Bribing the IRS to look the other way with illegally withheld and paid withholdings. 18 U.S.C. §201.
4. Bribing the withholding agent to procure a de facto public office. 18 U.S.C. §210.
5. Accepting the bribe of illegal withholding to procure a de facto public office. 18 U.S.C. §211.
6. Acting with a financial conflict of interest so as to deflect income tax liability from national corporations where it ultimately and ONLY belongs onto the backs of innocent private people who just want to be left alone. 18 U.S.C. §208.
7. Money laundering. All amounts withheld from the earnings of accounts help by anyone not exercising a public office are stolen money that is being transferred illegally to those who are not entitled to it:

*“The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer’s rights. What was said in the State Bank Case applies with equal force to this situation. ‘An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.’”*

*[Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]*

*“When the Government has illegally received money which is the property of an innocent citizen and when this money has gone into the Treasury of the United States, there arises an implied contract on the part of the Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to entertain the suit. 90 Ct.Cl. at 613, 31 F.Supp. at 769.”*

*[Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d. 837 (Ct.Cl., 1981)]*

*“A claim against the United States is a right to demand money from the United States. [1] Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent. [2]. **The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property.** [3] **If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party.** [4].”*

*[American Jurisprudence 2d, United States, §45 (1999)]*

FOOTNOTES:

[1] *United States ex rel. Angarica v. Bayard*, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 AFTR 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); *Hobbs v. McLean*, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; *Manning v. Leighton*, 65 Vt. 84, 26 A 258, motion dismd 66 Vt. 56, 28 A 630 and (disapproved on other grounds by *Button’s Estate v. Anderson*, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

[2] *Blagge v. Balch*, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

[3] *Wilson v. Shaw*, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

[4] *Bull v. United States*, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 USTC ¶ 9346, 15 AFTR 1069; *United States v. State Bank*, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

8. Fraud, if they call amounts withheld a “tax”. “Taxes” must be collected from those who are SUBJECT to the Internal Revenue Code. To collect them from an innocent nonresident “nontaxpayer” is THEFT, not “taxation”. 18 U.S.C. §1001, §1005.

*“To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.*

*Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.*

*Coulter, J., in Northern Liberties v. St. John’s Church*, 13 Pa.St. 104 says, very forcibly, ‘I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.’ See, also *Pray v. Northern Liberties*, 31 Pa.St. 69; *Matter of Mayor of N.Y.*, 11 Johns., 77; *Camden v. Allen*, 2 Dutch., 398; *Sharpless v. Mayor*, supra; *Hanson v. Vernon*, 27 Ia., 47; *Whiting v. Fond du Lac*, supra.”

*[Loan Association v. Topeka*, 20 Wall. 655 (1874)]



9. Conspiring across state lines to commit all of the above crimes, if the bank or acceptance agent serves a corporation registered in another state.

7 **EXHIBIT B: Form W-8BEN**

This section contains an Form W-8BEN completed with all the authorities described herein and which must be entered in my administrative record, should a need for litigation result.