

**NOTE:** Not an Information Return under 26 USC §6041

**Affidavit of False or Fraudulent Original Form W-2, Wage and Tax Statement**

YEAR: \_\_\_\_\_

Send separately, in response to collection notice, or attach to W-8BEN or NON-STATUTORY return . For use by "nonresident aliens" not engaged in the "trade or business" excise taxable franchise and whose earnings are a "foreign estate" per 26 USC §7701(a)(31)

1 Type or print your first name and middle initial. Last name 2 Nontaxpayer Identifying Number (NIN)

3 Address (not the domicile or residence of Submitter; mail forwarding only)

4 Status of Submitter

I AM: 1. A "nonresident alien" under 26 USC §7701(b)(1)(B); 2. A "national" of the United States OF AMERICA described in 8 USC §1101(a)(21) and 26 USC §873; 3. An "American National" pursuant to 8 USC §1502; 4. Domiciled and physically present outside the statutory geographical "United States" (26 USC §7701(a)(9) and (a)(10) and 4 USC §110(d)); 5. A constitutional (or Fourteenth Amendment, Sect. 1) "citizen" AT THE TIME OF BIRTH OR NATURALIZATION (but not NOW) domiciled and working within the exclusive jurisdiction of the constitutional "United States" (states of the Union); 6. NOT consensually doing business with the U.S. government and thereby waiving sovereign immunity under 28 USC §1605; 7. "stateless person" pursuant to 28 USC §1332 because not domiciled in the STATUTORY "State" described in 26 USC §1332(d).

I AM NOT ANY OF THE FOLLOWING STATUTORY CIVIL STATUSES BY VIRTUE OF NOT CONSENTING TO THESE CIVIL STATUSES UNDER THE FIRST AMENDMENT: 1. NOT a STATUTORY "U.S. person" under 26 USC §7701(a)(30); 2. NOT in receipt of "income" or "gross income" from the STATUTORY "United States" (26 USC §7701(a)(9) and (a)(10) and 4 USC §110(d)); 3. NOT a public officer engaged in a STATUTORY "trade or business" per 26 USC §7701(a)(26) or "effectively connected" with such STATUTORY "trade or business"; 4. NOT a statutory "U.S. citizen" as described in 8 USC §1401 or 26 CFR §1.1-1(c); 5. NOT A "resident alien" as described in 26 USC §7701(b)(1)(A); 6. NOT resident or domiciled within a federal enclave or federal territory and subject to federal law under Federal Rule of Civil Procedure 17(b); 6. NOT consenting to acquire the benefit or privilege of protection or a treaty benefit as an American National abroad under 8 USC §1502 and thus not liable to pay for said protection; 7. NOT consensually or knowingly representing a legal fiction domiciled in the statutory "United States" (26 USC §7701(a)(9) and (a)(10) and 4 USC §110(d)) and thus subject to federal law under Federal Rule of Civil Procedure 17(b); 8. NOT a STATUTORY citizen under 8 USC §1401 or 26 CFR §1.1-1(c) by virtue of applying for a USA passport. Passports are evidence of NATIONALITY, not STATUTORY (civil) citizenship. Statutory citizenship requires domicile on federal territory or at least consent in some form; 10. NOT eligible to participate in Social Security and notified Social Security of same (https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf). Any numbers provided are therefore NOT STATUTORY Social Security Numbers but privately issued numbers that may not be put to a commercial use or benefit of any government and if they are, are subject to the Injury Defense Franchise and Agreement, Form #06.027. https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf.

If you have any evidence to the contrary, please present it signed under penalty of perjury and rebut the questions at the end of the following within 30 days or be found in default and estoppel: Why you are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006; http://sedm.org/Forms/FormIndex.htm. If you default, any attempt to treat me as OTHER than that described above is admitted and stipulated into evidence by you to be criminal identity theft as described in Government Identity Theft, Form #05.046; http://sedm.org/Forms/FormIndex.htm. The statuses in this block are a product of my First Amendment right to associate and my right to contract or not contract. If I can't control my civil status, then I no longer own myself and am a slave. See: Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008: http://sedm.org/Forms/FormIndex.htm.

5 False information return (IR) submitter's name, address, and ZIP code 6 IR submitter's identification number (if known)

7 What this submission is NOT:

This submission does NOT constitute consent on the part of the submitter to: 1. A "self-assessment"; 2. Any kind of assessment on the part of the IRS under the authority of 26 USC §56014, 6020(b), or 6201; 3. Become a "taxpayer" (26 USC §7701(a)(14)); 4. Become a statutory "resident" (26 USC §7701(b)(1)(A)) or a statutory "citizen" (8 USC §1401) domiciled on or physically present on federal territory in the "United States" (26 USC §7701(a)(9) and (a)(10)) or subject to federal civil law; 5. An election by a "nonresident alien" to become a "resident alien" pursuant to 26 USC §6013(g) and (h); 6. Become a statutory "individual" as described in 26 CFR §1.1441-1(c)(3); 7. Accept or pay for any government "benefit" or property; 8. Become an officer, agent, or instrumentality of the "United States" in custody of government property and thereby forfeit status as a private human or entity. Recipient is NOT AUTHORIZED to provide, offer, or impute participation to the undersigned in any government "benefit" program now or at any time in the past, present, or future. Undersigned regards it as involuntary servitude in violation of Const. Amend 13 and human trafficking to impute any status to him/her under the civil law that he/she does not expressly consent to in writing absent duress. Submitter reserves the exclusive right to declare and establish whatever civil status he/she chooses as a nonresident foreign sovereign protected by the Foreign Sovereign Immunities Act, 28 USC Chapt. 97. ALL RIGHTS RESERVED BY UNDERSIGNED WITHOUT PREJUDICE PURSUANT TO UCC § 1-308 (1-207), 1-103.6, and 1-203.

8 Enter year in space provided and check one or more boxes. For the tax year ending December 31, \_\_\_\_\_ The information returns you received for the above year were false and fraudulent because (check all that apply):

Check	Action	Explanation
a <input type="checkbox"/>	The company submitting the information return unlawfully did one or more of the following: 1. Refused to accept my CORRECT withholding paperwork; 2. Forced me to submit withholding documents I now know to be false and fraudulent in its place.;3. Forced me to fill out the withholding form in a way that I know is false or fraudulent. See the next section.	They MUST accept my status as I give it to them. Otherwise, they are engaging in witness tampering, practicing law without a license on my behalf without my consent, compelling me to contract with the government to participate in the "trade or business" franchise, and compelling me to associate in violation of the First Amendment. They are doing this under the "color of law" as a quasi-government officer called a "withholding agent" (26 USC §7701(a)(16)) and therefore are liable for a constitutional tort. See: Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008: http://sedm.org/Forms/FormIndex.htm.
b <input type="checkbox"/>	My private employer compelled me to sign and submit a W-4 form by threatening to either not hire or to fire me if I did not sign it. The W-4 is a contract or agreement which cannot be compelled. In the presence of duress, it is voidable and this report constitutes a DEMAND to void it. Furthermore, it would be perjury under penalty of perjury to sign such a form and I am ONLY permitted to use the W-8 or a custom form. No other withholding form is appropriate for my circumstances.	26 CFR §31.3402(p)-1 and 26 CFR §31.3401(a)-3 say I can only earn "wages" if I submit IRS form W-4 voluntarily. These regulations identify the form as an "agreement", which is a contract to call what I earn "wages". Absent my consent, I cannot lawfully earn reportable "wages" under 26 USC §3406. That is why Forms W-2 and W-4 are Tax Class 5 forms, which means GIFT taxes. They are GIFTS to the government. No one can turn that gift into a tax except me by assessing myself. IRM 5.1.11.6.8, 26 USC §56020(b) and 6201 forbids the IRS to do an assessment or SFR on me, and even if they do, it's still only a proposal that requires my CONSENT, which I DO NOT give and never have given.
c <input type="checkbox"/>	I did not submit IRS Form W-4 contract/agreement during the reporting period and therefore never agreed to be treated AS IF I am a government "employee". 26 CFR §31.3402(p)-1 and 26 CFR §31.3401(a)-3 identify the IRS Form W-4 as a contract or agreement by the submitter in which submitter consents to call what they earn "wages" which are subject to tax. Otherwise, private submitter not within the "United States" government can't earn reportable statutory "wages" as legally defined as a "nonresident alien" under 26 CFR §31.3121(b)-3(c)(1) and 26 CFR §31.3401(a)(6)-1.	The entity described in 26 USC §7701(a)(31) such as the submitter would not be "exempt", but rather "not subject" to the I.R.C. Consequently, Form W-4 Exempt would be inappropriate and fraudulent.
d <input type="checkbox"/>	It constitutes perjury under penalty of perjury to submit IRS form W-4, or to have a W-2 filed against me if I don't consent to TREAT my earnings as "wages" under 26 USC 3402(p) and 26 CFR §31.3402(p)-1 if I do not consent to call them "wages". My private, non-federal associates are NOT government instrumentalities, officers, or agents in the context of this private relationship. It is unlawful and a criminal offense for them to act as a public office of the government in violation of 4 USC §72 and 18 USC §912 outside the District of Columbia ("United States").	The only thing the government can lawfully regulate under the civil statutory law is "public conduct" of "public officers" within the government as "publici juris". The Supreme Court has held that the ability to regulate private conduct is "repugnant to the constitution" and that where no government property, benefits, or privileges are involved, the ability to regulate and by implication TAX CEASES. Munn v. Illinois, 94 U.S. 113 (1876). Everything I do as a PRIVATE man or woman is PRIVATE conduct. By "assuming" that I am a "public officer" or enforcing the duties of the office upon me without compensation that I and not you deem satisfactory, you are engaging in involuntary servitude, human trafficking, and peonage.

e	<input type="checkbox"/>	The government identifying number on the form is not mine and therefore not correct. It is incorrect because either my work associate compelled me to sign and submit a knowingly false and fraudulent W-7, W-9, SS-4, or SS-5 form or use a government identifying number that does not belong to me by threatening to either not hire or to fire me if I did not sign it and provide a number I am not eligible for and cannot lawfully use. Anything done under the influence of duress becomes the act of the duressor and not my act and is voidable and this report constitutes a DEMAND to void it.	The reasons I am not eligible to apply for, receive, or use a Taxpayer Identification Number are identified in: <i>Why It is Illegal for Me to Request or Use a Taxpayer Identification Number</i> , Form #04.205; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> . Rebut with evidence signed under penalty of perjury within 30 days or be found in default and estoppel.
f	<input type="checkbox"/>	Earnings of nonresident aliens domiciled outside of and working outside the geographical "United States" (26 USC §7701(a)(9) and (a)(10)) in other than a "trade or business"/"public office" within the U.S. government are not includible in "gross income" and a "foreign estate" pursuant to 26 USC §7701(a)(31). They are "not subject" and "excluded" from "gross income", but at the same time not statutorily "exempt" nor am I an "exempt individual".	The following authorities expressly exempt the earnings of "nonresident aliens" domiciled and working outside the "United States" from "wages", "income", or "gross income". Statutes: 26 USC §7701(a)(31), 26 USC §861(a)(3)(C)(i), 26 USC §1402(b), 26 USC §3401(a)(6), 26 USC §3406(g). Regulations: 26 CFR §1.872-2(f), 26 CFR §1.871-7(a)(4), 26 CFR §31.3401(a)(6)-1, and 26 CFR §31.3406(g)-1(e). Pursuant to 26 USC §6041(a), I cannot lawfully earn reportable "income" as defined in 26 USC §643(b) because I am not the public "trust" or "estate" described therein. IRM 5.11.6.8, 26 USC §6602(b) and 6201 forbids the IRS to do an assessment or SFR on me, and even if they do, it's still only a proposal that requires my CONSENT, which I DO NOT give and never have given. Expressio unius est exclusio alterius
g	<input type="checkbox"/>	I have no delegated authority to act on behalf of or contractually obligate myself and/or the private entity I am representing to any obligation, franchise, or "benefit" offered by any government. The authority to contract with any government is expressly forbidden in the entity formation documents and/or fundamental law and therefore all contracts or franchises arising out of my consent are void ab initio.	The rights of those domiciled in states of the Union and protected by the Constitution such as myself and/or the entity I represent are "unalienable", which legally means that they cannot lawfully be sold, bargained away, or transferred through any commercial process, INCLUDING franchises. Only those domiciled on federal territory may therefore lawfully enter into such contracts and I am not domiciled on federal territory but rather am present within a state of the Union and protected by the Constitution.

**9 Efforts to notify IRS and person filing false W-2 to correct these reports (check all that apply)**

	Check	Action	Date(s) accomplished	Details/Contact
a	<input type="checkbox"/>	Submitted IRS Form W-8SUB <a href="https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf">https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf</a>		
b	<input type="checkbox"/>	Submitted <i>Affidavit of Citizenship, Domicile, and Tax Status</i> , Form #02.001 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>		
c	<input type="checkbox"/>	Submitted the following with Certificate of Service or Certified Mail. <i>Identity Theft Affidavit</i> , Form #14.020 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>		
d	<input type="checkbox"/>	Initiated civil suit against withholding agent		
e	<input type="checkbox"/>	Other (specify):		

**10 Specific actions demanded of recipient in responding to this submission**

	Check	Action	Explanation
a	<input type="checkbox"/>	Quit sending me collection notices based on the false information returns. I am NOT a "taxpayer" and your enforcement activities are a tort instigated outside of your territorial and subject matter jurisdiction.	"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. <b>The latter are without their scope.</b> No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them [non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws." [Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]
b	<input type="checkbox"/>	Zero out all "wage" and "earnings" reports submitted by the original submitter referenced in Block 5 of this form, which are ALL false and fraudulent and subject to criminal sanction if not corrected	No W-4 on file. "wages" only reportable if W-4 on file pursuant to 26 CFR §31.3401(a)-3(a) and 26 CFR §31.3402(p)-1, and even then only in the case of a party occupying a "public office" in the U.S. government. 26 USC §6041(a) requires that Form W-2 may only be submitted in connection with payments associated with a "trade or business", which is defined to include ONLY a public office in the government. Recipient is not lawfully engaged in a "public office" and would be impersonating a public officer in criminal violation of 18 USC §912 to accept either the benefits or obligations associated with said office. This form constitutes a substitute for SSA Form 7008 zeroing out all SS earnings.
c	<input type="checkbox"/>	Return all unlawfully withheld earnings to their rightful owner under equity and <i>not</i> the I.R.C. All amounts withheld and paid were paid UNDER PROTEST, illegally, and fraudulently. Recipient of these funds is engaged in money laundering in violation of 18 USC §1956.	I.R.C Subtitle A is civil law that cannot be enforced against nonresident parties not domiciled on federal territory within the <i>statutory</i> but not <i>constitutional</i> "United States" (26 USC §7701(a)(9) and (a)(10) and 4 USC §110(d)), and who are not STATUTORY "taxpayers" (26 USC §7701(a)(14)). Submitter is neither a "taxpayer" nor a "nonresident alien individual" subject to the I.R.C. Subtitle A private law franchise agreement. Supreme Court has held that government MUST return unlawfully withheld or received monies regardless of whether victim is subject to the statutes or not. This form constitutes a substitute for IRS Form 843 requesting an abatement and return of all such withheld earnings. <b>"The United States, we have held, cannot, as against the claim of an innocent party [nonresident nontaxpayer] hold his money which has gone into its treasury by means of the fraud [or omission] of its agent.</b> 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. <b>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.'</b> [Bull v. United States, 295 U.S.247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]
d	<input type="checkbox"/>	Notify submitter of false information returns that they will be criminally prosecuted if they do not stop filing false reports.	26 USC §7206(1) obligates the government recipient to prosecute all those who submit false information returns. 18 USC §664 makes it a crime for a "withholding agent" to convert private property to a public use, "public office", or public purpose without compensation and without consent of the owner. 18 USC §912 forbids anyone to use an information return to "elect" someone into a public office or enforce the obligations or benefits of the office upon a non-consenting party.
e	<input type="checkbox"/>	Criminally prosecute and/or civilly penalize the submitter of false information return if they do not stop filing false reports and correct the ones referenced herein.	One count under 26 USC §7206(1), 18 USC §912, 18 USC §664 for <i>each</i> false information return. One count under 18 USC. §§1001 and 1621 (perjury) for each IRS form 1096 or W-3 accompanying the information return. Submitter was informed and knew or should have known that services were NOT performed within the geographical "United States" in 26 USC §7701(a)(9) and (a)(10) and 4 USC §110(d) or the "United States" federal corporation with me as a public officer.
f	<input type="checkbox"/>	Inform/warn submitter of false information returns that they MUST accept the withholding paperwork they are given and cannot compel submission of W-4	Workers may not be compelled what form to submit, to use government approved forms, or what to put on the forms. This is: 1. Witness tampering, since the forms are signed under penalty of perjury; 2. Compelled association in violation of First Amendment; 3. Extortion.

<b>Sign Here</b>	Under penalty of perjury from WITHOUT the "United States" and from within the "United States of America" and a foreign state pursuant to 28 USC §1746(1), I declare that I have examined this submission, and to the best of my knowledge and belief, it is true, correct, and complete.
	Signature: _____ Date: _____

### **Purpose of Form.**

- is intended for use only by “nonresident aliens” who are “non-filers” (26 USC §6651 Notes defines) and not “taxpayers” (26 USC §§1313 and 7701(a)(14)).
- is a custom form because IRS does not have a form to correct false original W-2s for use by those who are victims of said FALSE REPORTS. Only statutory “employers” can file W-2Cs and submitter is not such a party.
- is NOT a substitute for Forms W-2, W-2c, and 1099-R, but rather **invalidates** the corresponding W-2 form entirely by connecting it to fraud and criminal activity. Thus, the original false W-2 submission becomes “fruit of a poisonous tree” inadmissible as evidence and unusable as a basis for further probable cause in tax enforcement.
- is completed by the nonresident victim of a fraudulent W-2 when their private, non-federal company or payer either refuses their withholding form or compels them to submit a W-4 form that they KNOW is false and fraudulent in order to get or keep a job.

If you satisfy the audience for this form, you should always attempt to get your private work associates to STOP submitting Form W-2 or Form 1099-R before contacting the IRS or filing this form. Generally, do not file this form before April 15 of the year in which it pertains.

**Note.** Retain a copy of this form for your records. Check your Social Security Statement (received at least a full year after the date shown on line 4) against this form. If the earnings fraudulently reported or withheld are not corrected by this form and promptly refunded under equity and not law, you should contact the Social Security Administration (SSA) at the telephone number shown on the statement.

**Submitters of this Form NOT Subject to Penalties.** Penalties against the submitter of this form are unlawful. Only “U.S. persons” (26 USC §7701(a)(30)) domiciled on federal territory within the “United States” (26 USC §7701(a)(9) and (a)(10)) and who are subject to federal civil law may be penalized. Such “persons” may NOT use this form. Nonresident parties who use this form are not “exempt”, but rather “not subject” to either federal civil law or to the penalties that such law might impute.

**IRS Penalties for use or abuse of this form or accompanying tax return.** Information about the submitter of this form and in the temporary possession or use of the Recipient is: 1. Information about a private human who is NOT a “public officer” and who does not consent and has no capacity to consent to act as a public officer; 2. Protected by a franchise agreement which the recipient indicates their consent to by using, storing, or disclosing said information; 3. The exclusive property of the party who is described; 4. Subject to copyright. Any abuse of this information without the express written consent of the submitter to induce any flow of money or consideration to the recipient is protected by copyright and license and subjects the recipient to the following liabilities for infraction:

- Pay any tax or penalty assessments against the submitter out of their private pay and benefits if used for tax enforcement or collection.
- Substitute him/her self as the substitute defendant if this information is used to civilly or criminally prosecute the submitter.
- Allow the submitter to exercise power attorney on their behalf of the recipient, and to file a contractual lien on any private property they own under said power of attorney.
- Compensate the submitter for attorney’s fees and costs required to recover penalties or assessments under this franchise agreement which they refuse to pay voluntarily.

**WARNING: Interfering with or penalizing the submission of, or advising changes to this form is a CRIME!** This form constitutes a formal criminal complaint providing legally admissible evidence of fraud on the part of the submitter of the original information return.

- Directing or advising what should go on this form constitutes perjury and conspiracy to commit perjury in violation of 18 USC §1001, 18 USC §1621 and subornation of perjury in violation of 18 USC §1622.
- Penalizing or threatening the submitter to withdraw this form constitutes threatening a protected federal witness in violation of 18 USC §1512 and obstruction of justice in violation of 18 USC Chapt. 73.
- Any IRS employee who receives this form and fails or omits to act promptly in correcting the crimes described could be prosecuted for accessory after the fact (18 USC §3), and misprision of felony (18 USC §4).